

BOARD OF ELECTIONS

NOTICE OF PUBLICATION

The Board of Elections formulated the short title, summary statement, and legislative text of the “Entheogenic Plant and Fungus Policy Act of 2020 at a Special Board Meeting on Tuesday, February 18, 2020. Pursuant to D.C. Official Code § 1-1001.16, the Board hereby publishes the aforementioned formulations as follows:

INITIATIVE MEASURE

NO. 81

SHORT TITLE

“Entheogenic Plant and Fungus Policy Act of 2020”

SUMMARY STATEMENT

If enacted, this Initiative would:

- Make the investigation and arrest of adults for non-commercial planting, cultivating, purchasing, transporting, distributing, possessing, and/or engaging in practices with entheogenic plants and fungi among the Metropolitan Police Department’s lowest law enforcement priorities; and
- Codify that the people of the District of Columbia call upon the Attorney General for the District of Columbia and the United States Attorney for the District of Columbia to cease prosecution of residents of the District of Columbia for these activities.

LEGISLATIVE TEXT

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Entheogenic Plant and Fungus Policy Act of 2020”.

Sec 2. Findings and Declaration of Policy.

- (a) The people of the District of Columbia find that use of entheogenic plants and fungi have been demonstrated, through scientific studies, to be beneficial in addressing a variety of afflictions including substance abuse, addiction, trauma, post-traumatic stress syndrome, chronic depression, anxiety, diabetes, cluster headaches and other conditions; and that practices with entheogenic plants and fungi have long existed, have been considered sacred to a number of cultures and religions for millennia, and continue to be enhanced and improved. Citizens of the District of Columbia seeking to improve their health and well-being through the use of entheogenic plants and fungi currently use them in fear of arrest and prosecution.
- (b) It is declared the policy of this act to make investigation and arrest of adults for non-commercial planting, cultivating, purchasing, transporting, distributing, possessing or engaging in practices with entheogenic plants and fungi among the lowest law enforcement priorities for the District of Columbia.

Sec 3. Policy Regarding Investigation and Arrest for Offenses Involving Entheogenic Plants and Fungi.

- (a) For purposes of this section, the term “entheogenic plant and fungus” means any plant or fungus of any species in which there is naturally occurring any of the following substances in any form which would cause such plant or fungus to be described in D.C. Official Code §48-902.04(3): ibogaine, dimethyltryptamine, mescaline, psilocybin or psilocyn.
- (b) The Metropolitan Police Department shall make the investigation and arrest of persons 18 years of age or older, for non-commercial planting, cultivating, purchasing, transporting, distributing, engaging in practices with, and/or possessing entheogenic

plants and fungi that are listed in Schedule I of the District of Columbia Uniform Controlled Substances Act of 1981 effective August 5, 1981 (D.C. Law 4-29, D.C. Official Code §48-902.04) as among its lowest enforcement priorities.

(c) Nothing in this section shall affect the priority of enforcing any provision of D.C. Official Code Title 50, Subtitle VII, Chapter 22, Subchapter III-A; or of D.C. Official Code §48-904.07a.”

Sec 4. The people of the District of Columbia call upon the Attorney General of the District of Columbia and the United States Attorney for the District of Columbia to cease prosecution of residents of the District of Columbia for non-commercial planting, non-commercial cultivating, purchasing, transporting, distributing, engaging in practices with, and/or possessing entheogenic plants and fungi as defined in section 3 of this act.

Sec. 5. Fiscal impact statement.

Sec. 6. Effective date.

This act shall take effect after a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.