



Mark Davis

## *Bill Analysis*

Legislative Service Commission

### **H.B. 627**

124th General Assembly  
(As Introduced)

**Reps. Core, Calvert, Carmichael, Allen, Shaffer, Setzer, Latta, McGregor, DeBose**

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#### **BILL SUMMARY**

- Prohibits trafficking in, cultivating, preparing for sale, and possession of spores or mycelium capable of producing mushrooms that contain psilocybin or psilocin.

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#### **CONTENT AND OPERATION**

##### **Background**

The four stages making up the life cycle of a mushroom are the spores, the mycelium, the primordia, and the mature fruit. Mushrooms are fungi. The spores are the reproductive cells or "seeds" of the fungi. Germination of the spores takes place when a suitable substrate (suitable material to support growth) and correct environmental conditions are present. These spores grow outward seeking nutrients and branch out forming a complex "cob-like" system. This "cob-like" system is the vegetative portion of the fungus, which is called the mycelium. The mycelium absorbs water and nutrients from the substrate, which is used in the production of the fruiting bodies. The ability of a fungus to begin fruiting is affected by genetics and various environmental factors including moisture, temperature, light, and aeration. The formation and growth of the fruiting bodies is known as primordia and has been referred to as "mycelium knots" and "pinheads." The "mycelium knot" is referring to the initial fruiting body that is formed when the mycelium clumps together and seems to form a "knot." This knot eventually grows into the "pinhead," a plump growth, yellow in color and with a brown tip. The fruit is considered mature when it is able to disperse spores and begin this life cycle over again. ([www.fanaticus.com/forensic.htm](http://www.fanaticus.com/forensic.htm).)

Psilocybin and psilocin are schedule one controlled substances. They are both hallucinogens. (R.C. 3719.41(C)(25) and (26).) Under existing law, no person may knowingly sell or offer to sell, prepare for shipment, ship, transport,

deliver, prepare for distribution, or distribute a controlled substance. Also, no person may knowingly obtain, possess, or use a controlled substance. These provisions do not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, dentists, dental hygienists, nurses, pharmacists, physicians, veterinaries, and any other persons whose conduct is in accordance with the laws governing controlled substances (R.C. 2925.03(A)(1) and (2) and (B)(1) and 2925.11(A) and (B)(1)).

Mushroom spores do not contain psilocybin or psilocin. Young mycelium is also unlikely to contain either of the hallucinogenic substances. However, as the mycelium ages and becomes closer to producing the fruiting bodies, studies have observed the presence of psilocybin or psilocin. ([www.fanaticus.com/forensic.htm](http://www.fanaticus.com/forensic.htm) and [www.thedrugsindex.org/thedrugsindex/files/psychedelic\\_library/Jochen\\_Gartz/gartz2.htm](http://www.thedrugsindex.org/thedrugsindex/files/psychedelic_library/Jochen_Gartz/gartz2.htm).)

### **Trafficking in spores**

R.C. 2925.031 prohibits any person from knowingly selling or offering to sell spores or mycelium capable of producing mushrooms that contain psilocybin or psilocin.

An accused may raise an affirmative defense to a charge under this section that the sale, or the offer to sell, is for bona fide research, instruction, or analysis if the sale of the spores or mycelium is not a violation of federal law.

Whoever violates this prohibition is guilty of "trafficking in spores," a felony of the fourth degree.

### **Illegal cultivation of spores**

R.C. 2925.042 prohibits any person who has the intent of committing the offense of "trafficking in spores" or "preparation of spores for sale" from knowingly cultivating any spores or mycelium capable of producing mushrooms that contain psilocybin or psilocin.

An accused may raise an affirmative defense to a charge under this section that the cultivation is for bona fide research, instruction, or analysis if the cultivation of the spores or mycelium is not a violation of federal law.

Whoever violates this prohibition is guilty of "illegal cultivation of spores," a felony of the second degree.

**Preparation of spores for sale**

R.C. 2925.071 prohibits any person from knowingly preparing to ship, shipping, transporting, delivering, distributing, or preparing to distribute spores or mycelium capable of producing mushrooms that contain psilocybin or psilocin when that person intends to sell or resell the spores or mycelium or when that person knows or has reasonable cause to believe that another person intends to sell or resell the spores or mycelium.

Whoever violates this prohibition is guilty of "preparation of spores for sale," a felony of the fourth degree.

**Possession of spores**

R.C. 2925.111 prohibits any person from knowingly obtaining, possessing, or using spores or mycelium capable of producing mushrooms that contain psilocybin or psilocin.

An accused may raise an affirmative defense to a charge under this section that the obtainment, use, or possession is for bona fide research, instruction, or analysis if the possession or use is not a violation of federal law.

Whoever violates this prohibition is guilty of "possession of spores," a felony of the fifth degree.

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	08-22-02	p. 1996

H0627-I.124/jc