TO: The Honorable Detroit City Council

FROM: David Whitaker, Director Legislative Policy Division Staff

DATE: October 5, 2021

RE: Proposal E: Entheogenic Plants

The Legislative Policy Division (LPD) was asked to provide a summary of the initiative identified as Proposal E on the upcoming November 2, 2021 election ballot. The proposal, a citizens’ initiative, states as follows:

Proposal E: Entheogenic Plants

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?

Entheogenic plants are more commonly known as “magic mushrooms”, and have been defined\(^1\) as including “the full spectrum of plants, fungi, and natural materials and/or their extracted

\(^1\) See Ann Arbor, Michigan, City Council’s September 21, 2020 resolution 20-1389, 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 Ann Arbor, adopted unanimously.
compounds, limited to those containing the following types of compounds: indole amines, tryptamines, and phenethylamines.” The plants are currently classified as Schedule 1 drugs by the United States Drug Enforcement Agency (DEA), as is marijuana. While the DEA considers them to have a potential for abuse, others believe them to have medicinal value for treatment of depression and pain and other maladies, religious significance, and accompanied by a low propensity for abuse. As with alcohol and marijuana use, an individual under the influence of entheogenic plants should refrain from operating a motor vehicle and would remain subject to laws regulating impaired driving.

Like the growing trend toward the legalization of marijuana, the decriminalization of the use and possession of entheogenic plants is occurring nationwide. Recently, Michigan State Senators Jeff Irwin of Washtenaw County and Adam Hollier of Detroit introduced Senate Bill No. 631 on September 2, 2021, proposing to decriminalize the manufacture, possession, delivery, and use of entheogenic plants statewide in Michigan. The Ann Arbor City Council unanimously adopted a decriminalization resolution on September 21, 2020 (see, footnote 1). In response to the Ann Arbor resolution, the Washtenaw County Prosecutor’s Office issued a detailed directive discussing the context, rationale, and public policy supporting its decision to support and adopt Ann Arbor’s policy “precluding the prosecution of entheogenic plant use, growth, and possession across Washtenaw County.” Besides Ann Arbor, the plants have been decriminalized in several other cities, including Washington, D.C. (November 2020), Oakland and Santa Cruz, California, and Denver, Colorado.

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