

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

TO: Board of County Commissioners
Mark McCauley, County Administrator
FROM: Heidi Eisenhour, Commissioner
DATE: May 1, 2023
SUBJECT: Resolution in support of decriminalizing entheogens

STATEMENT OF ISSUE: We have been asked to consider adopting a resolution requesting that the arrest, investigation, and prosecution of individuals involved with entheogen-related activities be amongst the lowest priority in Jefferson County and declaring support for decriminalization of these activities. We realize that these changes need to be made at the state level to be truly effective, that our local sheriff and prosecuting attorney are bound to uphold state law and that our communities' values indicate a desire for change of laws regulating entheogens.

ANALYSIS: On April 24 we heard from constituents, and were joined by our Prosecuting Attorney and Sheriff to discuss a draft resolution on the decriminalization of entheogens. Before us today is an updated resolution which incorporates all of the changes discussed at that meeting.

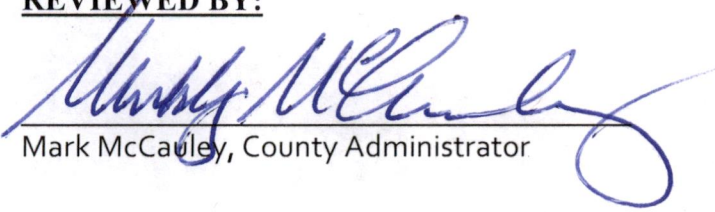
Previously, all members of the BoCC have received multiple requests to support a resolution regarding entheogens as many Jefferson County residents, especially local elders, are already working intentionally with entheogens - often as end-of-life patients seeking support for end-of-life anxiety, people who are seeking healing from addiction or PTSD, people seeking healing from other medical conditions, or people simply seeking to become healthier in general. Access is limited to those who have privileged access and connections. We agree that decriminalization creates a context where those who want to use these plants for healing can be supported in doing so. It also reduces the harm that stems directly from criminalization, regardless of one's intention for using entheogens.

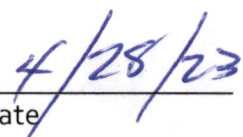
With this resolution we will join with our colleagues at the City of Port Townsend and on the Board of Health to support decriminalization of entheogens. And thus, this resolution is in support of changing laws at the state and federal levels to more accurately represent our community's values.

FISCAL IMPACT: None.

RECOMMENDATION: Discuss and approve the resolution.

REVIEWED BY:


Mark McCauley, County Administrator


Date

**STATE OF WASHINGTON
COUNTY OF JEFFERSON**

Resolution Requesting that the Arrest,
Investigation, and Prosecution of Individuals
Involved with Entheogen-related Activities be
Amongst the Lowest Priority in Jefferson
County and Declaring Support for Full
Decriminalization of these Activities

RESOLUTION NO. ____

WHEREAS, “entheogen” is herein defined as the full spectrum of psychedelic plants, fungi, and natural materials (including living, fresh, dried, or processed plant or fungal material, including teas or powders) containing indole amines, tryptamines, or phenethylamines, including, but not limited to, psilocybin mushrooms, ayahuasca, cacti containing mescaline, and iboga; and

WHEREAS, entheogenic plants have been considered sacred to human cultures for thousands of years and used to inspire personal and spiritual well-being, restore psychological and physical wellness, and enrich connection with nature. Such use has been continued within indigenous cultures, religious/spiritual practitioners, healers, mental health professionals, and curious individuals from around the world, many of whom have been forced underground; and

WHEREAS, chronic depression, anxiety disorders, addiction and drug overdoses, end-of-life distress, intergenerational trauma, and other issues challenge our community; and

WHEREAS, both via scientific/clinical studies and within continuing community and personal contexts, the use of entheogens has been shown to be beneficial in treating the above conditions, as well as improving mental and socio-emotional health and supporting the well-being of individuals and communities in general; and

WHEREAS, entheogens have been shown to alleviate symptoms of post-traumatic stress disorder (PTSD) experienced by front-line workers and first responders such as healthcare providers, paramedics, EMTs, police, firefighters, and military veterans; and

WHEREAS, entheogens have been shown to alleviate treatment resistant cases of opioid and methamphetamine use disorders at significantly higher rates than other treatments for substance use disorders, and to reduce prison recidivism; and

WHEREAS, entheogens are regarded as non-addictive and are not associated with violent behavior, and their physical and psychological risks can be mitigated through screening processes, guidance on appropriate dosages, education on safe and responsible use, and access to support; and

WHEREAS, the risks of engaging with entheogenic plants and fungi stem more from the effects of them being criminalized than from any health risk of using entheogens themselves. Criminalization limits access to accurate education, harm reduction information, and appropriate training for first responders, and decreases the chance that those having a challenging experience or an injury while using an entheogen will call for emergency support due to fear of criminal repercussions; and

WHEREAS, decriminalization promotes equitable access by protecting against commercialization and regulatory frameworks that limit access, ensuring that the benefits of entheogens remain accessible to all adult members of the community who can thus pursue their own chosen healing paths; and

WHEREAS, protecting the safety, welfare, health, and peace of the people of this state means prioritizing this state's limited law enforcement resources in the most effective, consistent, and rational way; and

WHEREAS, the so-called War on Drugs led to the unnecessary penalization, arrest, and incarceration of vulnerable people, particularly people of color and people of limited financial means; and

WHEREAS, the United Nations considers Entheogenic Plant and Fungi material used for ritual purposes as excluded from Schedule 1 substances; and

WHEREAS, a variety of jurisdictions in the United States, including Oakland, CA; Denver, CO; Ann Arbor/Washtenaw County, MI; Seattle, WA; Cambridge, MA; Washington, D.C.; and the state of CO decriminalized entheogens, and legislators introduced similar bills in 2023 in CA, NY, MI, and several other states; and various entheogens are legal or have been decriminalized in several countries including Portugal, Brazil, Jamaica, and the Netherlands; and

WHEREAS, the Jefferson County Board of Health passed a resolution in July of 2021 supporting the removal of entheogens and the psychoactive chemicals they contain from the jurisdiction of the Controlled Substances Act and recommending that federal, state, and local law enforcement agencies pursue a decriminalization strategy for adult use of entheogens; and

WHEREAS, Port Townsend City Council passed a resolution on December 20th, 2021 unanimously adopting a resolution declaring the use, growth, possession, and distribution of entheogenic plants to be “among the lowest law enforcement priority for the City of Port Townsend” and declaring that no city funds or resources should be expended towards law enforcement activity concerning adult use of entheogens; and

WHEREAS, while recognizing that changing federal or state laws or penalties is beyond the scope of its authority, the Board of Commissioners wishes to acknowledge the healing potentials of entheogens for its local community and to declare its desire not to expend County resources in any investigation, detention, arrest, or prosecution arising out of alleged violations of state and federal law regarding entheogens.

NOW, THEREFORE, BE IT RESOLVED by the Jefferson County Board of Commissioners, that the Board:

Section 1. Supports decriminalization of these activities at the state and federal level and commits to add to its agenda for the 2024 state legislative session support for full decriminalization of entheogens, including advocating for no regulated legalization of any entheogens without full decriminalization occurring first or within the same legislative session.

Section 2. Requests that the investigation, arrest, and prosecution of adults engaging in entheogen-related activities, including but not limited to the cultivation, gathering, or sharing of entheogens for use in religious, spiritual, healing, or personal growth practices when ingested out of view of the public, should be among Jefferson County's lowest law enforcement priorities.

Section 3. Requests that no county resources are used to assist in the enforcement of laws imposing criminal penalties for the safe planting, cultivating, purchasing, transporting, distributing, possessing, or using entheogens by adults when no dangerous activity is present;

Section 4. Affirms that this resolution does not authorize or enable any of the following: commercial sales of entheogens, possessing or distributing these materials in schools, driving under the influence of these materials; or public disturbance. Further, this does not preclude enforcing other laws when entheogens are present.

Section 5. Encourages relevant County departments to develop nuanced and adaptive responses to the use of controlled substances to include harm reduction strategies, recognition of substance use disorder as a public health issue, and to use the criminal justice system as a pathway to treatment and recovery for individuals and to uphold public safety for our communities.

Section 6. Recommends that federal and state enforcement agencies move towards a decriminalization strategy for adult use of entheogens.

Section 7. Emphasizes that this Resolution shall be interpreted to prohibit or discourage the filing of charges that are not covered herein.

(SIGNATURES FOLLOW ON THE NEXT PAGE)

APPROVED AND ADOPTED this _____ day of _____, 2023.

JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS

SEAL:

Greg Brotherton, Chair

Kate Dean, Member

ATTEST:

Heidi Eisenhour, Member

APPROVED AS TO FORM:

Carolyn Gallaway, Date
Clerk of the Board

Philip C. Hunsucker, Date
Chief Civil Deputy Prosecuting Attorney