

**ORDINANCE NO. 2021-62
CHAPTER 31
ARTICLE IX**

THROUGH AN INITIATIVE PETITION, the People of the City of Detroit adopted the following ordinance at the November 2, 2021 City General Election.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

Section 1. Chapter 31, Article IX, of the 2019 Detroit City Code, *Controlled Substances and Drug Paraphernalia*, be amended by adding Division 4, *Entheogenic Plants*, which consists of Sections 31-9-71 through 31-9-75, to read as follows:

**CHAPTER 31. OFFENSES
ARTICLE IX. CONTROLLED
SUBSTANCES AND DRUG
PARAPHERNALIA
DIVISION 4. ENTHEOGENIC PLANTS**

Sec. 31-9-71. Purpose and intent.

The purpose and intent of this division is:

(1) To decriminalize under this Code, to the greatest extent possible under Michigan and federal law, the personal possession and therapeutic use of entheogenic plants by adults;

(2) To de-prioritize in the City of Detroit the imposition of criminal or civil penalties on adults for the personal possession and therapeutic use of entheogenic plants; and

(3) To not interfere with or prohibit the enforcement of any state or federal law that prohibits the personal possession and therapeutic use of entheogenic plants.

Sec. 31-9-72. Definitions.

For the purposes of this division, the following terms shall have the meaning respectively ascribed to them by this section:

Adult means an individual 18 years of age or older.

Entheogenic plants means the full spectrum of plants, fungi, and natural materials or their extracted compounds, limited to those containing the following types of compounds: indole, amines, tryptamines, and phenethylamines whether controlled under any state or federal law but does not include *lophophora williamsii* ("peyote") until such time as peyote is no longer considered endangered by the Native American Church.

Licensed therapist means a "licensed professional counselor" as an individual

who is licensed to engage in the practice of counseling without supervision or a "limited license counselor" as an individual who has been granted a limited license to engage in the practice of counseling under the supervision of a licensed professional counselor who meets the requirement of Section 18106 of the Michigan Public Health Code, being MCL 333.18106.

Medical professional means:

(1) A "health care professional" as an individual licensed or otherwise authorized to practice medicine under Article 15 of the Michigan Public Health Code, being MCL 333.16101 *et seq.*;

(2) A "health care provider" as a person who is licensed or registered or otherwise authorized under Article 15 of the Michigan Public Health Code, being MCL 333.16101 *et seq.*, to provide health care in the ordinary course of business or practice of a health profession; and

(3) A "physician or other licensed medical professional" as a person licensed under Article 15 of the Michigan Public Health Code, being MCL 333.16101 *et seq.*

Personal possession means the use, possession, storage or propagation of entheogenic plants for personal use, where the entheogenic plants are not used or displayed in public or used while operating a motor vehicle but does not mean the sale of entheogenic plants for remuneration.

Religious leader means a priest, minister, rabbi, Christian science practitioner, or other religious practitioner, or similar functionary of a church, temple, or recognized religious body, denomination, or organization, as defined in Section 2 of the Michigan Child Protection Law, being MCL 722.622.

Therapeutic use means the use, possession, storage, propagation, provision, transfer or sharing of entheogenic plants with another adult or adults with or without remuneration under the advisement or supervision of a licensed therapist, medical professional, or religious leader.

Sec. 31-9-73. City offenses; exceptions.

Notwithstanding any other provision in this Code contrary to the fullest extent permitted under Michigan law, it shall not be an offense under this Code for an adult to engage in the personal possession or therapeutic use of entheogenic plants.

Sec. 31-9-74. Public safety enforcement priorities.

The enforcement of any laws imposing criminal or civil penalties for the personal possession and therapeutic use of entheo-

genic plants by adults shall be the lowest law enforcement priority in the City of Detroit.

Sec. 31-9-75. Self-executing, severability, and conflicting provisions.

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

Secs. 31-9-76 – 31-9-90. Reserved.

Section 2. All ordinances, or parts of ordinances, that are in conflict with this ordinance are repealed.

Section 3. This ordinance is declared necessary for the preservation of the peace, health, safety, and welfare of the People of the City of Detroit.

Section 4. This ordinance shall not be construed to interfere with or prohibit the enforcement of any state or federal law that prohibits the personal possession or therapeutic use of entheogenic plants.

Approved by Voters: November 2, 2021
Certified by Wayne County Board
of Canvassers: November 12, 2021
Effective: November 12, 2021
Published: August 15, 2022

JANICE M. WINFREY
City Clerk