



City Council AGENDA REPORT

DATE: 09/02/2021

AGENDA OF: 09/14/2021

DEPARTMENT: City Council

SUBJECT: Resolution Related to Adult Personal Use and Personal Possession of
Entheogenic Psychoactive Plants and Fungi (CN)

RECOMMENDATION: Resolution declaring that the investigation and arrest of individuals twenty-one (21) years of age and older involved with the adult personal use and personal possession of entheogenic psychoactive plants and fungi listed on the Federal Schedule 1 list be amongst the lowest priorities for the City of Santa Cruz, and rescinding Resolution No. NS-29,623.

BACKGROUND: City Council passed Resolution No. NS-29,623 on January 28, 2020. This resolution declared that the investigation and arrest of individuals twenty-one (21) years of age and older involved with the adult personal use and personal possession of entheogenic psychoactive plants and fungi listed on the Federal Schedule 1 list be amongst the lowest priorities for the City of Santa Cruz.

DISCUSSION: Councilmembers, after receiving feedback from tribal leaders and members of the community, are presenting the following language amendments for the Council to consider:

The removal of the sixth WHEREAS of the resolution:

“WHEREAS, the Entheogenic Plant practices of certain groups are already explicitly protected in the U.S. under the doctrine of religious freedom, including the Native American Church’s use of peyote and the use of ayahuasca by two other churches, a Santo Daime congregation and the Uniao do Vegetal; and”

The removal of the following from the tenth WHEREAS of the resolution:

“such as mescaline can be beneficial in healing drug and alcohol addiction and for individual spiritual growth”

The addition of the following in the first THEREFORE BE IT RESOLVED of the resolution:

“with the exception of entheogenic cacti that contain phenethylamine compounds such as mescaline”

The addition of the following to the resolution:

“BE IT FURTHER RESOLVED that local decriminalization efforts that include peyote can be disruptive to the nation-wide strategy driven by Native American people to protect, conserve, and ensure the spiritual and ecological sustainability of peyote. Therefore, this policy shall not

apply to peyote or other entheogenic cacti that contain phenethylamine compounds such as mescaline; and”

And, the addition of the following to the current second BE IT FURTHER RESOLVED of the resolution:

“with the exception of peyote”

These changes address concerns raised by members of the community regarding the poaching and extraction of wild Peyote populations, ultimately impacting Native American Peyotists. The National Council of Native American Churches (NCNAC) and the Indigenous Peyote Conservation Initiative (IPCI) ask that Peyote not be decriminalized. This is not due to opposition to decriminalization efforts in general, but because there is an entire conservation strategy already underway. This conservation effort includes regulatory and legal measures designed to ensure biocultural conservation. It is important this effort not be interrupted or diluted. Individual, state, or local decriminalization efforts that include peyote can be disruptive to the nation-wide strategy driven by Native American people to protect, conserve, and ensure the spiritual and ecological sustainability of peyote.

Passage of this resolution will rescind resolution No. NS–29,623 and will replace it with the attached draft reflecting these amendments.

FISCAL IMPACT: There is no fiscal impact.

Submitted By:
Sonja Brunner
Vice Mayor

Submitted By:
Shebreh Kalantari-Johnson
Councilmember

Submitted By:
Martine Watkins
Councilmember

ATTACHMENTS:

1. ENTHEOGENIC PLANTS RESOLUTION - CLEAN.DOCX
2. ENTHEOGENIC PLANTS RESOLUTION - REDLINE.DOCX
3. LETTER BY INDIGENOUS PEYOTE CONSERVATION COMMUNICATION COMMITTEE, MAY 2021.PDF