



Agenda Bill AB21-156
Meeting Date: December 20, 2021
Agenda Item: VIII. F.
 Regular Business Meeting
 Workshop/Study Session
 Special Business Meeting

Submitted By: Heidi Greenwood
Department: City Attorney

Date Submitted: December 14, 2021
Contact Phone: 360-379-5048

SUBJECT: Resolution 21-088 Declaring that the Investigation, Arrest, and Prosecution of Adults Engaging in Entheogen-Related Activities Should be a Low Enforcement Priority for the City of Port Townsend and Stating the Council's Support for Full Decriminalization of These Activities

CATEGORY:

- Consent
 - Staff Report
 - Contract Approval
 - Public Hearing (Legislative, unless otherwise noted)
 - 3-Year Strategic Plan: N/A**
- Resolution
 - Ordinance
 - Other: Discussion Item

BUDGET IMPACT:

Expenditure Amount: \$
Included in Budget? Yes No

Cost Allocation Fund: 010-011 GF - Mayor & Council

SUMMARY STATEMENT: The Ad Hoc Committee on Public Safety and Law recommended that the City Council consider a "resolution regarding the priority for the enforcement of laws criminalizing the possession of entheogens." The Ad Hoc Committee also recommended that the City Council engage with state and national leaders to work towards decriminalizing possession of small amounts of entheogens and other controlled substances.

On November 10, 2021, the City Council Culture and Society Committee reviewed a draft resolution that addresses the topic. Staff based the language in the draft resolution on a City of Seattle resolution passed on October 4, 2021. The Culture and Society Committee approved staff's proposed resolution with the addition of language, similar to the Welcoming City Resolution, which calls upon our neighboring jurisdictions to approve a similar resolution.

The Port Townsend Psychedelic Society (PTPS) has offered helpful suggestions on the resolution. Several of the PTPS suggestions are difficult to implement, however; for that reason, staff has not included them in the draft resolution. The PTPS requested language that no City funds be used in the investigation, arrest, or prosecution of individuals for possession or purchase of entheogens. The City does not track funds to any specific type of enforcement. The City pays Jefferson County a flat rate for criminal justice services, and the Jefferson County prosecutor has discretion in determining the charges in any particular case. The City cannot confirm compliance with that language and for that reason, staff does not recommend including it.

Imagine that the Port Townsend Police Department arrests an individual for driving under the influence of alcohol. During the search incident to arrest, officers encounter entheogens. Officers note that in their reports. The prosecutor's office includes the possession of entheogens in the charges. Has the City just expended funds in violation of this resolution? If Port Townsend Police Officers are subpoenaed to testify in this case and appear at trial during work time, has the City expended funds in violation of this resolution?

Staff did include language suggested by the Port Townsend Psychedelic Society suggested that treats substance abuse a public health issue. In 2016, the United States Department of Health and Human Services published "Facing Addiction in America The Surgeon's Report on Alcohol, Drugs, and Health." In the report's introduction, then Secretary of the U.S. Department of Health and Human Services, Sylvia Mathews Burwell, writes, "Substance misuse and substance use disorders have devastating effects, disrupt the future plans of too many people, and all too often, end lives prematurely and tragically. Substance misuse is a major public health challenge and priority for our nation to address."

Psychedelics show promise in treating depression, anxiety, and substance abuse, according an article by Peter Grinspoon, MD, published on the Harvard Health blog on June 22, 2021. In October 2021, the National Institute of Health awarded John Hopkins Medicine a grant to study the impacts of psilocybin on tobacco addiction. According the John Hopkins Press Release, this is the first time in fifty years the NIH has funded research into the therapeutic use of psychedelics. This resolution shows the City's support for furthering that research.

ATTACHMENTS: Resolution 21-088

CITY COUNCIL COMMITTEE RECOMMENDATION: The Culture and Society Committee reviewed a draft resolution on November 10, 2021 and recommended that Council pass the resolution with the additional language calling for our neighboring jurisdictions to do likewise.

RECOMMENDED ACTION: Move to approve Resolution 21-088 Declaring that the Investigation, Arrest, and Prosecution of Adults Engaging in Entheogen-Related Activities Should be a Low Enforcement Priority for the City of Port Townsend and Stating the Council's Support for Full Decriminalization of These Activities.

ALTERNATIVES:

- Take No Action Refer to Committee Refer to Staff Postpone Action
 Remove from Consent Agenda Waive Council Rules and approve Ordinance ____
 Other:

RESOLUTION NO. 21-088

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT TOWNSEND, WASHINGTON, DECLARING THAT THE INVESTIGATION, ARREST, AND PROSECUTION OF ADULTS ENGAGING IN ENTHEOGEN-RELATED ACTIVITIES SHOULD BE A LOW ENFORCEMENT PRIORITY FOR THE CITY OF PORT TOWNSEND AND STATING THE COUNCIL'S SUPPORT FOR FULL DECRIMINALIZATION OF THESE ACTIVITIES

WHEREAS, entheogen is a term that encompasses any living, fresh, dried, or processed plant or fungal material, including teas or powders, that may contain currently scheduled or analog psychoactive indolamines, tryptamines, or phenethylamines, including, but not limited to, psilocybin mushrooms, ayahuasca tea, mescaline, and iboga; and

WHEREAS, depression, severe anxiety, problematic substance use, post-traumatic stress, end-of-life anxiety, grief, intergenerational trauma, and other physical and mental conditions are plaguing many communities and have been exacerbated by the impact of COVID-19, and scientific and clinical studies show the benefits of entheogens in treating these conditions;¹ and

WHEREAS, clinical trials sanctioned by the U.S. Food and Drug Administration (FDA) show positive results that potentially demonstrate the safety and efficacy of psilocybin-assisted therapy;² and

WHEREAS, the FDA designated psilocybin-assisted therapy as a breakthrough therapy for treatment-resistant depression in 2018 and major depressive disorder in 2019;³ and

¹ Roland R. Griffiths et al., Psilocybin Produced Substantial and Sustained Decreases in Depression and Anxiety in Patients with Life-Threatening Cancer: A Randomized Double-Blind Trial, 30 *JOURNAL OF PSYCHOPHARMACOLOGY* 1181, 1195 (2016); Monnica T. Williams, People of Color in North America Report Improvements in Racial Trauma and Mental Health Symptoms Following Psychedelic Experiences, 28 *DRUGS: EDUCATION, PREVENTION AND POLICY* 215 (2020); Robin L. Carhart-Harris et al., Psilocybin with Psychological Support for Treatment-Resistant Depression: Six-Month Follow-Up, 235 *PSYCHOPHARMACOLOGY* 399, 400, 403–05 (2018); Geoffrey E. Noller, Chris M. Frampton & Berra Yazar-Klosinski, Ibogaine treatment outcomes for opioid dependence from a twelve-month follow-up observational study, 44 *AMERICAN JOURNAL OF DRUG AND ALCOHOL ABUSE* 37 (2018); Alan K. Davis et al., Psychedelic Treatment for Trauma-Related Psychological and Cognitive Impairment Among US Special Operations Forces Veterans, *CHRONIC STRESS* (Jul. 8, 2020), <https://journals.sagepub.com/doi/full/10.1177/2470547020939564>; Michael Bogenschutz et al., Psilocybin-assisted treatment for alcohol dependence: A proof-of-concept study, 29 *JOURNAL OF PSYCHOPHARMACOLOGY* 289 (2015); Débora González et al., Therapeutic Potential of Ayahuasca in Grief: A Prospective, Observational Study, 237 *PSYCHOPHARMACOLOGY* 1171 (2020); Anja Loizaga-Velder and Rolf Verres, Therapeutic effects of ritual ayahuasca use in the treatment of substance dependence-qualitative results, 46 *JOURNAL OF PSYCHOACTIVE DRUGS* 63 (2014); Deborah C. Mash et al., Ibogaine Detoxification Transitions Opioid and Cocaine Abusers Between Dependence and Abstinence: Clinical Observations and Treatment Outcomes, 9 *FRONTIERS IN PHARMACOLOGY* 529 (2018).

² Effects of Psilocybin in Major Depressive Disorder, *ClinicalTrials.gov* (accessed June 1, 2021), <https://clinicaltrials.gov/ct2/show/NCT03181529?term=psilocybin&recrs=e&draw=2&rank=4>; Psychopharmacology of Psilocybin in Cancer Patients, *ClinicalTrials.gov* (accessed June 1, 2021), <https://clinicaltrials.gov/ct2/show/NCT00465595?term=psilocybin&recrs=e&draw=2&rank=6>.

³ Rachel Feltman, The FDA is fast-tracking a second psilocybin drug to treat depression, *POPULAR SCIENCE* (Nov. 26, 2019), <https://www.popsoci.com/story/health/psilocybin-magic-mushroom-fda-breakthrough-depression/>.

WHEREAS, human cultures around the world recognize entheogens as sacred⁴ and use them as part of their religious practices;⁵ and

WHEREAS, a variety of jurisdictions in the United States, including Ann Arbor, Michigan and the State of Oregon, have decriminalized some or all entheogens⁶ and various entheogens are legal or have been decriminalized in several countries including Portugal, Brazil, Jamaica, and the Netherlands;⁷ and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Port Townsend, Washington, that the Council declares that:

Section 1. The investigation, arrest, and prosecution of adults engaging in entheogen-related activities, including but not limited to the cultivation of entheogens for use in religious, spiritual, healing, or personal growth practices, should be a City of Port Townsend low enforcement priority when done in a nonpublic place. This does not include the distribution of entheogens to anyone under the age of eighteen or the use of entheogens by anyone under the age of eighteen.

Section 2. The City Manager will ensure that all City Departments, including the City of Port Townsend Police Department, act in accordance with this policy.

Section 3. The City Council supports the full decriminalization of these activities at the state and federal level.

Section 4. The City maintains that the abuse of controlled substances should be understood primarily as a public health issue.

Section 5. The City requests that the Jefferson County Sheriff's Office and Jefferson County Prosecutor's office adopt policies and procedures consistent with Section 1 above.

⁴ Jamilah R. George et al., The Psychedelic Renaissance and the Limitations of a White Dominant Medical Framework: A Call for Indigenous and Ethnic Minority Inclusion, 4 JOURNAL OF PSYCHEDELIC STUDIES 4 (2020) (describing the ceremonial and therapeutic use of psychedelics by indigenous peoples of Africa, North America, Central America, and South America); Melanie J. Miller et al., Chemical evidence for the use of multiple psychotropic plants in a 1,000-year-old ritual bundle from South America, 116 PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES 11207 (2019)

⁵ Pierre Didier Nyongo Ndoua & Kaveh Vaghar, Bwiti, iboga, trance and healing in Gabon, 21 MENTAL HEALTH, RELIGION & CULTURE 755 (2018).

⁶ Ann Arbor decriminalizes magic mushrooms, psychedelic plants, ASSOCIATED PRESS (Sept. 26, 2020), <https://apnews.com/article/ann-arbor-plants-featured-ca-state-wire-mi-state-wire0ce69ca0961c150e0f900e8ea4cf432>; Andrew Selsky, Oregon 1st state to decriminalize possession of drugs, ASSOCIATED PRESS (Feb. 1, 2021), <https://apnews.com/article/oregon-decriminalize-drug-possession6843f93c3d55212e0ffb8b93be9196>.

⁷ Andrew Whalen, Magic Mushrooms Guide: Where Shrooms Are Legal and How to Take Psilocybin, NEWSWEEK (July 3, 2019), <https://www.newsweek.com/magic-mushrooms-psilocybin-shrooms-denver-legal-how-take1445041>; Jeff Lebowe, A Global Guide to Where Magic Mushrooms and Psilocybin Are Legal or Decriminalized MERRY JANE (May 28, 2020), <https://merryjane.com/culture/a-global-guide-to-where-magic-mushrooms-andpsilocybin-are-legal-or-decriminalized>.

ADOPTED by the City Council of Port Townsend, Washington, at a regular meeting thereof, held this 20th day of December 2021.

Michelle Sandoval
Mayor

Attest:

Approved as to form:

Joanna Sanders, MMC
City Clerk

Heidi Greenwood
City Attorney