

**DENVER PSILOCYBIN MUSHROOM DECRIMINALIZATION INITIATIVE**

**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?

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.

**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.**

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### 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.

# Instructions to Circulators

## Petition for Denver Initiated Ordinance

### 1. How To Circulate a Petition

- A. An initiated ordinance petition may consist of multiple petition sections. There must only be one circulator for each petition section.
- B. Each petition section is bound in a blue manuscript cover and contains: A) an *Affidavit of Petitioners' Committee* containing ballot title and full text, B) an *Instructions to Circulators* page, C) several numbered *Signature Pages* that contain a Warning section at the top of each page, and D) an *Affidavit of Circulator* page.
- C. Read the Warning in this petition section to be aware of who may sign this petition and other legal restrictions on signers of this petition.
- D. A petition section may not be left unattended on a counter or desk for voters to sign.

### 2. Who May Sign a Petition

- A. Signers must be residents of the City and County of Denver and registered to vote in Denver.
- B. Circulators may not sign their own petition section. Notaries may not notarize a petition section they have signed.

### 3. How To Sign a Petition. Signers Must:

- A. Print clearly.
- B. Use blue or black ink. Do not use ditto marks (“”) to provide information on a signature line.
- C. Fill out every required field completely, date it and sign it in the presence of the circulator.
- D. Sign their own signature and print their own legal name in the same manner as the person is registered: last name, first name, and middle initial. (For example: Mary Doe, not Mrs. John Doe)
- E. Use the residence address where they reside and are registered to vote, including street name and street number, city and county. Post office boxes may not be used as a place of residence.
- F. Place their initials on all minor corrections. If a major correction is required, the signer should cross out the entire pair of lines containing the error and use the next pair of blank lines.
- G. Not sign for another signer. However, any person **except the circulator** may assist a signer who has limited literacy or is physically unable to write the required information on the petition. The signer must make his or her mark in the signature space and the person giving assistance must provide their signature and a statement that assistance was given. This statement must be provided on the petition immediately following the name of the elector who received assistance.

### 4. What To Do After Petition Section is Completed

- A. Do not disassemble petition sections. If the original staples are removed, all names on the section are disqualified.
- B. A petition section does not have to be completely filled for the listed names to be valid.
- C. The *Affidavit of Circulator* must be properly signed and notarized. Do not sign or date your *Affidavit of Circulator* until in the presence of the notary.
- D. No additional signatures may be collected after the *Affidavit of Circulator* is notarized. Any subsequent signatures are invalid.
- E. All petition sections must be filed with the Elections Division at one time.

## Warning and Signature Page Petition for Denver Initiated Ordinance

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**Section 0001, Page 1**

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**Section 0001, Page 5**

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**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?**

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	Address – Number, Street, Unit #:		City/County:	Signature:	
<b>2.</b>	Date:	Last Name:	First Name:	MI:	Year of Birth (Optional):
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	Address – Number, Street, Unit #:		City/County:	Signature:	

**Section 0001, Page 8**

# Warning and Signature Page

## Petition for Denver Initiated Ordinance

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**Section 0001, Page 9**

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**Section 0001, Page 10**



# Affidavit of Circulator Petition for Denver Initiated Ordinance

Denver Elections  
Division

I, \_\_\_\_\_, being duly sworn  
(Circulator's Printed Name)

on oath depose and say that I have read and understand the laws governing the circulation of petitions; that

1. I was a citizen of the United States, and at least 16 years of age at the time this petition section was circulated and signed by the listed electors;
2. I personally circulated this section of the petition;
3. All signatures on this petition section were affixed in my presence;
4. Each signature hereon is the genuine signature of the person whose name it purports to be;
5. To the best of my knowledge and belief, each of the persons signing this petition section was, at the time of signing, a registered elector of the City and County of Denver;
6. I have not paid and will not in the future pay and that I believe that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing the signer to affix the signer's signature to the petition; and
7. Each signer had an opportunity to read the full text and ballot title of this initiative.

\_\_\_\_\_  
(Signature of Circulator) (Date)

\_\_\_\_\_  
(Circulator's Permanent Residential Address)

STATE OF COLORADO  
CITY AND COUNTY \_\_\_\_\_

Subscribed and sworn to me on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

[SEAL]

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Notary Public)