



## City of Northampton

MASSACHUSETTS

*In the City Council, March 18, 2021*

Upon the Recommendation of:      Councilor William Dwight  
   Councilor Rachel Maiore

### **R-21.207 A RESOLUTION DECRIMINALIZING CONTROLLED SUBSTANCE POSSESSION AS WELL AS CULTIVATION AND DISTRIBUTION OF PSYCHEDELIC PLANTS**

WHEREAS:            “entheogenic plants,” a term originally classified by anthropologists and ethnobotanists in 1979<sup>1</sup>, are herein defined as the full spectrum of psychedelic plants, fungi, and natural materials containing indole amines, tryptamines, phenethylamines, including psilocybin mushrooms, ayahuasca, cacti, and iboga; and

WHEREAS:            substance abuse, addiction, post-traumatic stress disorder (PTSD), Persistent Traumatic Stress Environment (PTSE), chronic depression, end-of-life anxiety, grief, cluster headaches, tendencies toward recidivism, and other ailments are plaguing our community and the use of entheogenic plants has been shown to be beneficial for treating these ailments via scientific and clinical studies<sup>2</sup> and within continuing traditional, religious, and indigenous practices that catalyze profound experiences of personal and spiritual growth; and

WHEREAS:            the COVID-19 pandemic has led to a resurgence of heroin and opioid overdose deaths and severe depression in Massachusetts communities<sup>3</sup>, two ailments that entheogenic plants have been shown to have particularly strong utility in treating according to published, peer-reviewed medical research<sup>4</sup>; and

WHEREAS:            the so-called War on Drugs has led to the unnecessary penalization, arrest, and incarceration of vulnerable people, particularly people of color and

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<sup>1</sup> Carl A. P. Ruck; Jeremy Bigwood; Danny Staples; Jonathan Ott; R. Wasson Gordon (January–June 1979). “Entheogens”. *Journal of Psychedelic Drugs*.

<sup>2</sup> [Hendricks, P.S., Johnson, M.W., Griffiths, R.R. \(2016\). Psilocybin, psychological distress, and suicidality. \*Journal of Psychopharmacology\*.](#)

<sup>3</sup> [Data Brief: Opioid-Related Overdose deaths among Massachusetts Residents. June 2020.](#)

<sup>4</sup> [The association of psychedelic use and opioid use disorders among illicit users in the U.S. \*Journal of Psychopharmacology\*.](#)

people of limited financial means, rather than prioritizing harm-reduction policies to treat drug abuse as an issue of public health; and

WHEREAS: that American cities have long possessed an inferred constitutional right to regulate commerce and public safety within their jurisdictions, a principle acknowledged by the U.S. Department of Justice Cole Memorandum that permitted states and localities to deprioritize law enforcement of cannabis charges; and

WHEREAS: organizations in Northampton such as Tapestry, ServiceNet shelter, MANNA Soup Kitchen, Hampshire HOPE, Northampton Recovery Center, Nothing But Kindness, HRH413 and others have long offered services to people struggling with substance abuse by providing resources, administering syringe exchange programs, distributing naloxone, and providing education on safer drug practices to save lives in our community, which the city council profoundly appreciates; and

WHEREAS: the City Council of Somerville (9-0) and the City Council of Cambridge (8-1) passed similar resolutions following approval of their legal departments as well as decriminalization by Oakland, Denver, Ann Arbor, Santa Cruz, Washington D.C, Oregon, and around six other countries; and

NOW, THEREFORE BE IT RESOLVED, that the City Council of Northampton hereby maintains that no City of Northampton department, agency, board, commission, officer or employee of the city, including without limitation, Northampton Police Department personnel, should use any city funds or resources to assist in the enforcement of laws imposing criminal penalties for the use and possession of entheogenic plants by ~~adults~~ individuals; and

BE IT FURTHER RESOLVED that the City Council hereby maintains that the use and possession of all controlled substances should be understood first and primarily as an issue of public health by city departments, agencies, boards, commissions, and all 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 Northampton that the arrest of ~~adult~~ persons for using or possessing controlled substances shall be amongst the lowest law enforcement priority for the City of Northampton; and,

BE IT FURTHER RESOLVED that the City Council hereby maintains it should be the policy of the City of Northampton that the investigation and arrest of ~~adult~~ persons for planting, cultivating, purchasing, transporting, distributing, engaging in practices with, and/or possessing entheogenic plants listed in Classes A-E of

Chapter 94C § 31 of Massachusetts law or Schedules I-V of 21 U.S.C. § 812 of the Controlled Substances Act shall be amongst the lowest law enforcement priority for the City of Northampton; and,

BE IT FURTHER RESOLVED that this resolution does not authorize or enable any of the following activities: commercial sale of entheogenic plants and fungi, possessing or distributing these materials on school grounds, driving under the influence of these materials; or public Disturbance; and,

BE IT FURTHER RESOLVED that the Northampton City Council calls upon the city's officials work in support of decriminalizing entheogenic plants and approaching all controlled substances first and primarily through the lens of public health and restorative racial justice initiatives when representing the city in conversations with state and federal agencies as well as state and federal lawmakers; and,

BE IT FURTHER RESOLVED that the City Council calls upon the Hampshire County District Attorney to cease prosecution of persons involved in the use, possession, or distribution of entheogenic plants and the use or possession without the intent to distribute of any controlled substance; and,

BE IT FURTHER RESOLVED that the City Council expresses support for HD 3439 An Act Relative to Harm Reduction and Racial Justice, which would replace criminal penalties for controlled substance possession with the choice of a \$50 civil fine or a health and wellness screening to refer the person with economic and health services; and,

BE IT FURTHER RESOLVED that the City Council expresses support for HD ~~3438~~<sup>3432</sup>9 An Act Establishing Task Force to Study Equitable Access to Entheogenic Plants, which will convene 21 experts in science, drug policy, economic and racial justice, and state government to recommend legislation to legalize entheogenic plants as well as expunge records and create equity initiatives for victims of the entire war on drugs. This task force requires the study to be done through the lens of racial justice, sustainability, and consideration for BIPOC, veterans, and people with disabilities; and,

BE IT FURTHER RESOLVED that the Administrative Assistant to the City Council shall send a copy of this Resolution to Representative Lindsay Sabadosa and Senator Jo Comerford, Governor Charles Baker, Attorney General Maura Healey, Hampshire District Attorney ~~Anthony D. Gulluni~~<sup>David E. Sullivan</sup>, [Northampton Police Chief Jody Kasper](#), Secretary of Veterans' Services Cheryl Lussier Poppe, and the Board of Registration of Allied Mental Health and Human Services Professions.

