



## City of Easthampton

MASSACHUSETTS

*In the City Council, October 20, 2021*

Upon the Recommendation of:      Councilor Salem Derby  
   Councilor Thomas Peake  
   Councilor Owen Zaret

### **A RESOLUTION PROTECTING ADULT ACCESS TO PLANT MEDICINES & PRIORITIZING PUBLIC HEALTH RESPONSES TO CONTROLLED SUBSTANCE POSSESSION**

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 people of limited financial means, rather than prioritizing harm-reduction policies to treat drug abuse as an issue of public health; 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\*.](#)

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 Hampshire County such as Tapestry, ServiceNet shelter, MANNA Soup Kitchen, Hampshire HOPE, Northampton Recovery Center, Nothing But Kindness, HRH413, Center for Human Development Inc. 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), the City Council of Cambridge (8-1), and the City Council of Northampton (8-0) passed similar resolutions following approval of their legal departments as well as decriminalization by Oakland, Denver, Ann Arbor, Santa Cruz, Baltimore, Washington D.C, Oregon, and around six other countries; and

WHEREAS: Indigenous people have used these plants for thousands of years in spiritual and health rituals, demonstrating their efficacy as well as a critical need to preserve the ability of native peoples to access Lophophora—Southwestern cacti in the that are extremely slow-growing and endangered by animal farming, natural gas development, and non-native poaching;

**BE IT 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 believes that it should be policy of the City of Easthampton that the arrest of persons for using or possessing controlled substances for personal adult therapeutic, excepting Lophophora and animal-derived controlled substances, shall be amongst the lowest law enforcement priority for the City of Easthampton; and,

BE IT FURTHER RESOLVED that the City Council hereby recommends it should be the policy of the City of Easthampton that the investigation and arrest of persons for planting, cultivating, purchasing, transporting, distribution by caregivers, engaging in practices with, and/or possessing entheogenic plants, for the purpose of therapeutic purposes, 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 Easthampton; 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, cultivation for large scale distribution, possessing or distributing these materials on school grounds, use or distribution of these plants to individuals under 21 years of age, driving under the influence of these materials, or public disturbance; and,

BE IT FURTHER RESOLVED that the Easthampton City Council calls upon the city's officials to 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 Easthampton City Council supports state and local legislation to study the therapeutic properties of entheogenic plants, descheduling of these plants from the list of controlled substances for the purpose of separate regulation, and decriminalizing possession and use for therapeutic purposes under the direction of a knowledgeable, trained, and experienced provider, or via self-administration under the appropriate guidance and education; and,

BE IT FURTHER RESOLVED that the Easthampton City Council recommends appropriate community and youth education aimed at avoiding youth use as well as teaching the risks and benefits of adult therapeutic use of pharmaceutical and botanical therapeutic substances, and distinguishing and educating about the risks of illicit substance use. The City should also engage in appropriate data collection, health impact assessments, and gathering of scientific information to better inform the community and youth of the properties, risks, and benefits of these substances. Residents should also be educated on safe practices of storing medications and other ingestible substances in the home, and the City should pursue a lock box program for storage of therapeutic substances in the home.

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 therapeutic distribution of entheogenic plants for adult personal therapeutic use and therapeutic purposes and the use or possession without the intent to distribute of any controlled substance excepting Lophophora and animal-derived controlled substances; 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 3829 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 Clerk of the City Council shall send a copy of this Resolution to Representative Daniel Carey and Senator John Velis, Governor Charles Baker, Attorney General Maura Healey, Hampshire County District Attorney David E. Sullivan, Easthampton Police Chief Robert Alberti, Secretary of Veterans' Services Cheryl Lussier Poppe, and the Board of Registration of Allied Mental Health and Human Services Professions.

Approved this 20th day of October, 2021.

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**CITY COUNCIL  
EASTHAMPTON, MASSACHUSETTS**