

MEMORANDUM

TO: City Council Members and Members of the _____ Committee

FROM: Council Member _____

SUBJECT: Decriminalizing Entheogenic Plants

RECOMMENDATION:

Council Member _____ recommends that the City Council adopt:

A RESOLUTION DECLARING THAT THE INVESTIGATION AND ARREST OF INDIVIDUALS INVOLVED WITH THE PERSONAL USE, GROWTH, AND POSSESSION OF ENTHEOGENIC PLANTS, INCLUDING THOSE SCHEDULED AT STATE AND FEDERAL LEVELS, BE THE LOWEST PRIORITY FOR THE CITY OF BENTONVILLE

SUMMARY:

This resolution would effectively decriminalize entheogenic plants and fungi such as mushrooms, cacti, iboga-containing plants, and/or extracted combinations of plants similar to ayahuasca; and limited to those containing the following types of compounds: indole amines, tryptamines, and phenethylamines; *by restricting 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.* Unlike **legalization** with complex regulatory frameworks, expensive licenses, and high taxes, **decriminalization** refers to the removal of criminal penalties for natural persons to grow, gather, and share in community-based practice and ceremony.

Entheogen: noun - A medicine, plant, fungus, substance, or technique which invokes an inherently spiritual or metaphysical experience. (literally, “to bring in the divine”)



Psilocybe mushrooms

Mushrooms Containing Psilocybin

- Respected as a safe & natural healing sacrament for millennia throughout Mexico, Central America, and the world.
- Beneficial for depression & recidivism
- Encourages openness, creativity, and spiritual growth
- Johns Hopkins: Top 5 most meaningful experiences
- UCLA & NYU: Treating end-of-life anxiety



Iboga

Iboga

- From Central Africa through Gabon, iboga is revered for initiatory rites of passage involving encounters with ancestors from the spirit realm
- Beneficial for treatment-resistant opiate and methamphetamine addiction



Ayahuasca

Ayahuasca

- Over 75 indigenous groups in the Amazonian Basin respect ayahuasca as a sacred "plant teacher"
- Beneficial for depression, addiction, anxiety, and PTSD
- Ayahuasca treatment in Brazilian prison population reduces recidivism
- Benefits creativity, openness, and spiritual growth



Cacti

Cacti

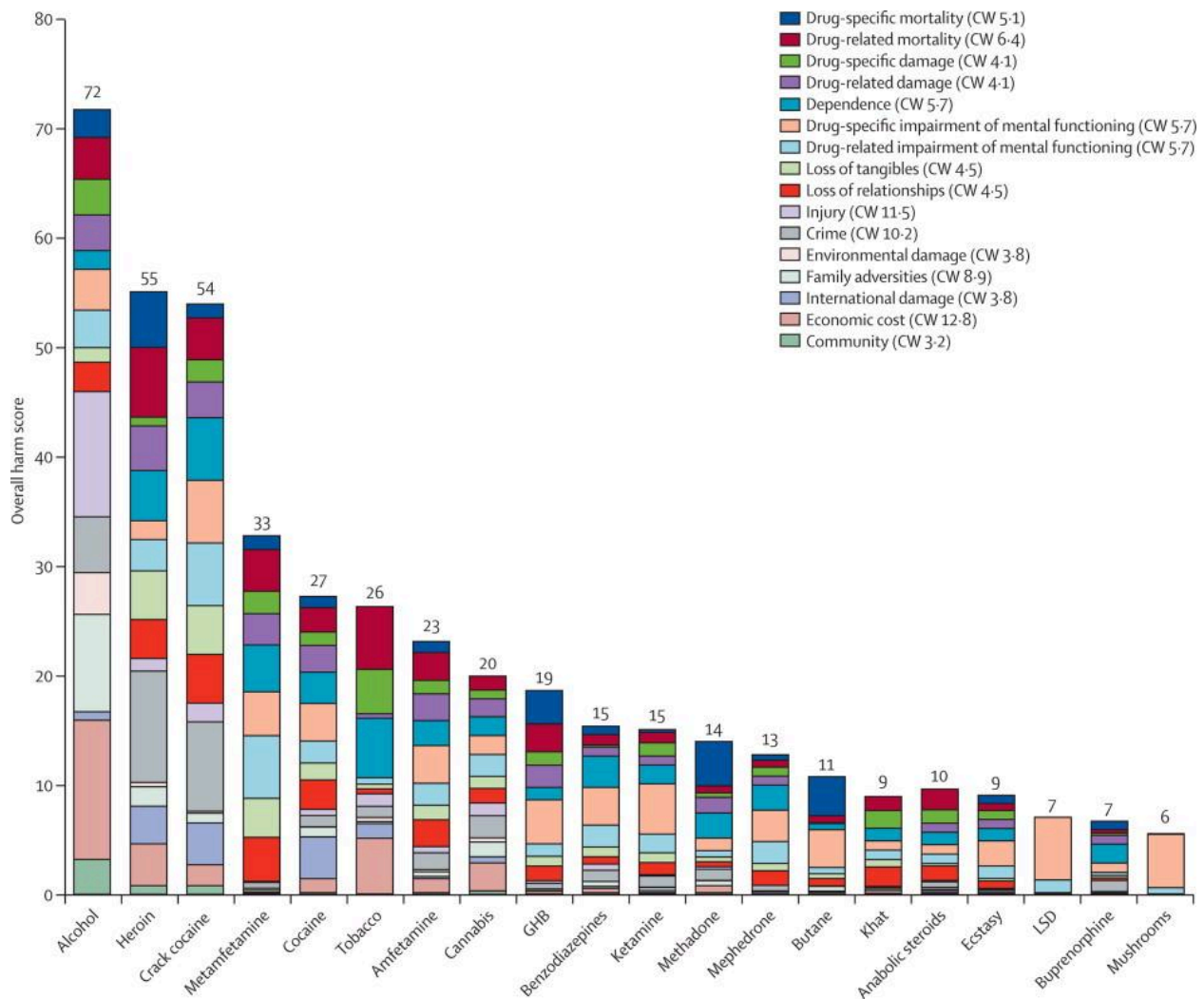
- Honored as sacred plants for thousands of years throughout the Americas
- Central to traditional religious and healing practices
- Considered a sacrament
- Beneficial for the treatment of alcoholism

In 1970, the **Controlled Substances Act** was signed into law as a sweeping action in the "War on Drugs." The legislation created five schedules (classifications), each with varying qualifications for a substance to be included. Two federal agencies, the Drug Enforcement Administration (DEA) and the Food and Drug Administration (FDA), determine which substances are added to or removed from the schedules. Classification decisions are made based on criteria including potential for abuse (an undefined term), currently accepted medical use, and international treaties. After the passage of the CSA, several entheogenic plants and fungi, including ayahuasca, ibogaine, mushrooms containing psilocybin, and cacti containing mescaline (peyote), were immediately placed in the most dangerous category, Schedule I, meaning they have "no currently accepted medical use and a high potential for abuse." This was done without scientific evidence or public comment.

In addition to treating a variety of conditions, entheogens can also be valuable for personal and spiritual growth. A Johns Hopkins study on "healthy normals" found that over 75% of the respondents considered their psilocybin experience to be one of the top five most meaningful experiences of their lives. Furthermore, the use of entheogens in religious practice is already protected under the Constitution and reaffirmed by the Religious Freedom Restoration Act of 1993 (RFRA) and the American Indian Religious Freedom Act Amendments of 1994. The Supreme Court upheld this protection in *Gonzales v. O Centro Espírita Beneficente União do Vegetal*, 546 U.S. 418 (2006), in which the Court held that, under the RFRA, the government had failed to show a compelling interest in prosecuting religious adherents for drinking a sacramental tea containing a Schedule I controlled substance (ayahuasca). Individual states also recognize peyote as a sacrament for various populations and intentions, specifying exemptions ranging from Native American descent only, to anyone with sincere religious intent.

Attitudes toward entheogens are evolving nationwide and worldwide. In 2000, the Coordination Centre for the Assessment and Monitoring of New Drugs (CAM) carried out a risk assessment on mushrooms containing psilocybin and concluded that the risk to the health of the individual, public health, and public

order was judged to be low. Similarly, legislative bills were introduced in New York (2015), Vermont (2016), and Iowa (2019) seeking to reclassify ibogaine and encouraging research on ibogaine for the treatment of opioid dependency.



From The Lancet - Drug harms in the UK: a multicriteria decision analysis

by Prof David J Nutt, FMedSci; Leslie A King, PhD; Lawrence D Phillips, PhD;

Published: November 01, 2010. DOI:[https://doi.org/10.1016/S0140-6736\(10\)61462-6](https://doi.org/10.1016/S0140-6736(10)61462-6).

Despite overwhelming evidence demonstrating the high potential for benefit and low potential for abuse of entheogenic plants and fungi, the federal government has not taken steps to reclassify or remove them from Schedule I. Many Americans, facing an epidemic of trauma, depression, addiction, and suicidality (especially in the wake of the covid pandemic), and frustrated by the inaction of the federal government, have begun to take matters into their own hands. Information abounds in books, documentaries, podcasts, and internet resources instructing people on how to obtain or grow their own plants or fungi and how to safely prepare and consume them, including dosing guidelines and the importance of "Set and Setting" in achieving the desired healing benefits. Prominent figures, athletes, journalists, and activists have openly discussed their success stories, popularizing the use of entheogens, but at the same time giving the public

an uneasy sense that the law is not being applied equally, and that if a person has position, money, or power, they can use these substances with impunity while everyday Americans seeking relief from suffering are still at risk for arrest and imprisonment.

Here in our own community of Northwest Arkansas lives a casualty of this inequality. Her name is Jessica. She moved to NW Arkansas in 2023 after being arrested in Indiana for microdosing mushrooms that she grew. Here is an excerpt from an article reporting her story. The entire article can be found at <https://psychedelicspotlight.com/indiana-nurse-faces-ten-years-in-prison-for-microdosing-psilocybin-mushrooms/>.

Indiana Nurse Faces Ten Years in Prison for Microdosing Psilocybin Mushrooms,

by Emma Stone, Psychedelic Spotlight News, July 8, 2022

For Jessica Thornton, who has lived with treatment-resistant depression since her senior year at high school, psychedelics represent a lifeline. Thornton, a mom of five and neonatal intensive care nurse, turned to psilocybin after twenty years of taking a smorgasbord of antidepressants with little to no effect. Desperate to find any solution, she tried microdosing psilocybin mushrooms after researching the practice online. However, her experimentation with psilocybin has come at an inconceivable cost. On August 1st, she will appear in court and may be sentenced to up to ten years in prison.

Thornton's situation is symbolic of the crossroads that characterizes the contemporary psychedelic landscape in the United States. In Michigan, right next door to Indiana where Thornton lives, three cities have decriminalized psychedelics for personal use. Another neighboring state, Illinois, has opened up discussions about statewide psychedelic decriminalization. In Indiana, on the other hand, psychedelics are primarily viewed as illegal, dangerous substances. Those who dare use them risk having their lives upended should they be apprehended. For Thornton, however, microdosing psilocybin mushrooms was a question of life or death.

“The cops busted my door down, and all pointed their guns at me. You would have thought I had committed a murder,” reflects Thornton, who was charged with two felonies—dealing a scheduled substance and child endangerment. Even though Thornton was not selling magic mushrooms, the law in Indiana requires anyone apprehended with more than 28 grams of fresh or dry mushrooms be charged with a felony for intent to sell. Because she was growing her own fresh mushrooms, the quantity she was apprehended with was over this limit.

Editor's Note: As of October 25, 2022, Jessica's case has been resolved in court. This Psychedelic Spotlight article helped to attract support along with additional legal counsel that helped Jessica build a better case. This was the result of the sentencing based on her revised plea:

“We are happy to report that in presenting the full context of what she was doing and not doing to the prosecutor, along with several expert letters in support, the prosecutor agreed to reduce the charges to a single count of felony possession in a revised plea offer. Jessica accepted the plea

agreement and was sentenced on October 25th to 18 months in prison, all suspended, and placed on 18 months probation, 180 days house arrest (with day for day credit for compliance reducing it to 90 days) and an approved treatment program. During her probationary period Jessica will not be speaking publicly about her case.”

After moving to NW Arkansas, Jessica reported weekly to her probation officer at the Rogers Police Department. Her probation period ended on April, 20, 2024, with the possibility of reducing her charges to a misdemeanor. A documentary film is currently being filmed and produced by Stephen Apkon, Executive Director of Reconsider.org, who also produced the documentary film [Fantastic Fungi](#)

Since 2019, over 20 cities, states, and municipalities around the US have passed resolutions that effectively decriminalized the use of entheogens by placing the arrest and prosecution of individuals possessing or using these substance at the lowest priority level for local law enforcement, including:

- Denver, CO
- Oakland, CA
- Santa Cruz, CA
- Arcata, CA
- Port Townsend, WA
- Seattle, WA
- Ann Arbor, MI
- Detroit, MI
- Washington, DC
- Somerville, MA
- Cambridge, MA
- Northampton, MA
- Easthampton, MA
- Grand Rapids, MI
- Washtenaw County, MI
- Hazel Park, MI
- Portland, ME
- Ferndale, MI
- Eureka, CA
- State of Colorado
- State of Oregon
- Ypsilante, MI

Efforts are underway in over fifty other cities and counties to do the same. Resources and city council resolutions that have been vetted by city attorneys and passed are being shared by groups that have already been successful. This national network of grassroots support is known as Decriminalize Nature National. DNN’s mission is to enable every person to decide for themselves how to engage with traditional entheogenic plants and to help restore the connection between nature, individuals, and communities in the process.

One of our goals is to learn from society's experiences with how the cannabis legalization movement rapidly evolved over the last two decades, creating billions of dollars of new value through legitimization of the market, innovation of new processes, and development of new products. Unfortunately, very little of this value stayed in the neighborhoods which needed those economic resources the most, nor went to the people who paid the highest price of incarceration and persecution related to cannabis prohibition over last fifty years. Instead, the cannabis industry has seen value creation become increasingly consolidated into the hands of venture capitalist and corporate investors. We can learn from those mistakes, in how we guide a similar set of processes related to the use of entheogenic plants and fungi.

DNN’s “Grow, Gather, Gift” model promotes the philosophy that these traditionally sacred plants and fungi should not be commodified and that individuals should be able to grow their own entheogens, share them with their community, and choose the appropriate setting for their intentions, instead of having to rely exclusively on the pharmaceutical and medical establishments, which are slow to adapt, prohibitively expensive, and difficult to navigate for many. Furthermore, many Americans do not prefer clinical therapy

or medical models and find them undesirable for financial, efficacy, and/or safety reasons. It is our belief that people can and should have the freedom to heal in their own family, community circles, or groups.

As this national conversation on entheogens grows, it is essential to open a way for individual and community access, taking a stand for disenfranchised communities who may be left out of the dominant model. City councils working hand-in-hand with local grassroots activists have been found to be the key to this access. Local chapters of Decriminalize Nature that are currently active and in various stages of working with their local councils include:

Southern & Central US

- **Decrim Nature NW Arkansas**
- Decrim. Nature Austin
- Decrim. Nature Georgia
- Decrim Nature Birmingham, AL
- Decrim. Nature Baton Rouge
- Decrim. Nature New Orleans
- Decrim. Nature Florida
- Decrim. Nature South Dakota Sioux Falls

Midwest US

- Decrim. Nature Kalamazoo
- Decrim. Nature Mid-Michigan
- Decrim. Nature Milwaukee
- Decriminalize Nature Madison
- Decriminalize Nature St. Louis
- Decrim. Nature Mankato
- Decrim. Nature State of Michigan
- Decrim. Nature Cleveland
- Decrim. Nature Columbus
- Decrim Nature Chicago
- Decrim Nature Rochester NY
- Decrim Nature Atlanta
- Decrim Nature Augusta

Northwest US

- Decrim. Nature Multnomah County/Portland
- Decrim. Nature Port Angeles
- Decriminalize Nature Missoula

- Decriminalize Nature Flathead County
- Decrim. Nature Portland
- Decrim. Nature Montana
- Decriminalize Nature Bozeman
- Decrim Nature Olympia
- Decrim Nature San Bernardino

Southwest US

- Decriminalize Nature Tucson
- Decrim. Nature Humboldt County
- Decrim. Nature San Mateo County
- Decrim. Nature Long Beach
- Decrim. Nature Santa Monica
- Decrim. Nature Reno, NV
- Decrim. Nature Flagstaff
- Decriminalize Nature Nevada
- Decrim. Nature Gilbert, AZ
- Decriminalize Nature Phoenix area
- Decrim. Nature Las Vegas
- Decriminalize Nature Kansas City
- Decriminalize Nature Utah/SLC
- Decrim Nature Santa Barbara
- Decrim Nature Tracy

Northeast US

- Decriminalize Nature Vermont
- Decrim. Nature New Hampshire
- Decrim. Nature New York
- Decrim. Nature Virginia Richmond
- Decrim. Nature Philly

CONCLUSION:

For millennia, cultures have revered entheogenic plants and fungi for their capacity to provide healing, knowledge, creativity, and spiritual connection. Entheogenic plant practices boast deep historical roots in the Americas, Africa, Asia, and Europe. However, for much of the global population, this connection was severed long ago. This initiative aims to empower the Northwest Arkansas community by restoring their relationship with nature. The numerous individuals and organizations supporting this initiative (see list below) believe that developing a personal relationship with nature is an unalienable right, essential for embracing our humanity on Planet Earth.

Regrettably, medications derived from entheogens are not yet available for individuals grappling with physical and mental conditions. Moreover, if and when they do become available, they are likely to be prohibitively expensive, raising concerns about accessibility and equity for low-income and uninsured populations. For example, in Oregon, the state legislature employed a highly overregulated model wherein even a single experience with natural mushrooms costs over \$3,500. Decriminalizing the use, possession, cultivation, distribution, and transportation of entheogens allows individuals and communities, rather than the pharmaceutical establishment, to govern their interaction with these naturally occurring substances, thereby empowering individuals and fostering community bonds.

Decriminalizing nature affirms both individual and community self-determination to explore various aspects of the human experience, including mystical and spiritual states of consciousness. By endorsing this initiative, we can catalyze further educational outreach and support from an already existing underground network of guides, equipping Northwest Arkansas residents with the tools and resources needed to empower our community to share knowledge and continue constructing an above-ground infrastructure around entheogens.

LOCAL COALITION SUPPORT:

- Holos Foundation
- Holos Collective
- (Your Organization Here)

FISCAL IMPACT:

The resolution would decrease resources allocated for enforcing laws that impose criminal penalties for the use and possession of entheogenic plants by adults. No new agencies would need to be created, as community initiatives for education and integration are already underway.

CONSIDERATIONS:

Decriminalize Nature Northwest Arkansas emphasizes that this resolution does not authorize or enable any of the following activities: commercial sales or manufacturing of these plants and fungi, possessing or distributing these materials in schools, driving under the influence of these materials, or public disturbance. Engaging in any of these activities may still result in law enforcement involvement by the City of Bentonville.

Furthermore, Decriminalize Nature NW Arkansas stands behind its commitment to promote education of the community in the careful and considerate use of these plants and fungi. The following principles, when adhered to, help ensure safe and responsible use of entheogenic plants:

1. Entheogens are not for everyone. Knowledgeable clinicians caution that some people should not take entheogenic plants or fungi, including people with a personal or family history of schizophrenia or bipolar disorder or who are taking certain medications.
2. If someone has a serious condition like major depression or PTSD, they would do well to get serious, professional help before using an entheogen and to ask that caregiver's advice. (Some counselors and therapists are glad to work with a client before and after an entheogenic journey.)
3. Unless someone has expert guidance, it's best to start with small amounts, using more only after becoming familiar with the material and the terrain.
4. Support is important (with non-trivial doses). At least one trusted friend (called sitter, guide, or facilitator) should be present, sober during the entire journey; and with agreement in advance to honor that person's instructions for safety or self care. Having a sitter provides a certain comfort, mental freedom, and safety.
5. Reverence reduces risks and can help lead to positive outcomes. In cultures that have long used entheogenic substances beneficially, their use is approached with great respect, not haphazardly, and for life-enhancing purposes;

COORDINATION:

This report was reviewed by the Office of Council Member _____ and Decriminalize Nature NW Arkansas.

OPPORTUNITIES:

Economic: Decriminalize Nature NW Arkansas (DNNWA) believes that entheogenic plants and fungi should not be commodified. However, services surrounding entheogenic plant practices will bring opportunities to the Northwest Arkansas community, such as facilitators, hospice care providers, addiction therapists, educators, researchers, and entheogenic integration support. Additional economic opportunities

include the development of gardens, community centers, and collectives to offer accessible education and resources.

Environmental: The entire DNN campaign draws attention to the environment and how it is affected by our disconnection from nature. Additionally, DNNWA supports educational outreach on gardening and planting sacred plants for gardens and natural beautification.

Social Equity: DNNWA is creating and protecting opportunities for equitable access by allowing home grows or personal gardens, where individuals can develop their own relationship with nature, free from external interference. DNNWA's approach to social equity also includes raising general awareness and disseminating information to the community, as well as providing access to entheogenic-specific knowledge such as facilitator training, gardening and botany workshops, and guidelines and mentorship for developing peer integration circles.

LEARN MORE:

- *Fantastic Fungi* - Netflix Documentary
- *How to Change Your Mind* by Michael Pollan - Book and Netflix Documentary

For questions regarding this report, please contact _____.

Respectfully submitted,
Council Member _____