

UPDATED VERSION

Oakland City Council Meeting

June 4, 2019

From the Office of District 6 Councilmember Loren Taylor

Amendment to File #18-1790

Subject: Decriminalizing Entheogenic Plants and Fungii

RESOLUTION SUPPORTING ENTHEOGENIC PLANT PRACTICES AND DECLARING THAT THE INVESTIGATION AND ARREST OF INDIVIDUALS INVOLVED WITH THE ADULT USE OF ENTHEOGENIC PLANTS ON THE FEDERAL SCHEDULE 1 LIST' BE AMONGST THE LOWEST PRIORITY FOR THE CITY OF OAKLAND

WHEREAS, Entheogenic Plants, based on the term "entheogen", originally conceived by Ott, Ruck, and other colleagues from a working group of anthropologists and ethnobotanists in 1979; and defined herein as the full spectrum of plants, fungi, and natural materials deserving reverence and respect from the perspective of the individual and the collective, that can inspire personal and spiritual well-being', can benefit psychological" and physical wellness"', and can reestablish human's inalienable and direct relationship to nature; and

WHEREAS, substance abuse, addiction, recidivism, trauma, post-traumatic stress symptoms, chronic depression, severe anxiety, end-of-life anxiety, grief, diabetes, cluster headaches, and other conditions are plaguing our community and that the use of Entheogenic Plants have been shown to be beneficial to the health and well-being of individuals and communities in addressing these afflictions via scientific and clinical studies and within continuing traditional practices, which can catalyze profound experiences of personal and spiritual growth; and

WHEREAS, practices with Entheogenic Plants have long existed and have been considered to be sacred to human cultures and human interrelationships with nature for thousands of years, and continue to be enhanced and improved to this day by religious and spiritual leaders, practicing professionals, mentors, and healers throughout the world, many of whom have been forced underground; and

WHEREAS, seeking to improve their health and well-being through the use of Entheogenic Plants use them in fear of arrest and prosecution; and

WHEREAS, the Entheogenic Plant practices of certain groups are already explicitly protected in the U.S. under the doctrine of religious freedom -- the Native American Church's use of peyote and the use of ayahuasca by two other churches, a Santo Daime congregation and the Uniao do Vegetal; and

WHEREAS, The United Nations considers Entheogenic Plant material used for ritual purposes as excluded from Schedule 1 substances; and

WHEREAS, Entheogenic plants containing ibogaine, for example, have been shown to alleviate treatment resistant cases of opiate and methamphetamine addiction at significantly higher rates than all other treatments for addiction. In addition, ibogaine is reported to be beneficial for addiction therapy

related to specific work-related PTSD encountered by first responders such as EMT, police, and firefighters, as well as military veterans; and

WHEREAS, Entheogenic Plants or combinations of plants such as Ayahuasca that contain forms of DMT, a naturally occurring compound in the human body that is listed as a Schedule 1 substance, can lead to experiences that are reported as mystical or experientially similar to near death experiences and that are can be demonstrably beneficial in treating addiction, depression, PTSD, and in catalyzing profound experiences of personal and spiritual growth; and

WHEREAS, Entheogenic cacti that contain phenethylamine compounds such as mescaline can be beneficial in healing drug and alcohol addiction and for individual spiritual growth, and have been utilized in sacred initiation and community healing by diverse religious and cultural traditions for millennia and continuing use as religious sacraments in modern times; and

WHEREAS, psilocybin, naturally occurring in Entheogenic mushrooms, can alleviate end-of-life anxiety for hospice and terminal cancer patients, can reduce prison recidivism, and can effectively treat substance abuse, depression, cluster headaches; and

WHEREAS, a Johns Hopkins University study on "healthy-normals" found that psilocybin can occasion mystical-type experiences, which were considered one of the top five most meaningful experiences in a subject's life for over 75% of their subjects within the first year after the study, and also found continuing positive life-style changes after a 14-month follow-up; and

WHEREAS, the following principles when adhered to, help to ensure safe and responsible use of entheogenic plants:

1. **Entheogens are not for everyone.** Knowledgeable clinicians caution that some people should not take entheogenic plants or fungi, including people with a personal or family history of schizophrenia or bipolar disorder or who are taking certain medications.
2. **If someone has a serious condition like major depression or PTSD, they would do well to get serious, professional help before using an entheogen and to ask that caregiver's advice. [Some counselors and therapists are glad to work with a client before and after an entheogenic journey.]**
3. **Unless you have expert guidance, it's best to start with small amounts, using more only after you become familiar with the material and the terrain.**
4. **Fourth, don't go solo (with nontrivial doses). Have at least one trusted friend (called a sitter, guide, or facilitator) be with you, sober during the entire journey, and commit in advance to honor that person's instructions if he or she tells you to not do something. Entheogens can amplify the whole range of human emotions, including anxiety which can sometimes lead to panic. Having a sitter gives you a certain comfort and mental freedom, and can help keep things safe.**

5. Reverence reduces risks and can help lead to positive outcomes. In cultures that have long use entheogenic substances beneficially, that use is approached with great respect, not haphazardly, and for life-enhancing purposes.

;and

WHEREAS, the City of Oakland wishes to declare its desire not to expend City resources in any investigation, detention, arrest, or prosecution arising out of alleged violations of state and federal law regarding the use of Entheogenic Plants; now, therefore, be it

RESOLVED: That the Mayor and City Council hereby declare that it shall be the policy of the City of Oakland that no department, agency, board, commission, officer or employee of the city, including without limitation, Oakland Police Department personnel, shall use any city funds or resources to assist in the enforcement of laws imposing criminal penalties for the use and possession of Entheogenic Plants by adults; and be it

Further Resolved: That, this resolution does not authorize or enable any of the following activities: commercial sales or manufacturing of these plants and fungi, possessing or distributing these materials in schools, driving under the influence of these materials; or public disturbance; and be it

FURTHER RESOLVED: That the Oakland City Council directs the City Administrator to instruct the City's state and federal lobbyists to work in support of decriminalizing all Entheogenic Plants and plant-based compounds that are listed on the Federal Controlled Substances Schedule 1; and be it

FURTHER RESOLVED: That the Mayor and City Council hereby declare that it shall be the policy of the City of Oakland that the investigation and arrest of adult persons for planting, cultivating, purchasing, transporting, distributing, engaging in practices with, and/or possessing Entheogenic Plants or plant compounds on the Federal Schedule 1 list shall be amongst the lowest law enforcement priority for the City of Oakland; and be it

FURTHER RESOLVED: That the Mayor and City Council call upon the Alameda County District Attorney to cease prosecution of persons involved in the use of Entheogenic Plants or plant-based compounds on the Federal Schedule 1 List ; and be it

FURTHER RESOLVED: That the City Council directs the City Administrator to come back to Council and present an assessment of community impacts and benefits within a year of passage of this resolution; and be it

FURTHER RESOLVED: That if any provision of this resolution is declared by a court of competent jurisdiction to be contrary to any statute regulation or judicial decision or its applicability to any agency person or circumstances is held invalid the validity of the remainder of this resolution and its applicability to any other agency person or circumstance shall not be affected.

