



# S O M M A

VOLUME 24 : 5

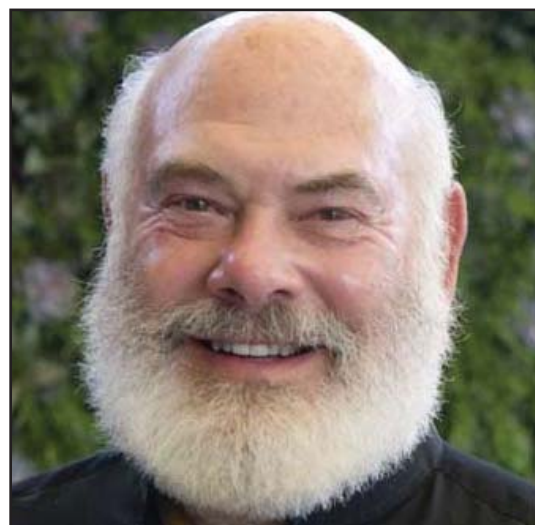
JANUARY 2012

## **MUSHROOM CAMP IS HERE!**

SOMA's annual Wild Mushroom Camp is upon us.

### **REGISTRATION IS FULL**

Dr. Andrew Weil is presenting on Saturday night. Camp check-in begins at 9am on the 14th with classes commencing at 10am. Check your info packet for directions and the official schedule. See you at camp!



### **INSIDE THIS ISSUE**

PRESIDENT'S LETTER..... p2  
 SALT POINT SOMA FORAY REPORT & SPECIES LIST..... p3  
 NEWS OF INTEREST ..... p3  
 WHAT'S STIRRING IN THE DYE POT?..... p4  
 OREGON COAST REPORT ..... p5  
 LEGAL STATUS OF PSILOCYBIN AND PSILOCIN  
 CONTAINING FUNGI ..... p6-7

### **CALENDAR**

January 14-16th ————— SOMA Mushroom Camp  
 January 21st ————— Foray at Salt Point State Park  
 February 1st ————— Board Meeting  
 February 16th ————— Speaker at Farm Bureau at 7pm  
*David Pilz*  
 February 18th ————— Foray at Salt Point State Park  
 March 7th ————— Board Meeting

### **LIMERICKS BY CHARMOON**

I once knew a picker named Ben  
He only liked to pick when  
It was dark, late at night  
He'd hunt by flashlight  
There were no rivals there then

I once knew a picker named Sue  
She really didn't have a clue  
She'd leave trimmings around  
All over the ground  
You could always tell she'd been through

### **EMERGENCY MUSHROOM POISONING ID**



After seeking medical attention, contact Darvin DeShazer for identification at (707) 829-0596. Photos should be emailed to: [muscaria@pacbell.net](mailto:muscaria@pacbell.net) and need to show all sides of the mushroom. Please **do not** send photos taken with cell phones – the resolution is simply too poor to allow accurate identification. NOTE: Always be 100% sure of the identification of any and all mushrooms before you eat them!

This is a free service for hospitals, veterinarians, and other concerned citizens of Sonoma County.

## FROM THE FRONT DESK

### SOMA OFFICERS

**PRESIDENT**

Jim Wheeler  
[SOMApresident@SOMAmushrooms.org](mailto:SOMApresident@SOMAmushrooms.org)

**VICE PRESIDENT**

Vacant

**SECRETARY**

Karen Kruppa  
[SOMAsecretary@SOMAmushrooms.org](mailto:SOMAsecretary@SOMAmushrooms.org)

**TREASURER**

Julie Schreiber  
[SOMAtreasurer@SOMAmushrooms.org](mailto:SOMAtreasurer@SOMAmushrooms.org)

### COMMITTEES AND BOARD MEMBERS

**BOOK SALES**

Gene Zierdt

**CULINARY GROUP**

Chris Murray  
[SOMAculinary@SOMAmushrooms.org](mailto:SOMAculinary@SOMAmushrooms.org)

**CULTIVATION CLUB CHAIR**

Vacant

**FORAYS**

Michael Miller  
[SOMAforay@SOMAmushrooms.org](mailto:SOMAforay@SOMAmushrooms.org)

**MEMBERSHIP**

George Riner  
[SOMAmembership@SOMAmushrooms.org](mailto:SOMAmembership@SOMAmushrooms.org)

**MUSHROOM DYE COORDINATOR**

Dorothy Beebee  
[SOMAmushroomdyes@SOMAmushrooms.org](mailto:SOMAmushroomdyes@SOMAmushrooms.org)

**MUSHROOM PAPER COORDINATOR**

Catherine Wesley  
(707) 894-7725

**SCHOLARSHIPS**

Rachel Zierdt  
[scholarships@SOMAmushrooms.org](mailto:scholarships@SOMAmushrooms.org)

**SCIENTIFIC ADVISORS**

Darvin DeShazer  
(707) 829-0596  
[muscaria@pacbell.net](mailto:muscaria@pacbell.net)

Chris Kjeldsen, Ph.D.

(707) 544-3091  
[chris.kjeldsen@sonoma.edu](mailto:chris.kjeldsen@sonoma.edu)

**SOMA CAMP DIRECTOR**

Linda Morris  
[SOMAcampinfo@SOMAmushrooms.org](mailto:SOMAcampinfo@SOMAmushrooms.org)

**SOMA CAMP REGISTRAR**

Lou Prestia  
[SOMAregistrar@SOMAmushrooms.org](mailto:SOMAregistrar@SOMAmushrooms.org)

**SOMA NEWS EDITOR**

Ben Garland  
[SOMAnewseditor@SOMAmushrooms.org](mailto:SOMAnewseditor@SOMAmushrooms.org)

**SOMA WEB MASTER**

Martin Beebee  
[SOMAinfo@SOMAmushrooms.org](mailto:SOMAinfo@SOMAmushrooms.org)

**VOLUNTEER COORDINATOR**

Lee McCarthy-Smith  
[Volunteer@SOMAmushrooms.org](mailto:Volunteer@SOMAmushrooms.org)

## President's Letter

### DISPATCH FROM THE DUFF

The dry weather has everyone thinking of years past and trying to remember the effect on the mushroom population at Salt Point State Park. A lot of history, but it's not much good for predicting the future. The foray in December was productive for all who attended. Although the number of species was smaller than expected, most folks found enough edibles to take home and taste. There were many requests from the 15-20 first timers on how to prepare their finds. They all left with a little extra zip to get home and try out the recipes discussed.

We continue to edit and revise a State Concessionaire contract that the SOMA Board would find acceptable and sign-off. There are many points to clarify and explain the detail of 22 pages of legalese. The attorney that volunteered to advise SOMA was particularly effective in simplifying the contract language and explaining SOMA's responsibilities and obligations to those working on the contract. I don't have a date at this time when the system will go into effect. It will occur only after the SOMA Board and the State of California have signed the contract. There are four people spending a number of hours a week to make that happen. If you have any questions please feel free to ask once an announcement is made that the contract is in effect.

SOMA Camp class schedule and the presenter roster are complete and can be viewed on the web site. Camp registration was closed sooner than any other previous camp. We think the word of mouth recommendations and lure of this year's group of presenters helped the cause. Of course, the main speaker's reputation and notoriety contributed as well. The Saturday and Sunday night dinner menus will also be published shortly. It promises to be another excellent culinary experience for all who enjoy fine eating. The menu planners are working on the final touches and we all look forward to our gourmets' creations.

We still have an opportunity to donate to the SOMA Camp Silent Auction. There must be something in our closets, garages, or sheds that you simply must sacrifice to the cause or need to get out of your life. There are 3 donations so far, all of which will get special attention from those attending camp. Please let me know if you have something to donate. I would be happy to collect it before camp at a time convenient to all.

After looking at a number of long-range weather forecasts, all is not lost according to the meteorological current thinking. Although January and February are predicted not be "wet", it appears they will not be as dry as the last two months. Of course, those who think Murphy was an optimist remain pretty much down on the duff, but not to worry too soon. Let's just see how things go.

Best regards,  
Jim Wheeler

### JOIN SOMA!

Membership in the Sonoma County Mycological Association (SOMA) is a great way to meet and interact with other mushroom enthusiasts, learn more about identifying fungi, and share interests such as cooking and cultivating mushrooms. Sure, most of what SOMA does is open to the public, but wouldn't you rather join SOMA and get all the goodies?

<http://somamushrooms.org/membership/membership.html>

# SALT POINT SOMA FORAY REPORT

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Michael Miller

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Janet, one of our regulars at Salt Point forays arrived at Woodside Campground just as the first groups were headed out, exclaiming, "This is the warmest place to be this weekend, so I had to come." With the mercury hovering around 72, we left all our extra sweaters and parkas in the trunk prior to heading out into the woods.

Forty-two forayers took time out from the crush of holiday shopping to join us Saturday, with over half of them first-timers. With approximately zero rain since our November foray we had low expectations of encountering a bounty of boletes, and would have been satisfied with a nice hike in the woods. However, the chilly nights and fog must have kept things moving forward in the fungal world, as we encountered loads of species and a lot of choice edibles such as hedgehogs, chanterelles, blacks and matsutake.

Jim Wheeler, David Batt and Danielle Murray led groups from the Woodside Campground while Aaron and I took a large group to the Upper Stump Beach trailhead off Kruse Ranch Road. Our group headed about ¾ mile downhill, and stopped at the "Thrash Zone", a

spot where trees were flattened and busted up, similar to the Tunguska meteor explosion (only much, much smaller). This has historically been a great place for blacks and hedgehogs and we found them in abundance. Cooking these up later at home we found them to be dry and very flavorful like what you find with summertime chanterelles.

The forays always seem to be too short and it's always time to leave as soon as you've gotten your mushroom eyes really working and you've found the really great habitat with big patches of hedgehogs or your first matsies or something, so we left the woods rather reluctantly. But, as always, we were cheered by the variety of pot luck dishes we encountered on our return, including Finola Diaz's huge pot of Pozole. Darwin DeShazer was on hand for mushroom I.D., aided by Aaron, with 60 species to identify and lots of questions from the newcomers. A great foray was had by all despite the record-low level of rain we've had in December. If you know where to look there are plenty of mushrooms at Salt Point, so definitely try to find time between your holiday festivities for a trip out to the coast. We'll see you all at Camp and at the January 21st foray.

## FORAY SPECIES LIST

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Compiled by Aaron Miller

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<i>Amanita franchetii</i>	<i>Helvella maculate</i>	<i>Pluteus sp.</i>
<i>A. muscaria</i>	<i>Hydnellum aurantiacum</i>	<i>Rhizopogon sp.</i>
<i>Armillaria sp.</i>	<i>Hydnum repandum</i>	<i>Russula brevipes</i>
<i>Calvatia cyathiformis</i>	<i>H. umbilicatum</i>	<i>R. crassotunicata</i>
<i>Camarophilus pratensis</i>	<i>Hygrocybe laeta</i>	<i>R. dissimulans</i>
<i>Cantharellus cibarius var. roseocanus</i>	<i>H. miniata</i>	<i>R. nigricans</i>
<i>C. formosus</i>	<i>H. singeri</i>	<i>R. olivacea</i>
<i>C. tubaeformis</i>	<i>Hygrophorus sp.</i>	<i>R. silvicola</i>
<i>Clavariadelphus ligula</i>	<i>Laccaria proxima</i>	<i>Stropharia ambigua</i>
<i>C. truncates</i>	<i>Lactarius californiensis</i>	<i>Suillus caeruleus</i>
<i>Cortinarius alboviolaceus</i>	<i>L. rubrilacteus</i>	<i>S. pungens</i>
<i>C. mucosus</i>	<i>L. xanthogalactus</i>	<i>S. tomentosus</i>
<i>Craterellus cornucopioides</i>	<i>Leccinum manzanitae</i>	<i>Trametes versicolor</i>
<i>Dermocybe phoenecia</i>	<i>Leotia lubrica</i>	<i>Tricholoma magnivelare</i>
<i>Elaphocordyceps capitata</i>	<i>Lepiota magnispora</i>	<i>T. saponaceum</i>
<i>Entoloma sp.</i>	<i>Lyophyllum sp.</i>	<i>T. virgatum</i>
<i>Fistulina hepatica</i>	<i>Naematoloma fasciculare</i>	<i>Tricholomopsis rutilans</i>
<i>Gomphidius oregonensis</i>	<i>Phaeocollybia californica</i>	<i>Truncocolumella citrina</i>
<i>Gomphus clavatus</i>	<i>P. olivacea</i>	<i>Turbinellus floccosus</i>
<i>Hebeloma sp.</i>	<i>Pisolithus tinctorius</i>	

## NEWS OF INTEREST

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### **Santa Cruz Fungus Fair**

January 13-15th 2012

Louden Nelson Community Center, Santa Cruz

<http://scfungusfair.org>

### **All California Club Foray**

January 27-29th 2012

Albion Field Station, Mendocino County

[http://www.bayareamushrooms.org/forays/accf\\_2012.html](http://www.bayareamushrooms.org/forays/accf_2012.html)

### **28th Annual Los Angeles Wild Mushroom Fair**

February 11-12th 2012

L.A. County Arboretum and Botanic Garden

<http://www.lamushrooms.org/fair-2012.html>

### **San Diego Fungus Fair**

February 19th 2012

10:30am to 3:30pm

Casa Del Prado (Balboa Park)



## WHAT'S STIRRING IN THE DYE POT?

# MUSHROOMS TO DYE FOR AND LICHENS TO LOVE

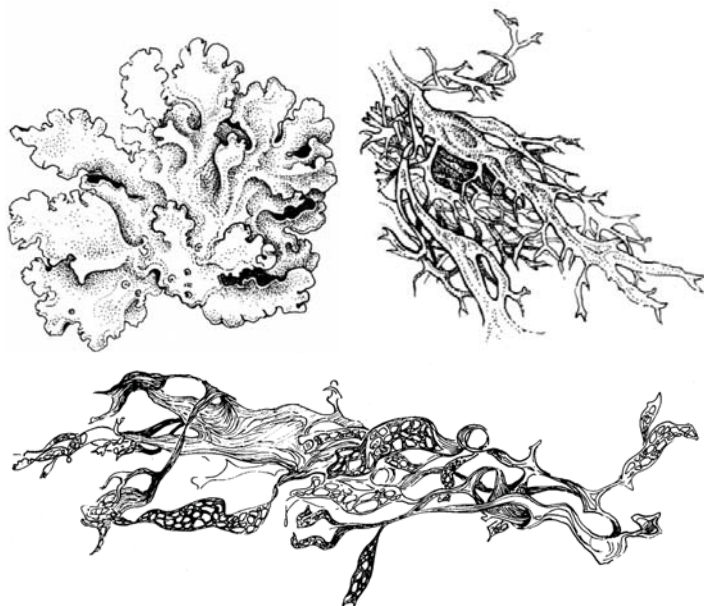
© Dorothy Beebe January 2012

It's that magical time of the year again, when once again BAGS of mushrooms start mysteriously appearing on my doorstep ... Thanks to all of you secret Santas! Giant *Pholiota spectabilis* ("Laughing Gym"), and a giant cart-wheel of *Phaeolus swwehinitzii*, appeared mid-Mushroom Dye lecture at the recent MSSF Fair. And Amy keeps finding these gorgeous flushes of *Hydnellum aurantiacum* up at Salt Point, which tease us by promising the elusive blue-green dye with the right balance of pH and wistful thinking . . .

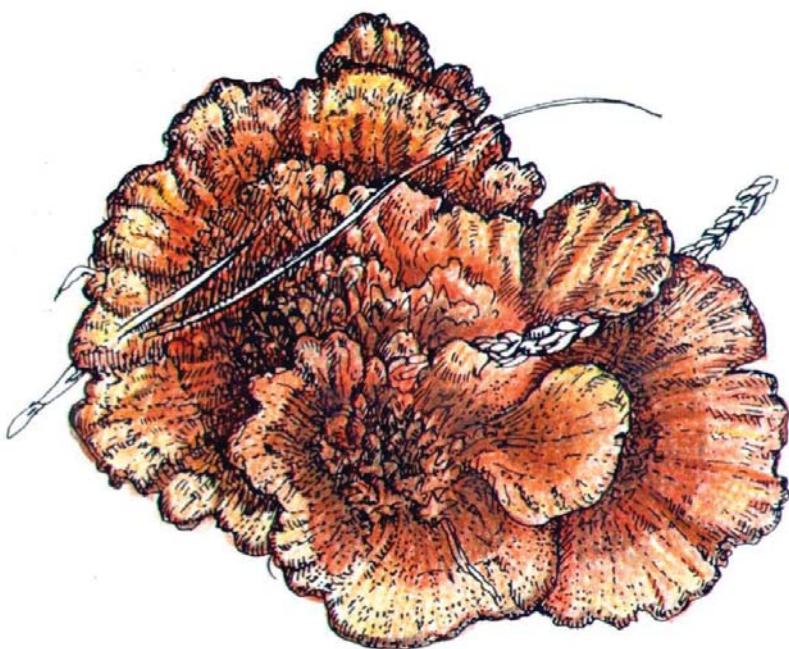
Then there are the constant friends who come to the SOMA Camp bearing Magi-like gifts – Anna Moore bringing red-to-dye-for-Dermocybes from Oregon, Noah slips us shimmering *Dermocybe semi-sanguinea* from Cape Cod, plus all kinds of wonderful Sarcodons. Tim Horvath proffers bags of dried "Jack O' Lanterns" (*Omphalotus olivascens*) from over toward Sonoma, with their enticing lure of violet and green dyes depending on mordant choice, pH tweaks (and/or the phase of the moon – sorry, Darwin!) Yes, SOMA Camp is going to have some colorful, lively times up in Harriman Hall this year! Maybe even some more hair tinting for the silver-haired folk during the Monday morning melée . . .

Though the month of December has been disappointingly dry, we are finding occasional collections of red and orange-gilled Dermocybes, flushes of stump-growing "Sulphur tufts" (*Naematoloma fasciculare* – Miriam's first dye mushroom), many of these will find their way into the dyepots at SOMA Camp.

This year, we will be introducing some local lichens as a source of dye color in the Intermediate Mushroom dye class. It's just an old habit that I collect windfall lichens whenever I'm in the forest, or



pick them up from my driveway after a breezy afternoon. For many years I used lichens as a source of natural dyes on my handspun wool, before I met Miriam Rice in 1973, and was wooed to frolic along the "primrose path" of fungal dye magic. The lovely attribute of many lichens is that the woody fragrance lingers in the yarn long afterward – something that cannot be said (fortunately!) of the mushroom pigments. We might even get bold and combine some of the lichens and mushrooms in the Advanced Mushroom Dye during the Monday morning madness ~ Almost anything is possible during this wild and wool Dye Your Own gathering that culminates three days of Fungal Fiber Arts at SOMA Camp. See you there!!!!





# OREGON COAST REPORT

Anna Moore

December brought cold, dry weather and the winter fungal growth slowed down. At least it didn't freeze solid like last year. Lots of Tricholomas are out now. Matsutake are still coming and the commercial picking is about done, so some larger mushrooms can be found. The Corts are out, including some very nice dermoccybes – mostly red gilled ones. I've been picking and drying them for the dyers and SOMA camp. This has been a great Huckleberry year and I'm still picking them along with the other usuals: golden chanterelles, hedgehogs and winter chanterelles. As always, it's great to be out in the woods! The Oregon truffle season is about to start – so far it is not a great year for the black truffles. Other than a few winter mushrooms, the central coast season is about done, so now I like to head to California. See you at camp.



Photo credit: Anna Moore



Photo credit: Anna Moore



Photo credit: Anna Moore



Photo credit: Anna Moore



Photo credit: Anna Moore



# THE LEGAL STATUS OF PSILOCYBIN AND PSILOCYIN CONTAINING FUNGI

Jack Silver

*This article reviews the most recent legal status of psilocybin and psilocin in America and select foreign countries. This article is not intended to constitute legal advice. Persons on U.S. soil are generally subject to federal laws as well as the laws of the state in which they reside and/or do business concerning an activity within that state. Under Federal law psilocybin or psilocin are Schedule I drugs. Possession, sales, manufacturing and transportation are all prohibited. Spores do not contain psilocybin or psilocin and are therefore not illegal under Federal law, but can be used as evidence of the intent to manufacture. Fungi, at any stage and in any form, are not specifically prohibited unless they contain psilocybin or psilocin. The laws of each state varies. Generally the states follow Federal law. Three states, California, Georgia, Idaho prohibit spores. In California, mere possession of spores is not illegal.*

It's odd to think that walking in the woods and stopping to pick a mushroom could be considered a criminal act. If the mushroom you pick contains psilocybin it could be.<sup>1</sup> In Georgia you could be guilty of possessing a “dangerous drug” by unwittingly picking up spores on a stroll.

Georgia Code - Crimes and Offenses - Title 16 § 16-13-71

*(b) In addition to subsection (a) of this Code section, a “dangerous drug” means any other drug or substance declared by the General Assembly to be a dangerous drug; to include any of the following drugs, chemicals, or substances . . . (627) Mushroom spores which, when mature, contain either psilocybin or psilocin;*

Also considered “dangerous drug(s)” in Georgia are penicillin (694), sodium thiosulfate (880.5); vitamin K (1035) and estrogenic substances (354)<sup>2</sup>. In a strict reading of Georgia law the possession of any soy product could be considered the possession of a dangerous drug. Although, as Dickens observed, sometimes “the law is a ass—a idiot”<sup>3</sup> Ignorance of the law is no defense to felony or misdemeanor charges.

A person on U.S. soil is generally subject to federal laws as well as the laws of the state in which they reside and/or do business concerning an activity within that state. Under Federal law psilocybin and psilocin are Schedule I drugs.<sup>4</sup> Possession, sales, manufac-

turing and transportation are all prohibited. Spores do not contain psilocybin and are therefore not illegal under Federal law but can be used as evidence of the intent to manufacture. Fungi, at any stage and in any form, are not specifically prohibited unless they contain psilocybin. The laws of the each state vary. Generally the states follow Federal law. In other words it is illegal to possess, sell, transport or manufacture a controlled substance. California, Georgia, Idaho also prohibit spores even though the spores themselves do not contain any controlled substance.

In California possession of spores in and of itself is not illegal. It is illegal to cultivate “any spores or mycelium capable of producing mushrooms or other material which contains such a controlled substance” (CA Health & Safety Code § 11390). It is also illegal to transport, import, sell, furnish, give away, or offer to transport, import, sell, furnish, or give away “any spores or mycelium capable of producing mushrooms or other material which contain a controlled substance” (CA Health & Safety Code § 11391). So, if you are just acquiring spore prints for a collection with no intention they be cultivated or used to produce psilocybin containing mycelium or fungi you are not violating the law.

CA Health & Safety Code §§ 11390-11391

*11390. Except as otherwise authorized by law, every person who, with intent to produce a controlled substance specified in paragraph (18) or (19) of subdivision (d) of Section 11054, cultivates any spores or mycelium capable of producing mushrooms or other material which contains such a controlled substance shall be punished by imprisonment in the county jail for a period of not more than one year or in the state prison.*

*11391. Except as otherwise authorized by law, every person who transports, imports into this state, sells, furnishes, gives away, or offers to transport, import into this state, sell, furnish, or give away any spores or mycelium capable of producing mushrooms or other material which contain a controlled substance specified in paragraph (18) or (19) of subdivision (d) of Section 11054 for the purpose of facilitating a violation of Section 11390 shall be punished by imprisonment in the county jail for a period of not more than one year or in the state prison.*

Generally the federal government is only interested in crimes

<sup>1</sup> For simplicity, I refer to psilocybin and psilocin as psilocybin.

<sup>2</sup> Estrogenic substances also occur naturally in cultivated plants, e.g. subterranean clover, in fungi growing on plants and plant products, e.g. *Fusarium graminearum*, *F. roseum*.

<sup>3</sup> “That is no excuse,” replied Mr. Brownlow. “You were present on the occasion of the destruction of these trinkets, and indeed are the more guilty of the two, in the eye of the law; for the law supposes that your wife acts under your direction.”

“If the law supposes that,” said Mr. Bumble, squeezing his hat emphatically in both hands, “the law is a ass—a idiot. If that's the eye of the law, the law is a bachelor; and the worst I wish the law is, that his eye may be opened by experience – by experience.” *Oliver Twist*, Charles Dickens.

<sup>4</sup> The Controlled Substances Act (CSA) Pub. L. 91-513, 84 Stat. 1236, enacted October 27, 1970, codified at 21 U.S.C. § 801 et. seq. The CSA is the federal U.S. drug policy under which the manufacture, importation, possession, use and distribution of certain substances is regulated. The legislation created five Schedules (classifications), with varying qualifications for a substance to be included in each. Schedule I drugs are classified as having a high potential for abuse; no currently accepted medical use in treatment in the United States and, a lack of accepted safety for use of the drug or other substance under medical supervision. Other Schedule I drugs include heroin and marijuana. Cocaine and methamphetamine (meth) are Schedule II drugs.

committed in areas under federal jurisdiction such as post offices, airports, federal land, federal buildings or large scale multi-state operations. Using the U.S. Postal Service to transport controlled substances across state lines violates several federal laws as would transporting controlled substances into the U.S., including lying to a federal agent by going through customs and failing to claim your substance.

States vary not only state to state but regionally within a state. The reach of any law is limited by the language which was enacted. If you are in the woods in California selecting *Psilocybin* spp. specimens for your spore print collection you would not be violating the law. But in Georgia you might be.

Most criminal laws require that prosecutors prove scienter, that is, the defendants knew they were violating the law.<sup>5</sup> Thus in *Fiske v. State of Florida*, No. 50796, Supreme Court of Florida (1978), the court found that psilocybin mushrooms could not reasonably be considered “containers” of the Schedule I substance psilocybin. The court essentially held that if the Florida legislature wished to make wild psilocybin mushrooms illegal, it would have to name them in the law. The court ruled: “the statute does not advise a person of ordinary and common intelligence that this substance is contained in a particular variety of mushroom. The statute, therefore, may not be applied constitutionally to [the defendant Fiske who was caught with freshly picked psilocybes].” The court did not address whether Fiske would have been breaking the law if the prosecution had proven Fiske knew the mushrooms contained psilocybin. Subsequent cases in other states have found the knowledge component to be the deciding factor.

In 2005 a New Mexico appeals court ruled that growing psilocybin mushrooms for personal consumption could not be considered “manufacturing a controlled substance” under state law. *State v. Pratt* No. 24,387 (NM Court of Appeals 2005). Although Pratt was able to reverse the charge of manufacturing a controlled substance, he was still convicted of possession.

Therefore whether it is a crime to pick mushrooms containing psilocybin depends upon where you are and the laws of that jurisdiction.<sup>6,7</sup>

Resources within state and local law enforcement are allocated toward serious offenses such as sales, transportation and manufacturing before they are used to build a case for possession. Mushrooms containing psilocybin are generally low priority for the federal government and most state and local law enforcement prefer pursuing hard drugs like meth and heroin or popular targets such as marijuana. Although the entheogenic or psychedelic effect from psilocybin can be as powerful as that from DMT or its cousin LSD, psilocybin is considered a mild intoxicant.<sup>8</sup>

Worldwide, the legal status of psilocybin mushrooms varies.<sup>9</sup> Psilocybin and psilocin are listed as Schedule I drugs under the

United Nations 1971 Convention on Psychotropic Substances.<sup>10</sup> However, psilocybin mushrooms themselves are not regulated by UN treaties. As a matter of international law, no plants (natural material) containing psilocin and psilocybin are at present controlled under the Convention on Psychotropic Substances of 1971. Consequently, preparations made of these plants are not under international control and, therefore, not subject of the articles of the 1971 Convention. UN recommendations notwithstanding, many countries have some level of regulation or prohibition of psilocybin mushrooms. Criminal cases regarding psilocybin-containing fungi are decided with reference to the laws of the country or jurisdiction in which a person find themselves.

Within national, state, and provincial jurisdictions there is a great deal of ambiguity as to the legal status of psilocybin mushrooms, as well as a strong element of selective enforcement. The legal status of spores is even more ambiguous, as spores contain neither psilocybin nor psilocin, and hence are not illegal to sell or possess in many jurisdictions, though these jurisdictions may prosecute under broader laws prohibiting items that are used in drug manufacturing.

In some countries such as Indonesian, trafficking in psilocybin can technically carry the death penalty. Though like most jurisdictions, Indonesia considers mushrooms a “soft drug” and until recently allowed restaurants in Bali to serve magic mushroom smoothies and omelets. However, do not expect other jurisdiction such as China, Singapore or the middle eastern countries to be so forgiving.

As mentioned above psilocin and psilocybin are controlled substances under Schedule 1 of the 1971 UN Convention on Psychotropic Substances, so all Member States control them accordingly. However, control of the mushrooms themselves is interpreted in many different ways across Europe – this may reflect the extent to which they grow freely in certain conditions, and the fact that they appear to be a somewhat regional phenomenon. A number of countries remain with unclear legislation, simply as there have been so few cases to reach the courts.

No matter where you are, the threshold for charging someone with a crime is very low compared to the threshold for a conviction. As a general rule the knowing possession of psilocybin containing fungi in any stage or form is illegal in all jurisdictions within the U.S. and most outside the U.S. If a prosecutor wants to make an example of you the laws are there to support the prosecution, requiring an expensive defense.

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*Jack Silver is a mycophile and public interest attorney living in Sebastopol California. In addition to environmental law Jack has defended the First Amendment rights of individuals from groups like Critical Mass and Food Not Bombs as well the right of the Santo Daime Church to use ayahuasca as a sacrament.*

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<sup>5</sup> Generally in order to convict a person for a criminal felony, due process requires that a prosecutor prove the defendant knew he was committing a crime. However, certain crimes are strict liability requiring no scienter. In certain states statutory rape is a strict liability crime as is selling alcohol to a minor. Under federal law environmental crimes are generally strict liability.

<sup>6</sup> An excellent text for identification is *Psilocybin Mushrooms of the World* Paul Stemetz, Ten Speed Press 1966

<sup>7</sup> For a state by state list see North Florida Shroom Guide's mushroom law page <http://www.jug-or-not.com/shroom/statelaw.html>

<sup>8</sup> Based upon arrests compared to other substances including heroin, methamphetamine and cocaine.

<sup>9</sup> For a comprehensive list of the laws in various countries see European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) <http://www.emcdda.europa.eu/html.cfm/index17341EN.html?>. Also EROWID has numerous references as to the legality of psilocybin containing mushrooms. See [http://www.erowid.org/plants/mushrooms/mushrooms\\_law.shtml](http://www.erowid.org/plants/mushrooms/mushrooms_law.shtml) and related links.

<sup>10</sup> See *List of psychotropic substances under international control* Int'l Narcotics Control Board. August 2003. <http://www.incb.org/pdf/e/list/green.pdf>

# SOMA

PO Box 7147  
Santa Rosa, CA 95407

## Issue 24:5 JANUARY 2012

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**SOMA usually meets on the third Thursday of the month throughout the year (September through May), at 7 PM, at the Sonoma County Farm Bureau, 970 Piner Road, Santa Rosa, California. Fungi are displayed at 7 PM, and speakers begin at 7:45 PM. Bring in your baffling fungi to be identified!**

### Directions to the Sonoma County Farm Bureau

From the south:

- Go north on Hwy 101
- Pass the Steel Lane exit then take the Bicentennial Way exit
- Go over Hwy 101 (heading west) and then right on Range Ave
- Turn left on Piner Rd and go about 1/4 mile
- Turn left into Farm Bureau parking lot at 970 Piner Rd

From the north:

- Go south on Hwy 101
- Take the first Santa Rosa exit for Hopper Ave/Mendocino Ave
- Stay left on the frontage road (it becomes Cleveland Ave)
- Turn right on Piner Rd and go about 1/4 mile
- Turn left into Farm Bureau parking lot at 970 Piner Rd

