



CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

CONSENT CALENDAR  
 September 10, 2019

To: Honorable Mayor and Members of the City Council  
 From: Councilmembers Rigel Robinson and Cheryl Davila  
 Subject: Decriminalizing Entheogenic Plants

### RECOMMENDATION

Refer to the Community Health Commission for feedback regarding the aAdoption of a Resolution decriminalizing Entheogenic Plants and Fungi such as mushrooms, cacti, iboga containing plants, and/or extracted combinations of plants similar to Ayahuasca; and limited to those containing the following types of compounds: indole amines, tryptamines, phenethylamines, by restricting 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 age 21 and over.

### POLICY COMMITTEE RECOMMENDATION

On July 17, 2019, the Public Safety Committee adopted the following action: M/S/C (Robinson/Wengraf) to send the item to the full Council with a Qualified Positive Recommendation that the author revise the report to refer the item to the Community Health Commission for further discussion. Vote: All Ayes.

### BACKGROUND

Currently, Psilocybe mushrooms, peyote, and other hallucinogens are classified as schedule 1 drugs in the United States. This categorization indicates that there is “no currently accepted medical use [for them] and a high potential for abuse.” However, the federal drug schedule does not align with current medical research or scientific consensus; this is evident when considering that marijuana, which has been used for years by over 900,000 Californians in the legitimate treatment of mental and physical health conditions, is still a schedule 1 substance. In recent years numerous studies have provided promising evidence for the usefulness of Entheogenic Plants in treating addiction, depression, recidivism, trauma, post-traumatic stress symptoms, chronic depression, severe anxiety, end-of-life anxiety, grief, diabetes, cluster headaches, and other conditions. This research comes at a crucial time when addiction and mental health issues such as veteran suicides are becoming an increasingly pressing problem (Cox, Billy). Many of these therapies are even able to improve psychological health in patients whose conditions are extremely treatment-resistant, making them a vital innovation for numerous struggling citizens.

Restrictions on natural psychedelics are not internationally consistent. The official position of the United Nations is that “No plants are currently controlled under the

Conventions. Preparations made from plants containing those active ingredients are also not under international control... Examples of such plants or plant material include ayahuasca, a preparation made from plants indigenous to the Amazon basin of South America, mainly a jungle vine (*Banisteriopsis caapi*) and another tryptamine-rich plant (*Psychotria viridis*) containing a number of psychoactive alkaloids, including DMT; the peyote cactus (*Lophophora williamsii*), containing mescaline; *Psilocybe* mushrooms, which contain psilocybin and psilocin; and iboga (*Tabernanthe iboga*), a plant that contains ibogaine and is native to the western part of Central Africa.” Additionally, different Entheogenic plants are decriminalized or legalized in various countries, such as Brazil, Jamaica, Portugal, Gabon, New Zealand, South Africa, Mexico, Costa Rica, and the Netherlands. In particular, Portugal’s decriminalization of all drugs in 2001 decreased addiction and drug-related deaths without leading to a significant increase in drug usage, and can be used as an informative model for how to effectively treat drug issues in society (Felix, Sonia et. al).

In the U.S., Denver voters recently passed Initiative 301 decriminalizing *Psilocybin*-containing mushrooms, and Oakland recently passed a resolution similar to this proposal decriminalizing involvement with and usage of Entheogenic Plants. In New Mexico, the cultivation of mushrooms is not prohibited by law as a result of the 2005 court case *State v. Pratt*. Certain groups also have explicit permission to use Entheogenic Plants for ceremonial and sacramental use under the Religious Freedom Restoration Act of 1993 and various court decisions, including *O Centro Espírita Beneficente União do Vegetal* (ayahuasca), the Church of the Holy Light of the Queen (ayahuasca), and the Native American Church (peyote).

In October of 2018, the FDA granted breakthrough therapy designation to psilocybin, acknowledging that it shows promise for treating resistant conditions such as depression and allowing more involved study. Internationally, investment is growing quickly in research companies focusing on psychedelic therapies for mental health such as that being done by Compass, which supports scientific and academic research into such therapies (Farr, Christina). This signals a paradigm shift in the way the global community regards the medical viability of psychedelics, as well as a promising future for further federal and international deregulation. Domestically Similarly, New York, Vermont, and Iowa have all proposed bills in the past four years allowing further research on Ibogaine as an addiction treatment, demonstrating that American attitudes towards psychedelics as therapeutic medicines are evolving nationwide as well.

Though currently illegal in the U.S., Entheogenic Plants are increasingly showing promise in clinical research for treating myriad serious conditions. Recent research on *Psilocybin* for depression shows that it significantly reduces symptoms, and has promise for treating alcohol and drug addiction as well as general and end of life anxiety. Mushrooms have also historically been used to facilitate beneficial personal and spiritual growth: a John Hopkins study on neurotypical participants revealed that over 75% of the respondents considered their psilocybin experience to be among the top five most meaningful experiences of their lives. Mushrooms are also fairly low risk, with no noted addictive properties and direct overdose practically impossible, and a

2000 study by the Center for Assessment and Monitoring of New Drugs concluded that the risk to public order, individual health, and public health was low.

Other Entheogens are also showing promise for the treatment of various health issues. Ibogaine, the active ingredient in Iboga, is already used with medical supervision in countries like Mexico as an opioid addiction treatment, and a 2016 study (Brown, Thomas Kingsley and Alper, Kenneth) found that withdrawal symptoms and opioid use were significantly lessened in addicts that underwent ibogaine therapy. Ayahuasca can have profound impacts on mental outlook and hopefulness, and a 2013 study (Thomas, Gerald et. al) showed that usage significantly reduced tobacco, alcohol, and cocaine dependence as well. Peyote has been used without harm in Native American religious ceremonies for decades, and research (Halpern, John H. et. al) has shown that such usage did not result in neurophysiological impairment. Anecdotally, peyote use is associated with reduced rates of alcoholism in Native American populations, providing a promising avenue for further research into the use of peyote in treating alcohol abuse. Other promising directions for Entheogenic Plants as medicinal aids include the treatment and amelioration of cluster headaches, recidivism and intimate partner violence, diabetes, grief, and PTSD.

Unfortunately, laboratory produced compounds based on Entheogens are not yet a viable treatment for those suffering from physical and mental conditions. Furthermore, if and when they do become available they are likely to be prohibitively expensive--synthetic psilocybin can range from \$7,000-10,000 per gram--raising concerns about access and equity for low income and uninsured populations. Decriminalizing the use, possession, cultivation, distribution, and transportation of Entheogens allows individuals rather than the pharmaceutical establishment to control their interaction with these powerful psychedelics, empowering and bonding communities as a result.

In this process, the organization Decriminalize Nature ([decriminalizenature.org](http://decriminalizenature.org)) has worked with Oakland, and now Berkeley, to further the movement to decriminalize natural Entheogens. Their mission is to enable every person to decide on their own how to engage with traditional Entheogenic Plants, and help restore the connection between nature, individuals, and communities in the process. It is intended that this resolution empowers Berkeley residents to be able to grow their own entheogens, share them with their community, and choose the appropriate setting for their intentions instead of having to rely exclusively on the medical establishment, which is slow to adapt and difficult to navigate for many. As this national conversation on entheogens grows, it is essential to influence the debate and take a stand now for disenfranchised communities who may be left out of the dominant model by opening a way for individual and community access.

#### FINANCIAL IMPLICATIONS

Adoption of the resolution may slightly reduce ongoing City expenditures associated with the enforcement of criminal penalties relating to Entheogenic Plant usage by adults. Some staff time to implement the resolution.

#### ENVIRONMENTAL SUSTAINABILITY

Small to none, although allowing personal cultivation of peyote specifically could help to counteract its current classification as a vulnerable endangered plant, contributing to long-term ecological sustainability.

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Attachments:

1: Resolution

2: References

RESOLUTION NO. ##,###-N.S.

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  
BERKELEY

WHEREAS, Entheogenic Plants, based on the term "entheogen", were originally conceived by Ott, Ruck, and other colleagues from a working group of anthropologists and ethnobotanists in 1979; ~~and defined herein as to include~~ 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<sup>1</sup>, can benefit psychological<sup>2</sup> and physical<sup>3</sup> wellness, and can reestablish human's inalienable and direct relationship to nature; and

WHEREAS, substance abuse<sup>4</sup>, addiction, recidivism<sup>5</sup>, trauma, post-traumatic stress symptoms, chronic depression, severe anxiety<sup>6</sup>, end-of-life anxiety, grief<sup>7</sup>, diabetes<sup>8</sup>, cluster headaches<sup>9</sup>, and other conditions are plaguing our community and that the use of Entheogenic Plants has been shown to be potentially 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<sup>10</sup>, 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, those 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

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<sup>1</sup> See Entheogens for Personal and Spiritual Growth

<sup>2</sup> See Entheogens and Psychological Wellness

<sup>3</sup> See Entheogens and Physical Wellness

<sup>4</sup> See Entheogens and Substance Abuse

<sup>5</sup> See Entheogens and Recidivism

<sup>6</sup> See Entheogens and Anxiety

<sup>7</sup> See Entheogens and Grief

<sup>8</sup> See Ayahwasca and Diabetes

<sup>9</sup> See Entheogens and Cluster Headaches

<sup>10</sup> See Historical Use of Entheogens

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 even when other treatments have been ineffective<sup>11</sup>. 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,<sup>12</sup> and that can be demonstrably beneficial in treating addiction<sup>13</sup>, depression<sup>14</sup>, and PTSD<sup>15</sup>, and ~~in that some have found to catalyzing-catalyze~~ profound experiences of personal<sup>16</sup> and spiritual<sup>17</sup> growth; and

WHEREAS, Entheogenic cacti that contain phenethylamine compounds such as mescaline can be beneficial in healing drug and alcohol addiction<sup>18</sup> and for individual spiritual growth<sup>19</sup>, 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<sup>20</sup>, can reduce prison recidivism<sup>21</sup>, and can effectively treat substance abuse, depression<sup>22</sup>, cluster headaches<sup>23</sup>; and

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<sup>11</sup> See [Iboga/Ibogaine for Addiction Therapy](#)

<sup>12</sup> See [Ayahuasca Experience Similar to Near-Death Experience](#)

<sup>13</sup> See [Ayahuasca for Addiction Therapy](#)

<sup>14</sup> See [Ayahuasca and Depression](#)

<sup>15</sup> See [Ayahuasca and PTSD](#)

<sup>16</sup> See [Ayahuasca and Personal Growth](#)

<sup>17</sup> See [Ayahuasca and Spiritual Growth](#)

<sup>18</sup> See [Peyote for treatment of alcohol and drug dependence](#)

<sup>19</sup> See [Peyote](#)

<sup>20</sup> See [Psilocybin for End-of-Life Anxiety](#)

<sup>21</sup> See [Entheogens and Reduced Recidivism](#)

<sup>22</sup> See [Psilocybin and Treatment-Resistant Depression](#)

<sup>23</sup> See [Psilocybin and Cluster Headaches](#)

~~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 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 or using other recreational drugs. See <https://adf.org.au/drug-facts/psychedelics/> for more information.~~
- ~~2. **Always conduct thorough research before using entheogens or other drugs.** Side effects, interactions, and long term consequences are possible with any drug, including but not limited to permanent brain and personality changes.~~
- ~~3. **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.~~
- ~~4. **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.~~
- ~~5. **Don't go solo.** Have at least one trusted friend (called 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 not to 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.~~
- ~~6. **Reverence reduces risks and can help lead to positive outcomes.** In cultures that have long used entheogenic substances beneficially, that use is approached with great respect, not haphazardly, and for life-enhancing purposes.~~

~~;~~ and

WHEREAS, the City of Berkeley 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 by the Council of the City of Berkeley that the Mayor and City Council hereby declare that it shall be the policy of the City of Berkeley

that no department, agency, board, commission, officer or employee of the city, including without limitation, Berkeley 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 of at least 21 years of age. For the purposes of this resolution, Entheogenic Plants are defined as plants and natural sources such as mushrooms, cacti, iboga containing plants and/or extracted combinations of plants similar to ayahuasca; and limited to those containing the following types of compounds: indole amines, tryptamines, phenethylamines.

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.

BE IT FURTHER RESOLVED that the Council urges all those who decide to use entheogenic plants to consult their doctor beforehand and take the utmost medical precaution when doing so, and that no part of this resolution constitutes medical advice or a recommendation or endorsement of any drug or product.

BE IT FURTHER RESOLVED that the City Council directs the City Manager to work with the City's lobbyists to support the decriminalization of all Entheogenic Plants and plant-based compounds that are listed on the Federal Controlled Substances Schedule 1.

BE IT FURTHER RESOLVED that the City Council hereby declare that it shall be the policy of the City of Berkeley 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 Berkeley.

BE IT FURTHER RESOLVED that the 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.

~~BE IT FURTHER RESOLVED that the City Council directs the City Manager to return to Council and present an assessment of community impacts and benefits within a year of passage of this resolution.~~

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.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to Alameda County Supervisor Keith Carson, Assemblymember Buffy Wicks, State Senator Nancy Skinner, Congresswoman Barbara Lee, Senator Dianne Feinstein, and Senator Kamala Harris, and that the Berkeley City Council formally requests that they take action to decriminalize Entheogenic plants through their respective legislative bodies.

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