DENVER PSILOCYBIN MUSHROOM DECRIMINALIZATION INITIATIVE

WHEREAS, according to the Journal of Psychopharmacology, experience with psilocybin is associated with decreased risk of opioid abuse and dependence;

WHEREAS, according to the Journal of Psychopharmacology, psilocybin use was associated with reduced odds of past year theft, past year assault, past year arrest for a property crime, and past year arrest for a violent crime, and, in contrast, lifetime illicit use of other drugs was, by and large, associated with an increased odds of these outcomes;

WHEREAS, according to the US National Library of Medicine – National Institutes of Health, psilocybin use is associated with reduced psychological distress and suicidality in the United States population;

WHEREAS, according to the Global Drug Survey 2017, psilocybin is the safest of all recreational drugs;

WHEREAS, according to the Public Library of Science One Journal, psilocybin is not known to cause brain damage and is regarded as non-addictive;

WHEREAS, according to the National Forensic Laboratory Information System 2016 Drug Reports for Items Seized By Law Enforcement in Denver Metro, psilocybin and psilocin represent 0.8% of total drug reports.

Ballot Title:

Shall the voters of the City and County of Denver adopt an ordinance to the Denver Revised Municipal Code that would make the personal use and personal possession of psilocybin mushrooms by persons twenty-one (21) years of age and older the city’s lowest law-enforcement priority, prohibit the city from spending resources to impose criminal penalties for the personal use and personal possession of psilocybin mushrooms by persons twenty-one (21) years of age and older, and establish the psilocybin mushroom policy review panel to assess and report on the effects of the ordinance?

Full Text of Ordinance:

*Be it enacted by the City and County of Denver:*

**Section 1:** The Denver, Colorado Code of Ordinances, Title I, Chapter 28, is hereby amended to include a new Article IX:

**ARTICLE IX. PUBLIC SAFETY ENFORCEMENT PRIORITIES - GENERAL.**
Sec. 28-300. Purpose and intent

The purpose and intent of this article is to: 1) deprioritize, to the greatest extent possible, imposition of criminal penalties on persons twenty-one (21) years of age and older for the personal use and personal possession of psilocybin mushrooms; and 2) prohibit the City and County of Denver from spending resources on imposing criminal penalties on persons twenty-one (21) years of age and older for the personal use and personal possession of psilocybin mushrooms.

Sec. 28-301. Defined terms.

As used in this article, the following words and phrases shall have the meanings given to them in this section except where the context clearly indicates and requires a different meaning:

(1) Adult means an individual twenty-one (21) years of age or older.

(2) Psilocybin mushrooms shall mean fungal matter containing psilocybin, psilocin, baeocystin, or nor-baeocystin.

(3) Personal possession shall mean the possession, storage or propagation of psilocybin mushrooms by an adult for personal use, where the psilocybin mushrooms are not used or displayed in public; the sale of psilocybin mushrooms for remuneration is not included in the definition of personal possession and is subject to prosecution under existing state laws.

Sec. 28-302. Enforcement priority – psilocybin mushrooms

The enforcement of any laws imposing criminal penalties for the personal use and personal possession of psilocybin mushrooms as those terms are defined herein shall be the lowest law enforcement priority in the City and County of Denver.

Sec. 28-303. Use of city funds and resources limited; exceptions.

Except as specifically authorized in this article IX, no department, agency, board, commission, officer or employee of the city, including without limitation, county court administrative and clerical employees, probation, pre-trial services and community corrections personnel, shall use any city funds or resources to assist in the enforcement of laws imposing criminal penalties for the personal use and personal possession of psilocybin mushrooms by adults.

Sec. 38-304. Psilocybin Mushroom Policy Review Panel

On or before December 31, 2019, the Mayor of the City of Denver shall appoint an eleven (11) member Psilocybin Mushroom Policy Review Panel (the “Panel”) to assess and report on the effects of this article IX. The Panel shall consist of two (2) members of the City Council, two (2) citizen members who are or who are substituted by the
Petitioner’s Committee who petitioned for adoption of this article IX, one (1) CAC-II Certified Addictions Counselor, one (1) harm reduction advocate, one (1) representative of the Denver Police Department, one (1) representative of the Denver Sheriff Department, one (1) criminal defense attorney, one (1) representative of the Office of the Denver District Attorney, and one (1) representative of the Denver City Attorney’s Office. The Mayor shall appoint members to vacancies on the Panel as necessary. The Panel shall:

1. Elect a chairperson and meet at least quarterly or more frequently as necessary;

2. By the March 31 immediately following the adoption of the article, establish reporting criteria for the Denver Police Department, the Denver Sheriff Department, and Denver City Attorney’s Office to report psilocybin mushroom arrests and prosecutions; and

3. Submit a comprehensive written report with recommendations to the City Council that will include, but not be limited to, information concerning the public safety, public administration, public health and fiscal impacts of this article IX. This report shall be completed and presented at the first available City Council Committee Meeting for calendar year 2021.

Sec. 38-305. Self-executing, severability, and conflicting provisions.

If any term, clause, provision, or part of this article IX or its application is held invalid or unenforceable, such invalidity or unenforceability shall not affect other terms, clauses, provisions, parts or applications of this article IX that can be given effect without the invalid terms, clauses, provisions, parts or applications. All terms, clauses, provisions, parts and applications of this article are self-executing except as specified herein, are severable, and except where otherwise indicated in the text shall supersede conflicting provisions of the Revised Municipal Code and any regulations promulgated thereto.