

MISSING EXECUTED LEGISLATION FORM

Resolution / Ordinance Number: 88464

City Council Meeting Date: DEC 15 2020

Agenda Item No. 19

Recorded Vote 8 Ayes

Status of Resolution/Ordinance:

- | | |
|---|--|
| <input type="checkbox"/> Filed without signature | <input type="checkbox"/> No signed version will be filed |
| <input checked="" type="checkbox"/> Council amended legislation | <input type="checkbox"/> No signed version will be filed |

Author Contact Information:

Department Council Office / Gallo

Contact Person/Ext. _____

Notes (if any)

Remove "or Delegate" from Title 4 Legislation"

Approved as to Form and Legality



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER NOEL GALLO

RESOLUTION URGING THE STATE LEGISLATURE TO IMMEDIATELY ENACT STATE LAWS THAT 1) DECRIMINALIZE OR LEGALIZE THE POSSESSION AND USE OF ENTHEOGENIC PLANTS AND FUNGI, 2) ALLOW LOCAL JURISDICTIONS TO AUTHORIZE ITS CITIZENS TO ENGAGE IN COMMUNITY-BASED HEALING CEREMONIES INVOLVING THE USE OF ENTHEOGENIC PLANTS AND FUNGI WITHOUT RISK OF ARREST AND STATE PROSECUTION, WHEN PRACTICED IN ACCORDANCE WITH SAFE PRACTICE GUIDELINES AND PRINCIPLES, AND 3) THAT PROVIDE LEGAL PROTECTIONS AGAINST CRIMINAL PROSECUTION FOR LOCAL JURISDICTIONS THEIR ELECTED AND APPOINTED OFFICIALS, PRACTITIONERS AND USERS OPERATING IN ACCORDANCE WITH THE OAKLAND COMMUNITY HEALING INITIATIVE (OCHI)

WHEREAS, Entheogenic Plants, based on the term "entheogen", originally conceived by Ott, Ruck, and other colleagues from a working group of anthropologists and ethnobotanists in 1979; and defined herein as 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 can benefit psychological and physical wellness, and can reestablish humans' inalienable and direct relationship to nature; and

WHEREAS, Entheogenic Plant" or "Plants" as used herein means 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: indoleamines, tryptamines, phenethylamines; and

WHEREAS, 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 that the use of Entheogenic Plants have been shown to benefit the health and well-being of individuals and communities these afflictions in scientific and clinical studies and in communities involved in traditional entheogenic 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, 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, the Entheogenic Plant practices of certain groups are already explicitly protected in the U.S. under the doctrine of religious freedom; 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 at significantly higher rates than all other treatments for addiction. 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 and that are can be demonstrably beneficial in treating addiction, depression, PTSD, and in catalyzing profound experiences of personal and spiritual growth; and

WHEREAS, Entheogenic 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 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, can reduce prison recidivism, and can effectively treat substance abuse, depression, cluster headaches; and

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 also found continuing positive life-style changes after a 14-month follow-up; and

WHEREAS, safe practice guidelines and principles have been developed by traditional and medically licensed practitioners to ensure the safe and responsible administration and use of Entheogenic Plants; and

WHEREAS, the City of Oakland wishes to declare its desire to support State legislation that would decriminalize the possession and use of entheogenic plants and fungi and protect the City of Oakland's right to enable its citizens to engage in community-based healing ceremony with the use of entheogens when practiced in accordance with safe practice guidelines and principles, now, therefore, be it

RESOLVED: That the Oakland City Council hereby urges the State Legislature to immediately enact state laws that 1) decriminalize or legalize the possession and use of Entheogenic Plants and fungi, 2) allow local jurisdictions to allow its citizens to engage in community-based healing ceremonies involving the use of Entheogenic Plants and fungi without risk of arrest and state prosecution, when practiced in accordance with safe practice guidelines and principles, and 3) that provide legal protections against criminal prosecution for local jurisdictions and their elected and appointed officials and employees, practitioners and users operating in accordance with the Oakland Community Healing Initiative (OCHI); and be it

FURTHER RESOLVED: That the City Council directs the City Administrator to direct Oakland's state lobbyist to advocate for the inclusion of the items herein in any state legislation on psychedelic or entheogenic plant and fungi decriminalization or legalization legislation.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR,
THAO AND PRESIDENT KAPLAN

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

2998646v3