

City of Portland Charter Amendment Decriminalization of Natural Psychedelics

Whereas, the people of City of Portland find that:

1. The possession and personal use of psychedelic plant medicines, defined herein as the Schedule I(d) plant and fungi containing therapeutic and natural psychedelic compounds, have been unjustly and immorally criminalized since the Nixon Administration.
2. Natural medicines and the plants of the Earth should be a common treasury for all humankind and should remain accessible to all regardless of race, orientation, gender, and class.
3. The principles of "cognitive liberty" and "bodily autonomy" endow all human beings with the inalienable right to freedom of thought within their own minds, as well as the freedom to ingest whatever they wish as long as it does not harm others.
4. Making these medicines available only through government-licensed facilities or health care centers in a country in which healthcare is a for-profit industry will create barriers to access for the most vulnerable and in-need populations.
5. 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 the use of psychedelic plants has 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.
6. The governor of Oregon has declared addiction to be a public health crisis in this state.
7. Practices with psychedelic 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 have been put in fear of arrest and prosecution.

8. The psychedelic plant practices of certain groups are already explicitly protected in the United States under the doctrine of religious freedom.
9. The psychedelic plant practices around mescaline containing cacti and Ayahuasca are already protected in Oregon under the doctrine of religious freedom.
10. The United Nations considers psychedelic plant material used for ritual purposes as excluded from government prohibitions.
11. Psychedelic plants containing ibogaine have been shown to alleviate treatment-resistant cases of opiate and methamphetamine addiction at significantly higher rates than all other treatments for addiction.
12. 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.
13. Psychedelic 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 that can be demonstrably beneficial in treating addiction, depression and PTSD and in catalyzing profound experiences of personal and spiritual growth.
14. Psychedelic 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 continue in use as religious sacraments in modern times.
15. Psilocybin, naturally occurring in certain mushroom species, 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.
16. 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.

17. The City of Portland 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 psychedelic plants.

Therefore, a new Article 1 to a new Chapter 16 of the City of Portland Charter shall be added and shall read as follows:

Article 1 Decriminalization of Psilocybin Mushrooms

15-101. Definitions.

- a. "Psychedelic plant medicines" means the naturally occurring plant and fungal matters listed below containing any of the substances listed under 21 C.F.R. § 1308.11 Schedule I(c):
- (1) "Psilocybin mushrooms" means fungal matter containing psilocybin or psilocyn.
 - (2) "Iboga", means plant matter of the Apocynaceae family containing ibogaine.
 - (3) "Bufotenine" means plant matter containing the 5-HO-DMT alkaloid.
 - (4) "DMT-containing plants" means plant matter containing nn-dimethyltryptamine, 5-methoxy-dimethyltryptamine, 5-hydroxy-dimethyltryptamine or any dimethyltryptamine related isomers or structural analogues.
 - (5) "Mescaline Cacti" means plant matter of the family Cactaceae containing mescaline.
- b. "Personal possession" means the possession, storage or propagation of psychedelic plant medicines by an adult for personal

use, where the psychedelic plant medicines are not used or displayed in public.

15-102. No Law Shall Regulate Personal Use or Possession of Psychedelic Plant Medicines.

- (a) The City of Portland shall adopt no law prohibiting or regulating the personal use or possession of psychedelic plant medicines or the production or distribution of psychedelic plant medicines for personal use.
- (b) The City of Portland may adopt laws regulating the commercial sale of psychedelic plant medicines, when the quantity being sold by the offending person is worth more than \$500 per week.

15-103. Enforcement of Federal or State Laws on Production, Distribution, Possession, or Use of Psychedelic Plant Medicines.

- (a) The City of Portland shall not enforce federal, state, or local laws, ordinances, rules, or regulations imposing criminal penalties for:
 - (1) the personal use or possession of psychedelic plant medicines; or
 - (2) the growing, production, or distribution of psychedelic plant medicines for personal use or possession.
- (b) The City of Portland may enforce laws regulating the commercial sale of psychedelic plant medicines, when the quantity being sold by the offending person is worth more than \$500 per week.
- (c) Except as specifically authorized in subsection (b), no department, agency, board, commission, other entity, officer, employee, or contractor of the City shall use any City funds or resources to assist in the enforcement of laws, ordinances, rules or regulations imposing criminal penalties for the personal use or possession of psychedelic plant medicines by adults.

15-104. Severability.

For the purpose of determining constitutionality, every section, subsection, and subdivision thereof of this Section, at any level of subdivision, shall be evaluated separately. If any section, subsection or subdivision at any level is held invalid, the remaining sections, subsections and subdivisions shall not be affected and shall remain in full force and effect. The courts shall sever those sections, subsections, and subdivisions necessary to render this Section consistent with the United States Constitution and with the Oregon Constitution.