

David Whitaker, Esq.  
Director, Legislative Policy Division  
Irvin Corley, Jr.  
Executive Policy Manager  
Marcell R. Todd, Jr.  
Director, City Planning Commission  
Janese Chapman  
Director,  
Historic Designation Advisory Board

John Alexander  
LaKisha Barclift, Esq.  
Megha Bamola  
Nur Barre  
M. Rory Bolger, Ph.D., FAICP  
Elizabeth Cabot, Esq.  
Tasha Cowan  
George Etheridge


# City of Detroit

## CITY COUNCIL

LEGISLATIVE POLICY DIVISION  
208 Coleman A. Young Municipal Center  
Detroit, Michigan 48226  
Phone: (313) 224-4946 Fax: (313) 224-4336

Christopher Gulock, AICP  
Derrick Headd  
Marcel Hurt, Esq.  
Kimani Jeffrey  
Anne Marie Langan  
Jamie Murphy  
Kim Newby  
Analine Powers, Ph.D.  
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David Teeter  
Theresa Thomas  
Kathryn L. Underwood, MUP  
Ashley A. Wilson

**TO:** The Honorable Detroit City Council

**FROM:** David Whitaker, Director   
Legislative Policy Division Staff

**DATE:** October 5, 2021

**RE:** **Proposal E: Entheogenic Plants**

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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<sup>1</sup> as including "the full spectrum of plants, fungi, and natural materials and/or their extracted

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<sup>1</sup> 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<sup>2</sup> 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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<sup>2</sup> See, Washtenaw County Office of the Prosecuting Attorney, Policy Directive 2021-06: *Policy Regarding Entheogenic Plants*, dated January 12, 2021.