

EXECUTIVE ORDER



DISTRICT OF COLUMBIA

Subject: Initiative No. 81 (Entheogenic Plants and Fungus Policy Act of 2020)
Number EO-21-008
Effective Date April 2, 2021
Related to: GO-OPS-307.01 (Handling Drug Complaints and Investigations) GO-SPT-302.01 (Calls for Service)

I. PURPOSE

Initiative No. 81 (Entheogenic Plants and Fungus Policy Act of 2020) went into effect on March 16, 2021. The Act makes investigation and arrest of adults for non-commercial planting, cultivating, purchasing, transporting, distributing, possessing, or engaging in practices with entheogenic plants and fungi among its lowest law enforcement priorities. The purpose of this executive order is to provide procedures for Metropolitan Police Department (MPD) members when encountering incidents involving entheogenic plants and fungi.

II. PROCEDURES

A. General

1. The term “entheogenic plant and fungus” means any plant or fungus of any species in which there is naturally occurring any of the following substances in any form, which would cause such plant or fungus to be described in DC Official Code § 48-902.04 (3): ibogaine, dimethyltryptamine, mescaline, psilocybin, or psilocin. This includes, but is not limited to, magic mushrooms, peyote, and psychedelic plants.
2. The Act does not legalize or decriminalize the possession of entheogenic plants and fungi, but rather makes law enforcement among the lowest of enforcement priorities. Members shall act in accordance with this Act and evaluate the totality of the circumstances prior to making an arrest.

B. Encountering Entheogenic Plants and Fungi

1. Members shall have the discretion to make an arrest or issue a verbal warning for the non-commercial planting, cultivating, purchasing, transporting, distributing, possessing, and/or engaging in practices with entheogenic plants and fungi.
2. Members who have questions about these charges may contact the Narcotics and Special Investigations Division (NSID) watch commander before any person is charged and be guided by his or her instruction. In

the event that the incident occurs during the midnight shift when no NSID watch commander is on-duty, the member may contact the Command Information Center (CIC) to request the on-call NSID official or the NSID commander.

A handwritten signature in black ink, appearing to read "Robert J. Contee III". The signature is fluid and cursive, with a prominent flourish at the end.

Robert J. Contee III
Acting Chief of Police

RJC:KDO:MOC:SMM