

File No. 220896

Committee Item No. _____

Board Item No. 25

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: September 6, 2022

Cmte Board

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Lucid News Article - 2/21/22 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Filter Mag Article - 6/5/19 |
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Prepared by: Lisa Lew

Date: September 2, 2022

Prepared by: _____

Date: _____

1 [Supporting Entheogenic Plant Practices]

2
3 **Resolution supporting entheogenic plant practices, urging City law enforcement**
4 **agencies that the investigation and arrest of individuals involved with the adult use of**
5 **entheogenic plants on the Federal Schedule 1 List be amongst the lowest priority for**
6 **the City and County of San Francisco, and urging the State of California and the United**
7 **States Federal government to decriminalize entheogenic plant practices and their uses.**
8

9 WHEREAS, Entheogenic Plants, based on the term “entheogen”, originally conceived
10 by Ott, Ruck, and other colleagues from a working group of anthropologists and
11 ethnobotanists in 1979; and defined herein as the full spectrum of plants, fungi, and natural
12 materials that can inspire personal and spiritual well-being, can benefit psychological and
13 physical wellness, and can reestablish human’s inalienable and direct relationship to nature;
14 and

15 WHEREAS, Substance abuse, addiction, recidivism, trauma, post-traumatic stress
16 symptoms, chronic depression, severe anxiety, end-of-life anxiety, grief, diabetes, cluster
17 headaches, and other conditions are plaguing our community and that the use of Entheogenic
18 Plants have been shown to be beneficial to the health and well-being of individuals and
19 communities in addressing these afflictions via scientific and clinical studies and within
20 continuing traditional practices, which can catalyze profound experiences of personal and
21 spiritual growth; and

22 WHEREAS, Practices with Entheogenic Plants have long existed and have been
23 considered to be sacred to human cultures and human interrelationships with nature for
24 thousands of years, and continue to be enhanced and improved to this day by religious and
25

1 spiritual leaders, practicing professionals, mentors, and healers throughout the world, many of
2 whom have been forced underground; and

3 WHEREAS, The state legislature has already started the conversation around the
4 decriminalization of personal possession of small amounts of seven psychedelic substances
5 for adults through California State Senate Bill No.(SB) 519, introduced by Senator Scott
6 Wiener in 2021, and currently pending before the California Legislature; and

7 WHEREAS, The introduction, and preliminary success of SB 519 moving through the
8 legislative process, signals a significant shift as state and local municipalities rethink their drug
9 laws; and

10 WHEREAS, SB 519 would also allow the sharing and cultivation of specified
11 psychedelics to also be allowable under the bill's terms; and

12 WHEREAS, SB 519 would decriminalize possession of up to two grams of N, N-
13 dimethyltryptamine (DMT); 15 grams of ibogaine; 0.01 grams of Lysergic acid diethylamide
14 (LSD); 2 grams of psilocybin; 2 grams of psilocin; and 4 grams of 3,4-methylenedioxy-
15 methamphetamine (MDMA) and there would be no penalties or fines for possession below
16 those the limits for people over 21; and

17 WHEREAS, SB 519 would also decriminalize facilitated or supported use, and allow for
18 someone to be present in a supportive role while an individual or group uses permitted
19 psychedelics, as long as everyone is still over 21; and

20 WHEREAS, At the time of introduction of this Resolution, SB 519 is scheduled to be
21 heard in the Assembly Appropriations Committee of the California State Legislature on August
22 3, 2022; and

23 WHEREAS, There is a lack of clarity as to whether practices with Entheogenic Plants,
24 as described above, can be subject to law enforcement and therefore those seeking to
25

1 improve their health and well-being through the use of Entheogenic Plants use them in fear of
2 arrest and prosecution; and

3 WHEREAS, The Entheogenic Plant practices of certain groups are already explicitly
4 protected in the U.S. under the doctrine of religious freedom -- for example the use of
5 ayahuasca by two churches, a Santo Daime congregation and the União do Vegetal; and

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

8 WHEREAS, Entheogenic plants containing ibogaine, for example, have been shown to
9 alleviate treatment-resistant cases of opiate and methamphetamine addiction at significantly
10 higher rates than all other treatments for addiction. In addition, ibogaine is reported to be
11 beneficial for addiction therapy related to specific work-related Post-Traumatic Stress Disorder
12 (PTSD) encountered by first responders such as Emergency Medical Technicians (EMT),
13 police, and firefighters, as well as military veterans; and

14 WHEREAS, Entheogenic Plants or combinations of plants such as Ayahuasca that
15 contain forms of DMT, a naturally occurring compound in the human body that is listed as a
16 Schedule 1 substance, can lead to experiences that are reported as mystical or experientially
17 similar to near death experiences and that can be demonstrably beneficial in treating
18 addiction, depression, PTSD, and in catalyzing profound experiences of personal and spiritual
19 growth; and

20 WHEREAS, Entheogenic cacti that contain phenethylamine compounds such as
21 mescaline can be beneficial in healing drug and alcohol addiction and for individual spiritual
22 growth, and have been utilized in sacred initiation and community healing by diverse religious
23 and cultural traditions for millennia and continuing use as religious sacraments in modern
24 times; and

1 WHEREAS, Psilocybin, naturally occurring in Entheogenic mushrooms, can alleviate
2 end-of-life anxiety for hospice and terminal cancer patients, can reduce prison recidivism, and
3 can effectively treat depression, cluster headaches, and trauma; and

4 WHEREAS, A Johns Hopkins University study on “healthy-normals” found that
5 psilocybin can occasion mystical-type experiences, which were considered one of the top five
6 most meaningful experiences in a subject’s life for over 75% of their subjects within the first
7 year after the study, and also found continuing positive life-style changes after a 14-month
8 follow-up; and

9 WHEREAS, In June 2019, the city of Oakland, California became the first in the US to
10 decriminalize plant-based entheogens including psilocybin, iboga, ayahuasca and mescaline
11 cacti; and

12 WHEREAS, In November 2020, California, Oregon, became the first U.S. state to
13 decriminalize possession of small amounts of all illicit drugs; now, therefore, be it

14 RESOLVED, That the Board of Supervisors urges the Mayor of the City and County of
15 San Francisco to instruct the City’s state and federal lobbyists to work in support of
16 decriminalizing all Entheogenic Plants and plant-based compounds that are listed on the
17 Federal Controlled Substances Schedule 1; and, be it

18 FURTHER RESOLVED, That the Board of Supervisors urges state and federal officials
19 to work in collaboration to support the decriminalization of all Entheogenic Plants and plant-
20 based compounds that are listed on the Federal Controlled Substances Schedule 1; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors urges law enforcement
22 agencies that the investigation and arrest of individuals involved with the adult use of
23 Entheogenic Plants on the Federal Schedule 1 List be amongst the lowest priority for the City;
24 and, be it
25

1 FURTHER RESOLVED, That the Board of Supervisors urges law enforcement
2 agencies that the investigation and arrest of adult persons for planting, cultivating, purchasing,
3 transporting, distributing, engaging in practices with, and/or possessing Entheogenic Plants or
4 plant compounds on the Federal Schedule 1 list shall be amongst the lowest law enforcement
5 priority for the City; and, be it

6 FURTHER RESOLVED, The Board of Supervisors urges that City resources not be
7 used for any investigation, detention, arrest, or prosecution arising out of alleged violations of
8 state and federal law regarding the use of Entheogenic Plants listed on the Federally
9 Controlled Substances Schedule 1 list; and be it

10 FURTHER RESOLVED, That the Clerk of the Board shall transmit a copy of this
11 Resolution to the Police Department, the Sheriff's Department, the District Attorney's Office,
12 Senator Scott Wiener, Assemblymembers Matt Haney and Phil Ting, Speaker of the House
13 Nancy Pelosi, United States Senators Dianne Feinstein and Alex Padilla, and Governor Gavin
14 Newsom.

POLITICS (HTTPS://WWW.LUCID.NEWS/CATEGORY/POLITICS/)

California's Proposed Psychedelic Decrim Bill Paused in State Assembly



BY ALLAN STEINER (HTTPS://WWW.LUCID.NEWS/AUTHOR/ALLAN-STEINER/)
FEBRUARY 21, 2022

(https://www.facebook.com/steinerallan/)
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(https://www.linkedin.com/company/steinerallan/)
(https://www.pinterest.com/pin/create/)
(https://www.youtube.com/channel/UC16002C1200&ss=)



The California Legislature has returned from its winter recess and will continue its consideration of a proposed psychedelic decrim bill. In the final days of the 2021 legislative session last August, [Senate Bill 519](#) (https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB519) was scheduled for a hearing in the Appropriations Committee of the State Assembly, one of two houses in California's legislature which also includes the State Senate.

Those moving the bill through the legislature say they are waiting for special elections taking place on April 19 and June 7 to fill vacancies in the state legislature before moving the bill forward, giving them time to generate support and educate new assembly members ahead of a floor vote. However, it is possible they'll move to push the bill through more quickly if they believe they have the votes.

SB 519 would decriminalize the possession, use, cultivation and social sharing of a number of specified amounts of controlled substances including: psilocybin, psilocyn, DMT, ibogaine, mescaline (not derived from peyote), LSD, and MDMA. It would also decriminalize associated paraphernalia and remove prohibitions related to the testing and analysis of controlled substances (i.e. drug checking services).

SB 519 does not allow for sales or commercial use of substances decriminalized by the legislation, nor does it create a regulatory framework or allow for what it defines as financial gain. The bill also doesn't allow for possession or use by anybody under the age of 21 or on school property, and sharing substances with anybody under the age of 21 remains criminalized. Additionally, peyote, which is endangered, is excluded from decriminalization to protect traditional Native American spiritual practices, relying instead on existing federal allowances.

The success of SB 519, which many observers did not believe would progress as far as it has, signals a historic shift as state and local municipalities rethink their drug laws, surprising even the bill's fiercest advocates.

"Given that this idea had never before been introduced in the Legislature, our progress is a testament to the power of the issue and the urgency of the need to act. I'm so grateful to my colleagues for working with us and advancing the bill so significantly." Sen. Scott Wiener (D) who authored the bill said in a [statement \(https://sd11.senate.ca.gov/news/20210826-senator-wiener%E2%80%99s-legislation-decriminalize-possession-psychedelics-moves-forward-two\)](https://sd11.senate.ca.gov/news/20210826-senator-wiener%E2%80%99s-legislation-decriminalize-possession-psychedelics-moves-forward-two) released in August 2021

SB 519 [was ultimately held by Wiener \(https://www.lucid.news/what-is-the-future-of-the-california-decrim-bill/\)](https://www.lucid.news/what-is-the-future-of-the-california-decrim-bill/) at the end of the last session to give the coalition behind the legislation more time to build support ahead of an Assembly floor vote. This action effectively turned SB 519 into a two-year bill, allowing it to continue its path through the Assembly from where it left off in September, without needing to restart the legislative process.

"While I'm disappointed we couldn't pass SB 519 this year," added Wiener in his 2021 statement. "I'm heartened that the bill moved as deep into the process as it did and that we have a realistic chance of passing it next year."

The Appropriations Committee, which deals largely with the financial impact of legislation, is the final hurdle before the bill can be voted on by the full Assembly. If the bill is approved in the Assembly, it will be sent to the desk of Governor Gavin Newsom to either be signed into law, or vetoed.

SB 519 in the Assembly Suspense File

Currently, the authors of SB 519 have requested that the bill be held in the Assembly Suspense File ahead of its hearing in the Assembly Appropriations Committee. Bills in the Suspense File are held without a hearing date. A bill can be placed into suspense for a number of reasons.

In the case of SB 519, it allows the bill to avoid a [January 21 deadline](#) (<https://www.assembly.ca.gov/legislativedeadlines>) that would require it to be heard in the Appropriations Committee where a number of (likely Democratic) vacancies have led to uncertainty regarding the bill's chances for passage in the Assembly .

Nara Dahlbacka, a lobbyist with [The Milo Group](#) (<https://milogroupca.com>), a lobbying organization which is helping to move the bill forward, explains that vacancies in the Assembly give supporters of SB 519 more time to advocate.



(<https://bit.ly/Fluence8sidebar>)

“There have been so many changes and vacancies this year that we need to wait and see where things land in the Appropriations Committee and in the full Assembly,” says Dahlbacka. “We are going to spend March educating legislators. As soon as we have the votes in Appropriations we will call for a hearing.”

In a January 2021 [phone interview with Marijuana Moment](#), (<https://www.marijuanamoment.net/california-senator-says-bill-to-legalize-psychedelics-possession-has-50-50-chance-to-pass-this-year/>) Sen. Wiener said he believes the bill has a 50% chance of passing.

The Assembly Grapples With Decrim

To fully understand some of the challenges facing California's first psychedelic decrim bill, it's helpful to understand the California State Legislative process [and how it impacts SB 519](#). (<https://www.lucid.news/california-bill-to-decriminalize-psychedelics-advances-to-senate-floor-for-vote/>)

HOW A **BILL** BECOMES **LAW** IN CALIFORNIA

A chart showing the route a bill takes through the California Legislature.



Source: [California State Senate \(https://www.senate.ca.gov/sites/senate.ca.gov/files/legislative_process.pdf\)](https://www.senate.ca.gov/sites/senate.ca.gov/files/legislative_process.pdf)

There are currently five vacant seats in the California State Assembly: in [District 11](https://www.zipdatamaps.com/politics/state-level/district/map-of-california-state-assembly-district-011) (<https://www.zipdatamaps.com/politics/state-level/district/map-of-california-state-assembly-district-011>), which includes areas of Brentwood and Fairfield, in [District 17](https://www.zipdatamaps.com/politics/state-level/district/map-of-california-state-assembly-district-017) (<https://www.zipdatamaps.com/politics/state-level/district/map-of-california-state-assembly-district-017>) which includes areas of San Francisco, in [District 49](https://www.zipdatamaps.com/politics/state-level/district/map-of-california-state-assembly-district-049) (<https://www.zipdatamaps.com/politics/state-level/district/map-of-california-state-assembly-district-049>) which includes the cities of Alhambra and Arcadia, [District 62](https://www.zipdatamaps.com/politics/state-level/district/map-of-california-state-assembly-district-062) (<https://www.zipdatamaps.com/politics/state-level/district/map-of-california-state-assembly-district-062>) which includes areas of Inglewood and Hawthorne, and in [District 80](https://www.zipdatamaps.com/politics/state-level/district/map-of-california-state-assembly-district-080) (<https://www.zipdatamaps.com/politics/state-level/district/map-of-california-state-assembly-district-080>) which encompasses portions of Chula Vista and San Diego.

Of the 16 seats on the Assembly Appropriations Committee, four are held by Republicans, ten are held by Democrats, and the remaining two are vacant seats that were previously held by Democrats. Of the 80 total members in the Assembly, 57 are registered Democrat, 19 are Republican, and one (Chad Mayes) is a registered Independent.

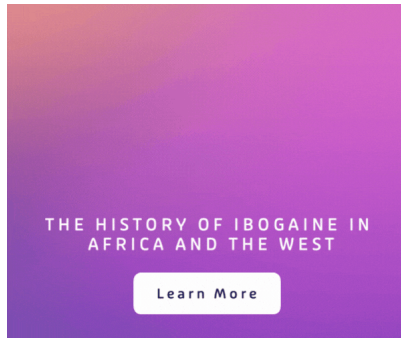


What would SB 519 do if passed?

Decriminalization – Decriminalization of personal possession, use, cultivation and facilitated use of controlled substances

Facilitated Use – SB 519 would make explicit allowances for what it calls “facilitated use” of substances, allowing for various therapeutic modalities, such as those being considered by researchers at Johns Hopkins and MAPS. While the bill does not allow for what it considers “financial gain.” An exception is made for what is defined as a “reasonable fee” in exchange for counseling, spiritual guidance, or related services related to such facilitation. Further details regarding what does or does not constitute a “reasonable fee” are left ambiguous.

Therapies for Veterans – Proponents of SB 519 argue that it would create legal pathways for veterans suffering from mental health conditions and offer relief thought promising psychedelic therapies without traveling outside of the U.S. A [September 2021 report from the U.S. Department of Veterans Affairs \(https://www.mentalhealth.va.gov/docs/data-sheets/2021/2021-National-Veteran-Suicide-Prevention-Annual-Report-FINAL-9-8-21.pdf\)](https://www.mentalhealth.va.gov/docs/data-sheets/2021/2021-National-Veteran-Suicide-Prevention-Annual-Report-FINAL-9-8-21.pdf) shows nearly 17 veteran suicides took place a day in 2019, illustrating the urgent need for such interventions.



(<https://www.lucid.news/ibogaine-addiction-treatment-in-the-west/>)

Expungement of Records – The bill would also permit the expungement of records for past criminal convictions involving substances named in the legislation and convene a working group tasked with making further recommendations.

A Working Group for Reports – The legislation would direct the state California Department of Public Health to convene a working group tasked with developing two reports. The first report would provide recommendations for mitigating risk, providing harm reduction resources and state-wide education, including training for California first responders.

The second report would detail recommendations for possible regulatory systems that California could adopt to promote safe and equitable access to certain substances in permitted legal contexts. As written, these reports would be due in January of 2023 and 2024 respectively., It is likely, however, that those dates will be changed to reflect the additional year being taken to pass the bill.

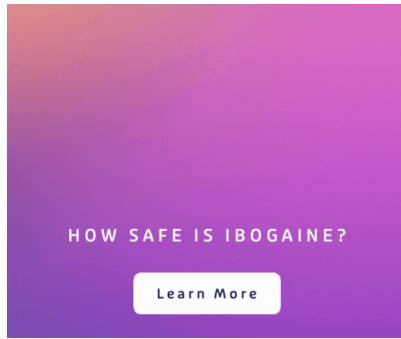
The working group writing the reports would consist of persons with expertise in psychedelic therapy, medicine and public health, drug policy, harm reduction, and youth drug education; law enforcement and other first responders; and people with experience with the traditional indigenous use of psychedelic substances, including representatives from the National Council of the Native American Church and Indian tribes in California.

Aggregate Amounts – SB 519 allows for aggregate amounts of a substance to be held for one individual by another. This means that while personal possession limits are included in the bill, those amounts can be multiplied in situations where one person holds a substance on behalf of another person. An example of this would be an Ayahuasca ceremony in which one communal batch is brewed by a facilitator rather than being possessed in smaller amounts by each individual.

The bill does not specify how an aggregate group is claimed legally except to say that , thus leaving the specifics of how this might be applied ambiguous. It is possible that this is an area where the working group might make recommendations.

Reduction of Penalties – Penalties and criminal charges related to substances covered by the legislation would be reduced.

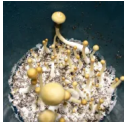
Paraphernalia and Drug Checking – Paraphernalia used in the preparation and use of substances included in the bill would be removed from existing laws prohibiting their use. Additionally, items used in the testing and analysis of controlled substances will be



(<https://www.lucid.news/how-safe-is-ibogaine/>)

SB 519's Evolution in the Legislature

SEE ALSO



(<https://www.lucid.news/oregon-draft-mushroom-cultivation-rules/>)

POLITICS ([HTTPS://WWW.LUCID.NEWS/CATEGORY/POLITICS/](https://www.lucid.news/category/politics/))

Oregon Issues Draft of Magic Mushroom Cultivation Rules

(<https://www.lucid.news/oregon-draft-mushroom-cultivation-rules/>)

Between the various committees and floor votes, SB 519's progression to the Assembly Appropriations Committee has already seen the bill voted on eight times as it progressed [through the legislative process](https://www.lucid.news/california-bill-to-decriminalize-psychedelics-advances-to-senate-floor-for-vote/) (<https://www.lucid.news/california-bill-to-decriminalize-psychedelics-advances-to-senate-floor-for-vote/>). The bill has also been modified as it evolved in the legislature. As a two-year bill, the status of SB 519 now continues from where it was left in September.

Removal of Automatic Expungement – Back in May 2021, a section of the bill, which would have automated the expungement of records related to activities made legal by the bill, was removed while in the [Senate's Suspense File](https://www.lucid.news/california-bill-to-decriminalize-psychedelics-advances-to-senate-floor-for-vote/) (<https://www.lucid.news/california-bill-to-decriminalize-psychedelics-advances-to-senate-floor-for-vote/>). This was due to the expected cost of automatic expungement, estimated in the tens of millions of dollars. By removing this section, the bill now places the burden of moving through the expungement process on the individual.

Senator Wiener says he plans to introduce another bill focused on expungement as separate legislation in a future session should SB 519 be signed into law. This bill could be similar to [AB-1793](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1793), (https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1793) which automated the expungement process for cannabis following the passage of [Proposition 64](https://ballotpedia.org/California_Proposition_64_Marijuana_Legalization_(2016)) ([https://ballotpedia.org/California Proposition 64, Marijuana Legalization \(2016\)](https://ballotpedia.org/California_Proposition_64_Marijuana_Legalization_(2016))).

Removal of Ketamine – Ketamine was [removed](https://www.lucid.news/california-psychedelic-decrim-bill-removes-ketamine/) (<https://www.lucid.news/california-psychedelic-decrim-bill-removes-ketamine/>) from the list of substances included in SB 519 following a June 2021 State Assembly Public Safety Hearing where it was [described by the bill's opposition](http://justice-equality.org/beta/current_issues/strong-rejection-to-legalization-) (http://justice-equality.org/beta/current_issues/strong-rejection-to-legalization-

[of-date-rape-drug-and-ldsd-sb519/](#)) as a “date rape drug.” Opponents cited information provided in the federal Drug Enforcement Administration (DEA) [fact sheet on ketamine](#) (<https://www.dea.gov/sites/default/files/2020-06/Ketamine-2020.pdf>), although exact sources for this claim are unclear.

Personal Possession Limits – A change in SB 519 that specified possession limits was added prior to a State Assembly Health Committee [hearing](#) (<https://www.assembly.ca.gov/media/assembly-health-committee-20210713/video>) on July 13, 2021. The addition of possession limits led to a backlash by advocates who viewed these restrictions as an invitation for law enforcement to continue harmful prosecutorial strategies associated with the drug war.

Advocates for the bill point out that possession limits set by SB 519 would be considerably larger than what is currently allowed under [Measure 110](#) ([https://www.oregonlegislature.gov/lpro/Publications/Background-Brief-Measure-110-\(2020\).pdf](https://www.oregonlegislature.gov/lpro/Publications/Background-Brief-Measure-110-(2020).pdf)), Oregon’s recent decriminalization legislation. They argue that such limits would offer protection for those in possession of larger amounts by allowing groups of people to aggregate substances.

Supporters of the revised version of SB 519 also explain that language describing “personal possession” would leave it up to the courts to decide what constitutes a reasonable amount for a person to possess – eventually setting a precedent which might be considerably lower than what is included in the bill’s current amended language.

Possession Limits Established in July 2021 Amendment to SB 519

Substance	Possession Threshold	Approximate Doses
DMT	2 grams	40 (50mg doses)
Ibogaine	15 grams	30 (500mg doses)
LSD	0.01 grams	50 (200µg doses)
Psilocybin	2 grams or 4 ounces of plant or fungi (113 grams)	22.5 (5g doses)
Psilocyn	2 grams or 4 ounces of plant or fungi (113 grams)	22.5 (5g doses)
MDMA	4 grams	26.5 (150mg doses)
Mescaline	4 grams	16 (250mg doses)

**Approximate doses are for calculation purposes only and should not be used as guidance for recommended use. Source: Allan Steiner*

A Coalition of Support

In the California Assembly, advocates for SB 519 continue to argue for its passage. The bill is co-authored by Senator Josh Newman (D-Fullerton) and Sydney Kamlager (D-Los Angeles) and Assembly members Evan Low (D-San Jose), Alex Lee (D-Fremont) and Bill Quirk (D-Hayward).

The legislation also is co-sponsored by two combat veteran service organizations; [Heroic Hearts Project](#) (<https://www.heroicheartsproject.org/>), an organization that connects veterans to psychedelic therapy for treating complex trauma, and [Veterans Exploring Treatment](#)

[Solutions \(VETS\)](https://vetsolutions.org/) (<https://vetsolutions.org/>), which provides resources, research, and advocacy for U.S. military veterans seeking psychedelic-assisted therapies for traumatic brain injury (TBI), post-traumatic stress disorder (PTSD), addiction, and other mental health conditions.

The large [coalition](#)

(https://spsf.senate.ca.gov/sites/spsf.senate.ca.gov/files/sb_519_analysis.pdf) of advocates across the psychedelic space gave SB 519 broad support early on in the legislative process, including the [California Attorneys for Criminal Justice](#) (<https://caaj.org/>), [Chacruna Institute](#) (<https://chacruna.net/>), [City of Oakland Councilmember Noel Gallo](#) (<https://www.oaklandca.gov/officials/noel-gallo>), [City of Oakland Councilmember Sheng Thao](#) (<https://www.oaklandca.gov/officials/sheng-thao>), [DC Marijuana Justice](#) (<https://dcmj.org/>), [Dr. Bronner's](#) (<https://www.drbronner.com/>), [Health in Justice Action Lab](#) (<https://www.healthinjustice.org/>), [Law Enforcement Action Partnership](#) (<https://lawenforcementactionpartnership.org/>), [McAllister Garfield, P.C.](#) (<https://mcallisterlawoffice.com/>), [Multidisciplinary Association for Psychedelic Studies \(MAPS\)](#) (<https://maps.org/>), [New Approach Advocacy](#) (<https://www.linkedin.com/company/new-approach-pac>), [North Star Project](#) (<https://northstar.guide/>), [Pacific Neuroscience Institute](#) (<https://www.pacificneuroscienceinstitute.org/>), [Sacred Garden Community Church](#) (<https://sacredgarden.life/>), [San Francisco Bay Area Hispanic Chamber of Commerce](#), (<https://www.sfbayhcc.com/>) [San Francisco Psychedelic Society](#) (<https://psychedelicsocietysf.org/>), [San Francisco Public Defender](#) (<https://sfpublicdefender.org/>), [Students for Sensible Drug Policy UC Berkeley Chapter](#) (<https://callink.berkeley.edu/organization/ssdp>), [The Huichol Center for Cultural Survival and Traditional Art](#) (<https://www.thehuicholcenter.org/>), [Unlimited Sciences](#) (<https://unlimitedsciences.org/>), and [Veterans of War](#) (<https://www.veteransofwar.org/>).

The New Approach PAC, a nonprofit [political action committee](#),

(https://ballotpedia.org/New_Approach_PAC) has supported lobbying for SB 519. New Approach aggregates donations to candidates and supports ballot initiatives with a focus on cannabis and criminal justice policy reform. The organization has supported a number of state level drug reform initiatives in addition to SB 519, including Proposition 64 which legalized adult cannabis use under California law, and Oregon Measure 109, which was passed by voters in 2020. More recently New Approach has been involved in [two new ballot initiatives](#) (<https://www.westword.com/news/colorado-mushroom-decriminalization-ballot-13027972>) in Colorado where voters in Denver decriminalized Psilocybin in 2019.

The primary funding source behind efforts to pass SB 519 has been [Doctor Bronner's Magic Soap Company](#) (<https://www.drbronner.com/>) and its Cosmic Engagement Officer (CEO) [David Bronner](#). (<https://www.drbronner.com/media-center/executive-team/>) Bronner and his company have been a major source of funding across the psychedelic space, as detailed in the company's [2020 financial stewardship report](#). (<https://www.allone.report/all-2020-stats>)

Groups that have stated their opposition to SB 519 include the California College and University Police Chiefs Association, California Narcotic Officers' Association, California Police Chiefs Association, California State Sheriffs' Association, Congress of Racial Equality, International Faith Based Coalition, and the Peace Officers' Research Association of California.



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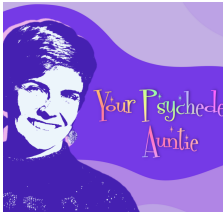
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Oakland Decriminalizes Ps



Oakland Decriminalizes Psychedelic Mushrooms and Plants in Council Vote



BY ALEXANDER LEKHTMAN JUNE 5, 2019



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On June 4, the City Council of Oakland, California unanimously voted in favor of a resolution to decriminalize naturally-occurring psilocybin mushrooms, ayahuasca, iboga and psychoactive cacti. The decision reflects growing momentum for decriminalization of psychedelics after Denver last month became the first US city to decriminalize mushrooms.

The resolution was drafted by Decriminalize Nature Oakland (DNO), a local coalition of psychedelic activists (some of whom are pictured above). Effective immediately, it decriminalizes cultivation, use and

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“We succeeded because our message is very hard to argue against when presented with scientific evidence,” said Carlos Plazola, DNO co-founder. “We showed that entheogenic plants and fungi define our relationship to the natural world, and they have very strong healing effects on our consciousness and minds.”

Oakland Decriminalizes Ps

DNO detailed in its resolution and at Tuesday’s public hearing the potential for these substances to treat mental health and substance use disorders, and their well-established spiritual and cultural traditions globally.

The City Council added an amendment to the language urging people with PTSD or major depression to seek a doctor’s help first before using psychedelic substances.

“Our resolution and mission focuses on education and the power of choice,” said Amber E. Senter, a DNO activist and executive director of cannabis advocacy group Supernova Women. “We are dedicated to empowering our community to make an informed and educated decision on how we chose to heal and access these different tools.”

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“The psychedelic community is very strong in Oakland,” she told *Filter*, “and includes longtime practitioners, trained and traditional facilitators, doctors, nurses, therapists, scientists, researchers and community activists. The resolution was crafted based on the insight and advice of many of these people through a process of community consensus.”

At the hearing, DNO advocates and other supporters presented testimony to the Committee on their personal experiences with using

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helping protect the indigenous Huichol nation of Mexico and their spiritual use of the peyote cactus, also provided testimony.

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About 100 people packed into the hearing to support the resolution. No organized opposition was presented to the Committee. The Public Safety Committee of the Oakland City Council had previously voted, on May 28, to advance the resolution to a full council vote.

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DNO's resolution also details how Oakland will expand on this reform by lobbying its State Assembly representatives and senators to introduce similar legislation decriminalizing these psychedelics throughout California. The city must also pressure the Alameda County district attorney to stop prosecution of cases related to these substances.

DNO co-founder Carlos Plazola told *Filter* that his campaign has already met with the city's state representatives to discuss the policy. "Our Assembly Members Rob Bonta and Buffy Wicks, and State Senator Nancy Skinner, have shown interest in the legislation," he said, "but they wanted to see a vote in a large and diverse city like Oakland in their district before they sponsor similar statewide legislation. After the successful vote, we will now urge them to introduce this through the regular legislative process—all without having to raise the \$10-20 million needed for a statewide ballot measure."

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The Oakland initiative is separate from the California Psilocybin Decriminalization and Research Initiative—an ongoing statewide ballot measure which focuses only on psilocybin mushrooms and related compounds.

Ballot measures, rather than legislative channels, have often been the key mechanism for drug policy reform in the past decade. In

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2016—passed by popular vote in a general election. And Denver's

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decriminalization of psilocybin mushrooms was also achieved through a popular vote.

Plazola said ballot initiatives are a solution when a provision cannot gain any support from elected officials through the regular process, but his organization was confident the City Council would support the reform. In crafting the campaign strategy, he drew from his previous experience as an aide to Ignacio De La Fuente, Oakland City Council member for District 5. Decriminalize Nature Oakland also drew direct inspiration from the decades of policy reform on marijuana and California, and in Oakland specifically.

Plazola said that marijuana decriminalization and legalization helped prove that drug policy reforms will not have apocalyptic consequences for society, and helped build the political will to address other drugs.

With the resolution's passage, Oakland psychedelic advocates now turn to a far more complex task: educating the public on the safe use of these substances. Plazola said that his organization has created a list of 30 different community groups and institutions they are partnering with to share educational resources. DNO is also mentoring and consulting activists in other cities looking to replicate their success; advocates in Los Angeles, San Diego, Berkley, Seattle, Detroit and even Mexico have already contacted them.

"Many communities of color, especially indigenous populations, have been using natural plant medicines for thousands of years," Senter said. "And urban communities of color have been using these medicines underground. So with proper education and information

Photo courtesy of Decriminalize Nature Oakland

Oakland Decriminalizes Ps



Alexander Lekhtman

Alexander is *Filter*'s staff writer. He writes about the movement to end the War on Drugs. He grew up in New Jersey and swears it's actually alright. He's also a musician hoping to change the world through the power of ledger lines and legislation. Alexander was previously *Filter*'s editorial fellow.



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Drug Decriminalization in Oregon: How’s It Going So Far?



BY MORGAN GODVIN APRIL 22, 2021



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Tanesia DeMacon is no stranger to jail. She estimates she was arrested no fewer than 15 times, starting at the age of 18 and continuing throughout her 20s.

“I used to joke that county jail was school for the ‘hood,” says DeMacon, an African American woman from East Portland, Oregon. “I just started meeting more and more people who were into more and more things. Honestly, it taught me how to do more criminal activity.”

hand with her heroin addiction. She recounts having overdosed five times, resuscitated each time by police or EMTs with naloxone. Once

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it was a grocery store bathroom, another time a 24-hour diner. Somehow, she was always found.

Now 30, DeMacon has grieved for more of her friends than most people twice her age. At least 10 people she knows have fatally overdosed. She fears more deaths are on the horizon.

“I was on probation. I could never pass a drug test. It’s stressful being in that situation because you’re always possibly going to go to jail.”

“In jail, they don’t care about you,” she says, her voice tinged with cynicism and sadness. “You’re just another number. They don’t even treat us like humans. I’ve literally been called ‘animal’ by a CO.”

She sought substance use disorder treatment many times, only managing to “graduate” once at a center that emphasized healing from past traumas. She used heroin again an hour later. On her other eight attempts, she didn’t last more than four days before leaving.

Now, she says, she “fell in love” with life. She left her addiction behind and is starting school in the fall, though she worries that her criminal record could limit her options. She has decided to major in political science, since it was politics—of which the criminal justice system is a direct outcropping—that wreaked so much havoc on her young life.

“I was on probation. I could never pass a drug test,” she says. “It’s stressful being in that situation because you’re always possibly going

“So, do you just not check in and take the warrant?”

Drug Decriminalization in (



Tanesia DeMacon

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For decades, that was the paradox faced by Oregonians with substance use disorders (SUD) who had been arrested. You were jailed, put on my probation, and if you provided a positive urine screen, or transgressed on one of countless other technicalities, you were violated and sent right back to jail.

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Although the drug war is global, the United States remains an outlier

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Out of more than 1.5 million drug arrests made in 2017, the vast majority—**86.7 percent**—were for simple possession. Despite a

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growing recognition of its racist origins and implementation, two decades into the 21st century, the War on Drugs rages on.

But in November, Oregon became the first US state to try a different approach than the one that has harmed DeMacon and countless others—including many people who do *not* have SUD—when voters passed Measure 110, decriminalizing small-scale possession of all drugs.

Measure 110 also diverts a portion of tax revenue from the cannabis industry, which Oregon legalized back in 2014, to SUD treatment.

The passage of the measure made history. It also brought controversy close on its heels, as lawmakers and wider society grapple with interpretations, funding and challenging timelines.

Decriminalization in Practice



The decriminalization element of Measure 110 went into effect on February 1.



Haven Wheelock, a chief petitioner of the measure, is already seeing the impact. As a harm reductionist who administers a syringe service program at OutsideIn in downtown Portland, she is on the frontlines, and has seen the suffering caused by the drug war. It's one of the main reasons she became so passionate about decriminalization and funding evidence-based treatment.



Her clients, she said, often tell her that they “walk through the world always scared.” The constant fear of arrest for drug possession takes a



assuaged some of that fear.

“People are finally breathing just a little bit easier.”

A limitation of decriminalization—as opposed to legalization—is that it does not make the drug supply safer. Fentanyl has contaminated a large swath of the market, from heroin and pills purporting to be opioids or benzodiazepines to cocaine and other stimulants. This volatile and unreliable supply, exacerbated by the COVID-19 pandemic, is linked with **unprecedented death rates**, even higher than those reported by media.

Wheelock believes Measure 110 brings hope in this regard, however. “One of the benefits ... is we’re going to be able to do effective drug checking and safe consumption spaces within the next three years.”

“ She is working on messaging, so people know just how much of a drug they can possess.

Both of these interventions save lives. Safe consumption is currently banned nationwide and drug checking is nearly absent in Oregon. But reforms tend to pave the way for more reforms. And for now, harm reductionists can become involved—in drug checking, for example, which may require taking brief possession of residue amounts of controlled substances—with less fear of legal retribution.


While much confusion around this rapid policy shift remains, Wheelock sees the positives. She is working on messaging, so people know just how much of a drug they can possess before it becomes an arrestable offense. For heroin, it’s one gram—less than many people use in one day or buy at a time. For other substances, the quantities



when a law enforcement officer finds someone in possession of drugs, they are now written a Class E violation. They will either face


Drug Decriminalization in Oregon

a \$100 fine, or undergo an assessment within 45 days. If the assessment is not completed, the fine will be imposed. People caught with drugs who do not have a SUD still must still complete the assessment—but if the assessment tools work as intended they won't be recommended to treatment. For people diagnosed with SUD and recommended treatment, completing treatment is not mandatory. Once an assessment is completed, the violation is dismissed.

People can alternatively show up to court to contest the ticket and a judge is authorized to reduce the fine to the minimum of \$45. If the judge determines the ticket to have been given improperly, it could also be dismissed.

Importantly, unpaid fines will never trigger incarceration and missed court dates will never trigger a warrant for failure to appear. The Oregon Judicial Department is developing an e-filing system with Lines of Life so that when people complete their assessments, that information is automatically given to the courts. 

The legislature is in the home stretch of finalizing SB755—the bill  make Measure 110 become law. Dozens of amendments have been  compiled from their respective work groups and weaved into one single bill.

Questions not addressed in the text of the ballot measure had to be answered by the legislature—such as which category of court would attend to the newly-created Class E violations (the answer: circuit courts) or which professionals should conduct the screenings (likely to be certified drug and alcohol counselors and peers). 



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hydrocodone were omitted. (Instead they defaulted to the federal Schedule II statute.). But that was perceived as an accidental

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oversight and “user amounts” for both fentanyl and hydrocodone have now been defined—and therefore decriminalized.

Drug Decriminalization in Oregon

The Measure’s Health Care Arm

Other questions surround Measure 110’s treatment funding arm. A temporary phone line, administered by the nonprofit Lines for Life, has been set up to provide the assessments and referrals to services demanded by small-scale possession cases in the new era.

The measure emphasizes harm reduction, supportive housing, peers to mitigate retention and navigation barriers, and the full spectrum of treatment services, including medications for opioid use disorder. The funding for all this is not supposed to be restricted to people who receive citations for drug possession—any Oregonian who requests services will be eligible. It is a truly fundamental shift in how the state deals with substance use, recognizing the importance of services for people who actively use drugs as well the importance of being securely housed. Some say there isn’t enough money to meet the need, but it is a start.

Intended as a stop-gap until what the measure called “Addiction Recovery Centers” can be set up statewide, the phone line could yet become a permanent fixture. Like so much else, that remains to be seen.

Oregon’s budget biennium ends on June 30. The cannabis tax revenue earned in the first quarter of 2021, stipulated by Measure 110 to go to the Drug Treatment and Recovery Services Fund, was already

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This conflict between the measure, voter intent and Oregon’s budget cycles has been somewhat mitigated by the legislature: On March 16,

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the Oregon House of Representatives announced an allocation of \$20.2 million for immediate disbursement into the fund—a rare instance of legislators moving faster than expected.

Drug Decriminalization in (

“ The foundational shift can be felt in the council meetings.

Implementation of Measure 110's health care aspects has many more moving parts—not least the Oversight and Accountability Council (OAC), which was mandated to be formed by the date decriminalization took effect. The Oregon Health Authority voluntarily raised the number of council members to 21, above the minimum of 16 set out in the measure.

I was appointed by the Oregon Health Authority to the Council because of my lived experience with repeated incarceration for heroin possession, my less-than-pleasant experiences in drug court, and my current public health expertise and my drug policy research position at the [Health in Justice Action Lab](#).

The foundational shift can be felt in the council meetings. Many of the councilmembers have been directly impacted by incarceration or addiction; others are leaders in the treatment and recovery services field. In a state that is 85 percent white (though Census Bureau race statistics obfuscate Latinx heritage), the majority of members are people of color—a damning recognition of the drug war's disproportionate impacts.

Black and Indigenous Oregonians are grossly overrepresented in the criminal-legal system and in [drug arrests specifically](#). Black

rate [five times higher](#). Upholding values of racial justice is a defining aim of the landmark bill.

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While Measure 110 modified pre-existing segments of the Oregon Revised Statutes around drug possession, it also added entirely new language. Senate Bill 755 is taking all of the pieces and “plugging them in” to state law. This process has been far more arduous than it sounds, requiring three separate Senate work groups involving an extraordinary range of stakeholders and hundreds upon hundreds hours of work.

There have been major changes to the treatment section of the bill, but with near-unanimous support from stakeholders. Language has been one area of heated discussion. The name “Addiction Recovery Center” was deemed problematic because of the implication it must be a “center”—a brick-and-mortar location—which may not be necessary, or even possible, in all areas of the state. While Oregon’s population is heavily concentrated in the Willamette Valley, containing the Portland Metro and Eugene, the vast majority of the state is rural.

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“ Drugs are *not* decriminalized on tribal land, which is subject to federal law.

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There was also conversation around the term “addiction” since the medical terminology is substance use disorder—and even then, not everyone accessing services will meet the diagnostic criteria.

“Behavioral Health Resource Network” is the frontrunner. The term “assessment” has been changed to “screening.” It was mandated in the ballot measure as being performed by a “licensed treatment provider,” meaning Lines for Life could only hire people with CADQ certification and not peer mentors—another hiccup that is being

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Meanwhile, the OAC is busily determining how it will distribute grants from the Drug Treatment and Recovery Fund. It has \$20 million to dole out by June 30, and then each quarter thereafter, depending on cannabis tax revenue. Current revenue projections from the Legislative Fiscal Office amount to \$318 million for the 2021-23 cycle, of which \$228 million would be routed into the fund for disbursement, broken down into eight quarters over the two years.

The Oregon Health Authority is also negotiating with the state's nine federally recognized tribes to ensure they receive adequate funding. It is important to note that drugs are *not* decriminalized on tribal land, which is subject to federal law.

Some Severe Challenges

Aaron Knott, policy director at the Multnomah County District Attorney's Office, which ceased prosecuting drug possession earlier than the rest of the state at the behest of DA Mike Schmidt, called Measure 110's timelines "the most aggressive I have ever seen in a ballot measure."

He has a point. From distributing grant funding to fundamentally altering policing and the courts, things are required to move remarkably fast.

However, despite some pushback from community advocates fearing unnecessary bureaucratic footdragging, the timelines have now been somewhat extended by Senate Bill 846—a companion bill to SB755

The deadline to establish the Addiction Recovery Centers, to use their original name, has been extended three months and is now January 1, 2022. The Oversight and Accountability Council now has until September 1, 2021 to establish its rules—a two-month extension. The temporary phone line will no longer be terminated in October, but will rather be extended into at least next year.

Concerns about the measure go beyond its technical workings and logistics. While law enforcement was predictably against it, opposition also came from more unexpected corners—including the recovery community.

“Nonprofits and other people are all advocating for their own things ... There’s redundancy all over the place.”

“What we have is a system that is fractured and incomplete,” said Tony Vezina. He’s the executive director of 4th Dimension Recovery Center, a nonprofit youth service with multiple locations in the Portland metro area. A person in long-term recovery and a leader in the recovery community, Vezina advocated against Measure 110, even though he doesn’t disagree with decriminalization in principle. He sees the current system as utterly lacking in cohesion, compounded by inadequate resources.

“It’s also fractured from a governance policy perspective,” he said. “I hate to use the word but there should be some type of authority. No one is steering the ship. The system is just this free-market thing where nonprofits and other people are all advocating for their own things ... There’s redundancy all over the place.”

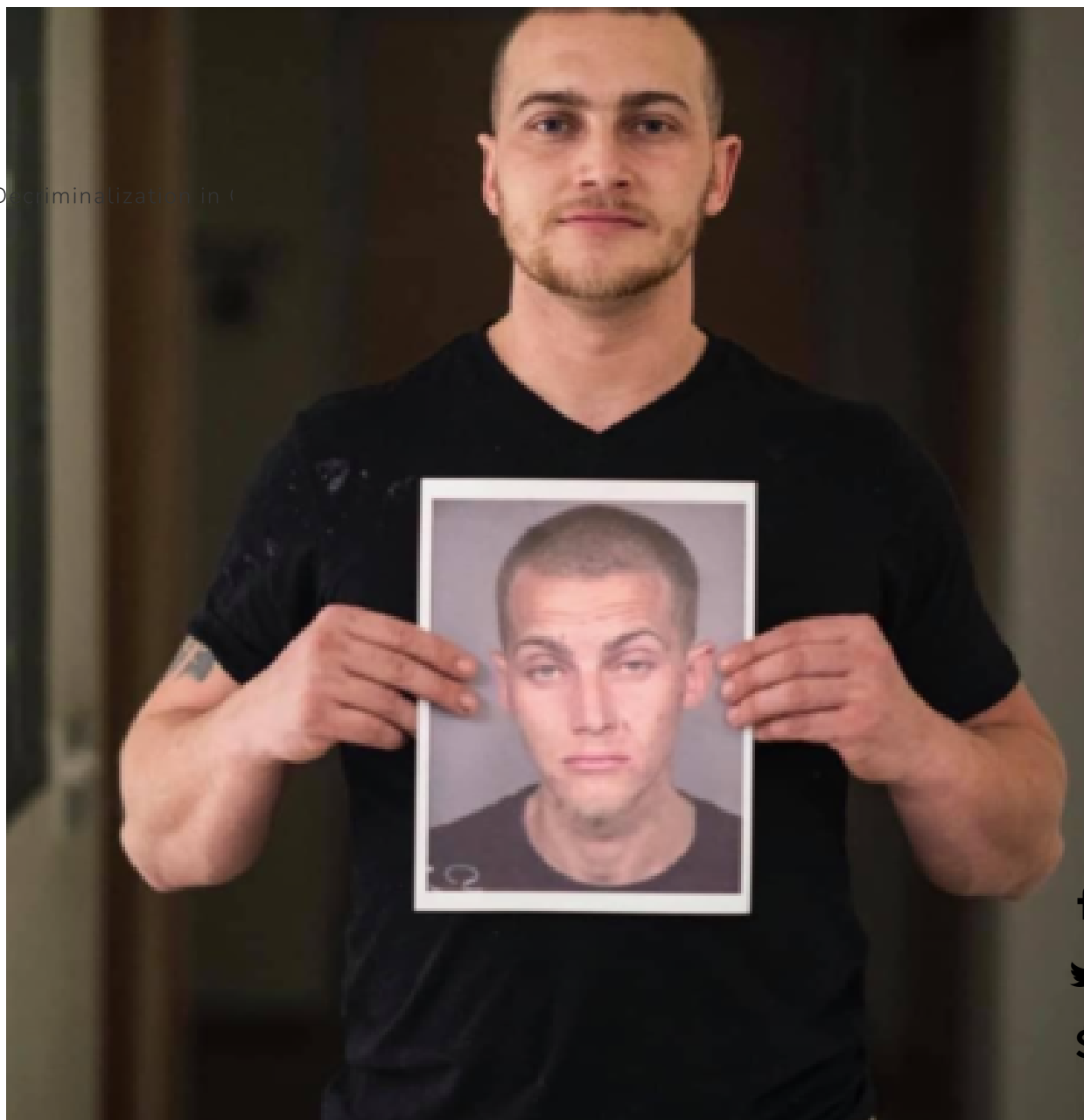
to get organized to implement it well. And a good starting point in determining where the state needs to go would be knowing where it

is today. Included in the \$20.2 million Oversight and Accountability Council allocation, the legislature earmarked \$200,000 to go directly to the Oregon Health Sciences University to complete an inventory—determining just what the state does and does not have in terms of a SUD treatment ecosystem.

That's something the state's Alcohol and Drug Policy Commission (on which both Vezina and I serve) has been asking for for at least two years, but it was never funded.

“What Measure 110 did was accelerate the decriminalization part, put some money into the system, but then also exacerbated the disorganization,” said Vezina.





Tony Vezina

He also cited well-founded concerns about the preparedness of our health care system, where providers receive little-to-no training in addiction and are known to stigmatize people who use drugs.

the expansion of Oregon's treatment ecosystem will include more

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points-of-engagement, actively connecting with people with services. Passively sitting by and waiting for someone to call a number is not sufficient, he believes.

Drug Decriminalization in (

Even having one number to call is progress from where the state was before. Oregon consistently ranks bottom of the pack for treatment access—though defining “treatment” is tricky, as Senate workgroups can confirm. There is no unified system to triage or direct people who need services—or even to identify who needs them. Parents watching their children struggle with SUD have no idea where to go for help, what to do.

The Lines for Life line may be able to refer someone to services, but inadequate supply of those services can result in long wait lists. There may be nowhere for people to go. Further grant allocations from the OAC should improve this situation in time; some providers envision a number like 211—something easy to remember and centralized.



“If it were me, and I was either mandated to an assessment or desperate for help, or had a kiddo I was desperate to get help for, I would want one phone number,” said Jessica Gregg, chief medical officer at DePaul Treatment Centers. “I would want someone to answer it. I would want, ‘This is the next step ... if it doesn’t happen, call me back. Here’s my name.’”



“ A key to improving health outcomes is improving integration within and across the service delivery system.



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profit and nonprofit organizations—and because of our unfathomably complex insurance structure that excludes millions—the burden of

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navigating this byzantine system falls onto the patient. With no robust public health infrastructure or centralized provider, we have a hodgepodge where everyone works mostly independently. Not coincidentally, despite spending more on health care *per capita* than any other rich country, the United States reports alarmingly poor health outcomes.

Privileged people in ideal circumstances are often incapable of navigating our systems. For marginalized people who use drugs, with numerous other barriers, it becomes an impossibility.

Dane Zahner, the prevention and harm reduction manager for HIV Alliance, highlighted the myriad obstacles facing the people he serves. “About 50 to 60 percent are homeless,” he said. “They also have transportation needs here in rural Oregon. There are barriers to food and barriers to housing.” The list goes on.

People who are handed a list of phone numbers and sent back to the streets inevitably fall through the cracks. So a key to improving health outcomes is improving integration within and across the service delivery system. Oregon is not Portugal, that famous international example of successful decriminalization coupled with service provisions. The state does have expanded Medicaid, but only 23 percent of the state’s residents are on it. Most of the rest are divided between any number of private insurers. Almost 250,000 are uninsured.

To Gregg, one way to help people navigate these labyrinthine systems is simple: “Peers, peers, peers.”

engagement and retention in SUD treatment. Hopefully the infusion of funds into the system will enable more peer hires—though there



are whispers of a looming behavioral health shortage due to low wages, a situation that could, in theory, be mitigated by the extra funds.

Drug Decriminalization in (

COVID has disrupted service provision and fueled surges in both drug use and overdoses. Extricating COVID—the confounding factor—from the data around decriminalization and treatment will be a challenge for researchers studying the outcomes of Measure 110 in years to come. We know that 2020, before decriminalization, was the worst year in history for overdose deaths. 2021 is currently on a similar trajectory.

Problems With Policing, High Hopes

A mere fraction of the people cited for drug possession since February 1 have called Lines for Life, the only currently authorized provider of screenings to avoid that ticket. Some advocates have suggested that law enforcement officers hostile to decriminalization are not communicating the procedure clearly to people cited, or failing to provide the phone number to Lines for Life. They also suggest that people are simply so afraid of police that they are choosing not to engage with the system.

Oregon first fundamentally changed drug policing in 2017, when the legislature reduced possession from a felony to a misdemeanor. Arrests plummeted afterwards, despite drug use likely remaining constant. Whether police changed their tactics or simply didn't want to bother with a misdemeanor is unknown.

struggling with addiction and could increase the likelihood that

someone seeks help, without fear of going to jail. He noted that drugs are not legalized, and will still be confiscated by law enforcement as evidence for what's now a Class E violation.

Drug Decriminalization in (

He nonetheless has strong reservations about the measure. "Frontline deputies are having to shift their mindset and rethink things like search and seizure, subject stops, detention, and DUIs," he said.

Some would argue that is the point. The War on Drugs has been used to dramatically expand police powers when it comes to search, seizure and detention, greatly diminishing Fourth Amendment rights. Police interactions, which Measure 110 is intended to reduce, also carry far greater risks for people of color. Portland, for example, has the **fifth worst arrest disparities in the nation**, with Black people being killed by police at a rate 3.9 times that of white people.

“ The reality is that the burden of substance use disorder and mental health “care” has largely fallen onto the criminal justice system.

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Sheriff Pixley also expressed concerns that there will be an increase in crime rates, addiction, and overdose if people no longer fear jail or severe legal repercussions. What evidence we have points the opposite way, however. Oregon, again, is not Portugal. But Portugal **saw better outcomes** across the board after implementing its own decriminalization model back in 2001.

Pixley hopes to be able to get the funding to provide medications for opioid use disorder in jail and naloxone to people upon their release

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The reality of the last several decades is that the burden of substance use disorder and mental health “care” has largely fallen onto the

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criminal justice system, which—besides the inherent ethical problems—is unequipped and unwilling to handle it. No government alternative was provided.

Drug Decriminalization in (

Tera Hurst is familiar with this reality. She's the executive director of the Health Justice Recovery Alliance (HJRA), described as the implementation arm of what was the Yes on 110 campaign. Initially supported by the Drug Policy Alliance, HJRA's fiscal sponsor is now Partnership for Safety and Justice, an Oregon reform organization. They are advocating for funding from the legislature, suitable amendments in SB755, consistent support of the OAC, and overall excellence in implementation.

“Most law enforcement, they have just never had a system that isn't starved,” Hurst said. “They've always had to constantly arrest folks. They watch them cycle through, they watch them on waiting lists. I believe that once we get a funded system where they could actually send somebody and know that's going to be an avenue and not just a phone number and then they're back on the street ... Once law enforcement sees that commitment, and as long as we continue to get these things funded and up and running, they're going to be relieved. They will be able to say ‘Hey, call this number. It worked for so-and-so. It works.’”

Seeing, as they say, will be believing. Though some people with SUD who come in contact with the criminal justice system and its programs do find recovery that way, most arrests are destabilizing at best and often traumatizing—or ultimately, deadly. One study showed the risk of overdose being 129 times greater in the two weeks after release from incarceration

saddled with criminal records. The collateral, lifelong consequences of criminal convictions are numerous, ranging from housing, to

employment, to government benefits, to professional licensure, to immigration.

Jack, a Chinese American man who asked that only his first name be used, got a possession conviction before the 2017 defelonization.

“Being labeled a felon,” he said, “I sometimes feel like a second-class citizen.”

A recognized shortcoming of many decriminalization measures—and of Measure 110 in particular—is the failure to expunge past convictions for things that are no longer criminalized. Jack still has a felony.

“Jack, who unequivocally supported Measure 110, reflected on how different his life might be had it been in effect before his conviction.

Senate Bill 397, currently before congress, makes expungement more accessible by eliminating fees and shortening wait times. But advocates like Tera Hurst and Haven Wheelock want to see it become automatic and sweeping. That is proving to be a heavier bureaucratic lift than it would seem (many records are not digitized), but the wheels are turning for future legislative sessions.

There is also ongoing conversation between lawmakers and immigration experts about how to avoid triggering future deportations—and whether there is any potential for relief for people already removed from the country. (Though that looks bleak.)

—now a common refrain of impacted Oregonians.

“Maybe there would’ve been better resources to guide me to the right treatment center instead of me hopping around, for years on end, in and out of different treatment centers before I found a program that worked for me,” he said. “Possibly could’ve saved years of my life I can never get back.”

“Punitive measures aren’t effective in addressing this issue,” he continued. “Jail does nothing but worsen the problem... I didn’t learn anything of any value during my tenures in jail. I learned nothing but to perfect the crimes I already did and I learned more crimes to feed my addiction.”

As of February 1, the state of Oregon stopped inflicting some of its worst harms on people who use drugs. Now comes the healing phase—if it is handled right.

There are many moving parts, and in the short-term, there will be hard work and growing pains. In the long-term, experts are hopeful. People who use drugs are already breathing a sigh of relief. But it remains to be seen whether Measure 110 turns out to be the domino that brings the entire drug war crashing down.

Top photograph courtesy of the Yes on 110 campaign. Other photographs courtesy of Tanesia DeMacon and Tony Vezina.

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Diversity Fellowship.

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Morgan Godvin

Morgan is a writer from Portland, Oregon. She founded **Beats Overdose**, a harm reduction provider for the music and entertainment industry. She is a research associate with **Health in Justice Action Lab** and a councilmember on Oregon’s decriminalization Measure 110 Oversight and Accountability Council. She was formerly incarcerated.



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CA passed Proposition 47 in 2014 that AUTOMATICALLY REDUCES ALL "FELONY" DRUG POSSESSION CONVICTIONS to MISDEMEANORS (upon application by the convicted person!). It also changed all "low-level" drug possession quantities into MISDEMEANOR level crimes. Not as drastic as what OR has done, but it is probably in the "works" (everyone wants to see if the "sky falls" in OR!). There is current legislation in the CA legislation (SB 519) that will full-on LEGALIZE Psilocybin (it will be just like alcohol and marijuana!), Gonna be interesting to see how THAT works out!

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By a Member of the Board of Supervisors or Mayor

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