

<b>INSTRUCTIONS OF REVERSE SIDE</b>
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# INITIATION OF LEGISLATION

Shall the voters of the City of Detroit adopt an ordinance to the 2019 Detroit City Code that would decriminalize to the fullest extent permitted under Michigan law the personal possession and therapeutic use of Entheogenic Plants by adults and make the personal possession and therapeutic use of Entheogenic Plants by adults the city's lowest law-enforcement priority?

We, the undersigned qualified and registered electors, residents in the county of Wayne, State of Michigan, respectively petition for initiation of legislation.

**WARNING – A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.**

INDICATE CITY OR TOWNSHIP IN WHICH REGISTERED TO VOTE	SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	ZIP CODE	DATE OF SIGNING		
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### CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

If the circulator is not a resident of Michigan, the circulator shall make a cross [x] or check mark [✓] in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the secretary of state or a designated agent of the secretary of state has the same effect as if personally served on the circulator.

**WARNING - A CIRCULATOR KNOWINGLY MAKING A FALSE STATEMENT IN THE ABOVE CERTIFICATE, A PERSON NOT A CIRCULATOR WHO SIGNS AS A CIRCULATOR, OR A PERSON WHO SIGNS A NAME OTHER THAN HIS OR HER OWN AS CIRCULATOR IS GUILTY OF A MISDEMEANOR.**

### CIRCULATOR - DO NOT SIGN OR DATE CERTIFICATE UNTIL AFTER CIRCULATING PETITION.

(Signature of Circulator)	/ / (Date)
(Printed Name of Circulator)	
(Complete Residence Address (Street and Number or Rural Route) Do not enter a post office box)	
(City or Township, State, Zip Code)	
(County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan)	

**WHEREAS**, certain Plant Medicines commonly known as Entheogenic Plants have been criminalized by the Federal and state governments during their misguided “War on Drugs” and recently communities across the country are beginning to decriminalize or deprioritize these natural medicines including Ann Arbor, Michigan;

Denver, Colorado; Oakland, California; Somerville, Massachusetts; and Washington D.C.; and

**WHEREAS**, certain Entheogenic Plants, as defined herein, can benefit psychological and physical wellness, support and enhance religious and spiritual practices, and can reestablish human’s inalienable and direct relationship to nature; and

**WHEREAS**, substance abuse, addiction, recidivism, trauma, post-traumatic stress symptoms, chronic depression, severe anxiety, end-of-life anxiety, grief, cluster headaches and other debilitating conditions are present in our community; and

**WHEREAS**, the use of Entheogenic Plants, which can catalyze profound experiences of personal and spiritual growth, has been shown by scientific and clinical studies and traditional practices to be beneficial to the health and well-being of individuals and communities in addressing these conditions; and

**WHEREAS**, practices with Entheogenic Plants have long existed and have been considered to be sacred to human cultures and interrelationships with nature for thousands of years; and

**WHEREAS**, individuals seeking to improve their health and well-being through the use of Entheogenic Plants fear arrest and prosecution due to current legal prohibitions; and

**WHEREAS**, the City of Detroit currently has many other priorities for the use of its funds, staff, and law enforcement resources; and

**WHEREAS**, the United Nations considers Entheogenic Plant material used for ritual purposes as excluded from Schedule 1 substances; and

**WHEREAS**, the Entheogenic Plant practices of certain groups are already explicitly protected in the U.S. under the principle of religious freedom; and

**WHEREAS**, Entheogenic Plants such as Ibogaine have been proven to alleviate treatment-resistant cases of opiate and methamphetamine addiction at higher rates than other treatment, and aid in the treatment of addiction to alcohol and other drugs; and

**WHEREAS**, Entheogenic Plants, or combinations of plants such as Ayahuasca, contain Dimethyltryptamine, a naturally occurring compound in the human body that can be beneficial in treating psychiatric disorders including depression and post-traumatic stress disorder; and

**WHEREAS**, psilocybin, naturally occurring in Entheogenic mushrooms, can alleviate end-of-life anxiety for hospice and terminal cancer patients as well as effectively aid in the treatment of chronic health conditions such as cluster headaches; and

**WHEREAS**, Entheogenic Plants such as cacti that contain phenethylamine compounds, for instance, mescaline, have been utilized in sacred initiation and community healing by diverse religious and cultural traditions for millennia and continue to be used for healing and as religious sacraments in modern times; and

**WHEREAS**, a Johns Hopkins University study on “healthy-normals,” found that Entheogenic Plants can occasion mystical-type experiences, which were considered one of the top five most meaningful experiences in a subject’s life, and positive lifestyle changes continued in a 14-month follow-up.

#### **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:**

**Section 1: Chapter 20, Article X, Section 20–10-1 to 20-10-7 the 2019 Detroit City Code is hereby enacted and amended to read as follows:**

#### **ARTICLE X. PLANT MEDICINE**

##### **Sec. 20-10-1. Purposes.**

The purpose and intent of this article is to:

(a) Decriminalize under this Code to the greatest extent possible under Michigan and Federal law the personal possession and therapeutic use of Entheogenic Plants by adults;

(b) Deprioritize in the City of Detroit the imposition of criminal or civil penalties on adults for the personal possession and therapeutic use of Entheogenic Plants; and

(c) To not interfere with or prohibit the enforcement of any state or federal law that prohibits the personal possession and therapeutic use of Entheogenic Plants.

##### **Sec. 20-10-2. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meaning provided in this section:

Adult means an individual eighteen (18) years of age or older.

Entheogenic Plants shall mean the full spectrum of plants, fungi, and natural materials or their extracted compounds, limited to those containing the following types of compounds: indole amines, tryptamines, and phenethylamines whether controlled under any state or federal law. For the purpose of this Article X, Entheogenic Plants shall not include Lophophora williamsii (“Peyote”) until such time as Peyote is no longer considered endangered by the Native American Church.

Licensed Therapist shall include a “licensed professional counselor” as an individual who is licensed to engage in the practice of counseling without supervision or a “limited licensed counselor” as an individual who has been granted a limited license to engage in the practice of counseling under the supervision of a licensed professional counselor who meets the requirement of Section 18106 of the Public Health Code, Act 368 of 1978, MCL 333.18101.

Medical Professional shall include a “health care professional” as an individual licensed or otherwise authorized to practice medicine under Article 15 of the Public Health Code, Act 368 of 1978, MCL 333.16101 to 333.18838; a “health care provider” as a person who is licensed or registered or otherwise authorized under Article 15 of the Public Health Code, Act 368 of 1978, MCL 333.16101 to 333.18838, to provide health care in the ordinary course of business or practice of a health profession; and “physician or other licensed medical professional” as a person licensed under Article 15 of the Public Health Code, Act 368 of 1978, MCL 333.16101 to 333.18838.

Personal possession shall mean the use, possession, storage or propagation of Entheogenic Plants for personal use, where the Entheogenic Plants are not used or displayed in public or used while operating a motor vehicle; the sale of Entheogenic Plants for remuneration is not included in the definition of personal possession. Religious Leader shall include a “member of the clergy” as a priest, minister, rabbi, Christian science practitioner, or other religious practitioners, or similar functionary of a church, temple, or recognized religious body, denomination, or organization, as outlined in Child Protection Law, Act 238 of 1975, MCL 722.622.

Therapeutic use shall mean the use, possession, storage, propagation, provision, transfer or sharing of Entheogenic Plants with another adult or adults with or without remuneration under the advisement or supervision of a licensed therapist, medical professional, or religious leader.

##### **Sec. 20-10-3. City Offenses; exceptions.**

Notwithstanding any other provision of the Code contrary to the fullest extent permitted under Michigan law, it shall not be an offense under the Code for an adult to engage in the personal possession or therapeutic use of Entheogenic Plants.

##### **Sec. 20-10-4. Public Safety Enforcement Priorities – Entheogenic Plants.**

The enforcement of any laws imposing criminal or civil penalties for the personal possession and therapeutic use of Entheogenic Plants by adults shall be the lowest law enforcement priority in the City of Detroit.

##### **Sec. 20-10-6. Self-executing, severability, and conflicting provisions.**

This Article shall be liberally construed so as to effectuate the purposes hereof. If any term, clause, provision, or part of this Article X or its application is held invalid or unenforceable, such invalidity or unenforceability shall not affect other terms, clauses, provisions, parts or applications of this Article X that can be given effect without the invalid terms, clauses, provisions, parts or applications. All terms, clauses, provisions, parts and applications of this article are self-executing except as specified herein, are severable, and except where otherwise indicated in the text shall supersede conflicting provisions of the Code any amendments and any regulations promulgated thereto.

**Section 2.** This ordinance shall not be construed to interfere with or prohibit the enforcement of any state or federal law that prohibits the personal possession or therapeutic use of Entheogenic Plants.

**Section 3.** This ordinance is hereby declared necessary to preserve the public peace, health, safety and welfare of the People of the City of Detroit.

**Section 4.** All ordinances, or parts of ordinances that conflict with this ordinance are repealed.

**Section 5.** This ordinance shall become effective no later than thirty (30) days after the publication by the City Clerk in accordance with the Code.