

RESOLUTION NO. 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA DECLARING THAT THE INVESTIGATION AND ARREST OF INDIVIDUALS TWENTY-ONE (21) YEARS OF AGE AND OLDER INVOLVED WITH THE ADULT PERSONAL USE, CULTIVATION OR POSSESSION OF ENTHEOGENIC PLANTS AND FUNGI LISTED ON THE FEDERAL SCHEDULE 1 LIST, WILL NOT BE A PRIORITY FOR THE CITY OF EUREKA

WHEREAS, Entheogenic Plants and Fungi (“Entheogenic Plants”), based on the term "entheogen", which was originally conceived by a working group of anthropologists and ethnobotanists in 1979, and which means the full spectrum of plants, fungi, and natural materials and/or their extracted compounds limited to those containing the following types of compounds: indole amines, tryptamines, and phenethylamines. Entheogenic Plants can benefit psychological and physical wellness, support and enhance religious and spiritual practices, and can reestablish a human's unalienable 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, cluster headaches, and other debilitating conditions are present in our community; and

WHEREAS, the use of Entheogenic Plants, which can catalyze profound experiences of personal and spiritual growth, have been shown by scientific and clinical studies and traditional practices to be beneficial to the health and well-being of individuals and communities in addressing these conditions; and

WHEREAS, practices with Entheogenic Plants have long existed and have been considered to be sacred to human cultures and interrelationships with nature for thousands of years; and

WHEREAS, individuals seeking to improve their health and well-being through the use of Entheogenic Plants fear arrest and prosecution due to current legal prohibitions; and

WHEREAS, the City of Eureka currently has many other priorities for the use of its funds, staff, and public safety resources; and

WHEREAS, the United Nations considers Entheogenic Plant and Fungi material used for ritual purposes as excluded from Schedule I substances; and

WHEREAS, the Entheogenic Plant practices of certain groups are already explicitly protected in the U.S. under the US Constitution and principles of religious freedom; and

WHEREAS, Entheogenic Plants such as Ibogaine have been shown to alleviate treatment-resistant cases of opiate and methamphetamine addiction at higher rates than other treatments; and

WHEREAS, Entheogenic Plants or combinations of plants such as Ayahuasca contain Dimethyltryptamine (a naturally occurring compound in the human body) that can be beneficial in treating addiction, depression, and in catalyzing profound experiences of personal and spiritual growth; and

WHEREAS, Entheogenic Plants such as cacti that contain phenethylamine compounds (such as mescaline), can be beneficial in the treatment of 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 continue to be used for healing and as religious sacraments in modern times; and

WHEREAS, psilocybin, naturally occurring in Entheogenic Fungi, can alleviate end-of-life anxiety for hospice and terminal cancer patients, can reduce prison recidivism, can effectively treat substance abuse, depression, and cluster headaches (a Johns Hopkins University study on "healthy-normals," found that Entheogenic Fungi can occasion mystical-type experiences, which were considered one of the top five most meaningful experiences in a subject's life, and positive life-style changes continued in a 14-month follow-up); in October 2018, the U.S. Food and Drug Administration granted Breakthrough Therapy designation for studies on psilocybin therapy for treatment-resistant depression; and

WHEREAS, the State of Oregon, Washtenaw County, Michigan, and the Cities of Denver, CO; Oakland, CA; Ann Arbor, MI; Santa Cruz, CA; Somerville, MA; Northampton, MA; Cambridge, MA; and Washington, D.C. have adopted policies seeking to deprioritize and decriminalize various Entheogenic Plant and Fungi Practices by ordering cessation of expenditures of city resources towards investigations, detentions, arrests, and prosecutions arising out of alleged violations of local, state, or federal law regarding the use of Entheogenic Plants and Fungi; and

WHEREAS, improper use or overconsumption of Entheogenic Plants and Fungi can result in negative effects and use requires risk reduction strategies and education to ensure safe consumption;

NOW, THEREFORE, BE IT RESOLVED:

1. That the City Council of the City of Eureka declares that the investigation and arrest of persons for planting, cultivating, purchasing, transporting, distributing, engaging in practices with, or possessing Entheogenic Plants and Fungi or their extracted compounds that are on the Federal Schedule I list will not be a public safety priority for the City of Eureka.
2. That the City Council supports further scientific and evidence-based research on the short and long-term effects of the use of Entheogenic Plants and incorporation of evolving scientific and evidence-based knowledge on the subject in the City policy and practice.

3. That the City Council recognizes that the sale, use, and cultivation of Entheogenic Plants and Fungi to and by minors is outside the purview of this Resolution and requires appropriate investigation by the Eureka Police Department. This Resolution does not limit the use of EPD resources in this regard.
4. That this Resolution does not authorize or enable any of the following activities: commercial sales or processing of these plants and fungi, possessing or distributing these substances in schools, driving under the influence of these substances, or causing a public disturbance or jeopardizing public safety resulting from the influence of these substances;
5. That the City Council of the City of Eureka call upon the Humboldt County District Attorney to consider the spirit and intent of this resolution when evaluating whether to prosecute persons involved in the use of Entheogenic Plants or plant-based extracted compounds designated by the federal Controlled Substance Act;
6. That the City welcomes information from community health partners and educators on youth exposure and use of entheogens;
7. The City acknowledges and notes that this resolution will not extend or be recognized on properties owned or leased by the California State University system.
8. That the City of Eureka acknowledges the use of Entheogenic Plants and Fungi for health and spiritual well-being and that use can benefit from knowledgeable support such as elders, mentors, facilitators, and community familiar with entheogens;
9. That the City of Eureka recognizes that public health and public safety could be affected through administration of this Resolution and evaluation of this Resolution should be initiated by the City if warranted at any time.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the ____ day of October, 2023 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

Kim Bergel
Mayor of The City of Eureka

Attest.

Pamela J. Powell
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO ADMINISTRATION:

Robert N. Black
Assistant City Attorney

Miles Slattery
City Manager