

DC BOARD OF ELECTIONS

NOTICE OF PUBLIC HEARING RECEIPT AND INTENT TO REVIEW INITIATIVE MEASURE

The Board of Elections shall consider in a public hearing whether the proposed measure, “Entheogenic Plant and Fungus Policy Act of 2020,” is a proper subject matter for initiative at the Board’s regular meeting on Wednesday, February 5, 2020 at 10:30 a.m., at 1015 Half Street SE, Suite 750, Washington DC 20003.

In making a subject matter determination, the Board does not consider the merits of a proposed measure. Instead, it may consider only whether the proposed measure meets the subject matter requirements set forth in District of Columbia law. Specifically, the Board must reject the proposed measure if it determines that:

- The measure conflicts with or seeks to amend the Title IV of the DC Home Rule Act (“the District Charter”);
- The measure conflicts with the U.S. Constitution;
- The measure has not been properly filed;
- The verified statement of contributions (the measure committee’s statement of organization and report of receipts and expenditures) was not timely filed;
- The measure would authorize discrimination in violation of the DC Human Rights Act;
- The measure would negate or limit a budgetary act of the DC Council; or
- The measure would appropriate funds

Those who wish to testify at the hearing on the propriety of the proposed measure in light of the above-referenced criteria should contact the Board’s Office of the General Counsel at 202-727-2194 or ogc@dcboe.org and provide their name, address, telephone number, and name of the organization represented (if any) by no later than Friday, January 31, 2020, at 4:00 p.m.. Any written testimony or memoranda should be submitted for the record to the Board’s Office of the General Counsel, 1015 Half Street SE, Suite 750, Washington, DC 20003 or at ogc@dcboe.org by that date and time as well. Individuals shall be permitted a maximum of three minutes for oral presentations. Representatives of organizations shall be permitted a maximum of five minutes for oral presentations.

The Short Title, Summary Statement, and Legislative Text of the proposed initiative read as follows:

SHORT TITLE

Entheogenic Plant and Fungus Policy Act of 2020

SUMMARY STATEMENT

If enacted this Initiative would declare as the policy of the District of Columbia that the Metropolitan Police Department make investigation and arrest of adults for non-commercial planting, cultivating, purchasing, transporting, distributing, possessing or engaging in practices with, entheogenic plants and fungi among its lowest law enforcement priorities.

LEGISLATIVE TEXT

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Entheogenic Plant and Fungus Policy Act of 2020.”

Section 1. Findings and Declaration of Policy.

(a) The people of the District of Columbia find that use of entheogenic plants and fungi have been demonstrated, through scientific studies, to be beneficial in addressing a variety of afflictions including substance abuse, addiction, trauma, post-traumatic stress syndrome, chronic depression, anxiety, diabetes, cluster headaches and other conditions; and that practices with entheogenic plants and fungi have long existed, have been considered sacred to a number of cultures and religions for millennia and continue to be enhanced and improved. Citizens of the District of Columbia seeking to improve their health and well-being through the use of entheogenic plants and fungi currently use them in fear of arrest and prosecution.

(b) It is declared the policy of this act to make investigation and arrest of adults for non-commercial planting, cultivating, purchasing, transporting, distributing, possessing or engaging in practices with, entheogenic plants and fungi among the lowest law enforcement priorities for the District of Columbia.

--D.C. Code §5-115.08 –

Section 2. D.C. Official Code Title 5, Chapter 1, Subchapter VIII is amended by adding thereto the following new section:

“ §5-115.08. Policy Regarding Investigation and Arrest for Offenses Involving Entheogenic Plants and Fungi.

“(a) For purposes of this section, the term “entheogenic plant and fungus” means any plant or fungus of any species in which there is naturally occurring any of the following substances in any form which would cause such plant or fungus to be described in D.C. Official Code §48-902.04(3): ibogaine, dimethyltryptamine, mescaline, psilocybin or psilocyn.

“(b) The Metropolitan Police Department shall make the investigation and arrest of persons 18 years of age or older, for non-commercial planting, cultivating, purchasing, transporting, distributing, engaging in practices with, and/or possessing entheogenic plants and fungi that are listed in Schedule I of the District of Columbia Uniform Controlled Substances Act of 1981 effective August 5, 1981 (D.C. Law 4-29, D.C. Official Code §48-902.04) as the among its lowest enforcement priorities.

“(c) Nothing in this section shall affect the priority of enforcing any provision of D.C. Official Code Title 50, Subtitle VII, Chapter 22, Subchapter III-A; or of D.C. Official Code §48-904.07a. “

Section 3. The people of the District of Columbia call upon the Attorney General of the District of Columbia and the United States Attorney for the District of Columbia to cease prosecution of residents of the District of Columbia for non-commercial planting, non-

commercial cultivating, purchasing, transporting, distributing, engaging in practices with, and/or possessing entheogenic plants and fungi as defined in D.C. Official Code §5-115.08.