



## AGENDA SUMMARY EUREKA CITY COUNCIL

**TITLE:** Consider and take action on **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA DECLARING THAT THE INVESTIGATION AND ARREST OF INDIVIDUALS TWENTY-ONE (21) YEARS OF AGE OR OLDER INVOLVED WITH THE ADULT PERSONAL USE, CULTIVATION OR POSSESSION OF ENTHEOGENIC PLANTS AND FUNGI LISTED ON THE FEDERAL SCHEDULE 1 LIST, WILL NOT BE A PRIORITY FOR THE CITY OF EUREKA**

**DEPARTMENT:** Robert N. Black, Assistant City Attorney

**PREPARED BY:** Robert N. Black, Assistant City Attorney

**PRESENTED FOR:**            Action         Information only            Discussion

### **RECOMMENDATION**

It is recommended that the Council consider and take action on a resolution of the City Council of the City of Eureka declaring that the investigation and arrest of individuals twenty-one (21) years of age or older involved with the adult personal use, cultivation and possession of entheogenic plants and fungi listed on the Federal Schedule 1 list, will not be a priority for the City of Eureka.

### **FISCAL IMPACT**

No Fiscal Impact             Included in Budget             Additional Appropriation

### **COUNCIL GOALS/STRATEGIC VISION**

### **SUMMARY**

This resolution would deprioritize enforcement of the laws restricting the use of entheogenic plants and fungi by persons twenty-one (21) years of age or older by deprioritizing the use of City resources to assist in the enforcement of those.

### **BACKGROUND/DISCUSSION**

On October 3, 2023 the City Council directed staff to draft a proposed resolution designed to decriminalize adult personal use of entheogens. Recognizing the City's limitations as far declaring Federal and State laws null and void, the proposed resolution is couched in terms of limiting or deprioritizing the use of the City's resources to enforce such laws.

Psychedelics were broadly banned under the 1970 Controlled Substances Act. More recently scientists at institutions like Johns Hopkins University, New York University, and Harbor-UCLA Medical Center have conducted small studies that suggest the use of psilocybin, guided by trained professionals, has the potential to relieve many mental health illnesses. In 2018 the Food and Drug Administration granted psilocybin “breakthrough therapy” status which should support additional research and potential approved medicinal treatment pathways.

Amidst the potential benefits of entheogens is a note about the strength of impairment often experienced by users of the entheogenic substances. Without supervision and support or in the wrong setting people can have terrifying experiences sometimes with lasting effects. Sounding additional cautionary notes, Jacob Rosen, LMFT, the City’s Managing Mental Health Clinician for Crisis Alternative Response Eureka, has provided a bullet-point summary of concerns, which I attach as Attachment A.

### **POLICY IMPLICATIONS**

SB 58 (Wiener) was introduced in this year’s legislative session. SB 58 would have decriminalized the possession, preparation, obtaining, or transportation of specified quantities of specific entheogens. The bill passed both houses of the legislature but was vetoed by Gov. Newsom. While the Governor proclaimed his support for psychedelic “medicines,” he stated his reason for the veto is based on the lack of therapeutic guidelines. The Governor’s veto message is attached as Attachment B.

### **ADDITIONAL RESOURCES**

Attachment C is a compendium of research and anecdotal papers concerning entheogens and psychoactive drugs. I’m not sure of the original source of this Attachment. But I believe it was also supplied to the Arcata City Council when it considered a similar resolution. I attach it here as a resource for those who want to approach this subject in greater depth.

I will be available to answer any questions your Council may have.

### **SUGGESTED MOTION**

**“I move the City Council adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA DECLARING THAT THE INVESTIGATION AND ARREST OF INDIVIDUALS TWENTY-ONE (21) YEARS OF AGE OR OLDER INVOLVED WITH THE ADULT PERSONAL USE, CULTIVATION OR POSSESSION OF ENTHEOGENIC PLANTS AND FUNGI LISTED ON THE FEDERAL SCHEDULE 1 LIST, WILL NOT BE A PRIORITY FOR THE CITY OF EUREKA**

**REVIEWED AND APPROVED BY:**

City Attorney  
 City Clerk/Information Technology

- Community Services
- Development Services
- Finance
- Fire
- Human Resources
- Police
- Public Works