

This is a draft, red edits in [] represent most recent changes.

**RESOLUTION IN SUPPORT OF THE DEPRIORITIZATION OF CRIMINAL
PROSECUTION AND PENALTIES FOR PERSONAL
USE OF PSYCHEDELIC PLANTS AND FUNGI**

WHEREAS, the City of Portland City Council recognizes its responsibility to make public health a priority; and

WHEREAS, drug enforcement policy in the United States has historically disproportionately impacted people of low-income communities and has led to disproportionate penalization, arrest, and incarceration of vulnerable populations, particularly people of color and people of limited financial means, instead of prioritizing policies that reduce harm and treat substance use as an issue of public health;

WHEREAS, psychedelic plants and fungi, specifically, for the purposes of this Resolution, [those containing] Psilocybin, Psilocyn, Ibogaine, [Mescaline]¹ and Dimethyltryptamine, have a long history of being used therapeutically for healing and treatment of illnesses and ceremonially for spiritual well-being; and

WHEREAS, in recent years, there has been a resurgence of scientific research into the use of psychedelic-assisted psychotherapies for treating mental health conditions including addiction, post-traumatic stress disorder, elements of persistent traumatic stress environment conditions, chronic depression, end-of-life anxiety, grief, cluster headaches, and improving mental and socio-emotional health; and.

WHEREAS, there are criminal justice concerns associated with investigating, arresting, and incarcerating people for personal use of psychedelic plants and fungi, and it is important to balance criminal justice concerns with public health concerns when crafting just and responsible policy; and

WHEREAS, many municipalities around the country have deprioritized the enforcement of laws prohibiting the personal use of psychedelic plants and fungi; and

WHEREAS, while the possession, production, and transfer of psychedelic substances is illegal at the federal level in the United States, arrests and prosecutions for engaging in psychedelic drug offenses are usually grounded in state law, with enforcement occurring at the local level; and

WHEREAS, in Portland and other Maine communities, the COVID-19 pandemic has led to a wave of accidental opioid overdoses and other substance-related deaths, which, according to peer reviewed medical research, are ailments that psychedelic plants have been shown to have particular efficacy in treating; and

¹ Peyote is specifically excluded from this Resolution in light of its vulnerable ecological status, combined with its religious and cultural significance to Indigenous peoples.

WHEREAS, given these public health concerns, it would be appropriate for the City of Portland to support a harm reduction effort for personal psychedelic plant and fungi use in the Portland community by deprioritizing criminal prosecution and penalties for the personal use thereof.

NOW THEREFORE BE IT RESOLVED, that the City Council hereby maintains that the use and possession of all controlled substances should be understood primarily as an issue of public health by City departments, agencies, boards, commissions, and employees of the City; and

BE IT FURTHER RESOLVED, that the City Council hereby maintains that it should be the policy of the City of Portland that the investigation, arrest and prosecution of adult persons over the age of 21 for personal use [or sharing without compensation] or possession [and cultivation] for personal use, of psychedelic plants, specifically [plants and fungi containing] Psilocybin, Psilocyn, Ibogaine, [Mescaline (except Peyote²)] and Dimethyltryptamine, which are listed in 17-A M.R.S.A. § 1102 (2) (C) & (H) and Schedules I-IV of 21 U.S.C. § 812 of the Controlled Substances Act, shall be amongst the lowest law enforcement priority for the City of Portland; and

BE IT FURTHER RESOLVED, that the City Council hereby maintains that City of Portland departments, agencies, boards, commissions, officers or employees of the city should avoid using city funds or resources to assist in the investigation, criminal prosecution or the imposition of criminal penalties for the personal use [or sharing without compensation] or possession [and cultivation] for personal use of psychedelic plants known as [to contain] Psilocybin, Psilocyn, Ibogaine [,Mescaline,] and Dimethyltryptamine by adults over age 21; and

BE IT FURTHER RESOLVED that the City Council does not intend to deprioritize the investigation, arrest, prosecution of, and imposition of criminal penalties for selling, ~~giving away, sharing, distributing, transferring,~~ dispensing, or administering of psychedelic plants or fungus or biosynthesized psychedelic plant or fungus drugs to another individual or commercial sales of such substances, or possessing or distributing these substances on school grounds, or operating under the influence of these substances.

² Peyote is specifically excluded from this Resolution in light of its vulnerable ecological status, combined with its religious and cultural significance to Indigenous peoples.