

SHROOMING AHEAD: HOW THE U.S. IS MARCHING TOWARD PSILOCYBIN LEGALIZATION AND WHAT OTHER COUNTRIES MAY LEARN

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Abstract

The United States is traveling with momentum toward a statutory framework in which the consumption of psilocybin for therapeutic purposes is legal. The psychedelic substance has already been legalized or decriminalized in several cities and states. Most countries, however, have seen no such movement toward legalization. This Note explores how the U.S. psilocybin movement could become a model for other countries to follow suit. Despite long-standing federal roadblocks, the U.S. is starting to excel in terms of individual activism, non-profit organization campaigning, and private investment.

Although psilocybin is subject to widely differing legal treatments throughout the world, it is undeniably on a path to decriminalization, legalization, and acceptance. The United States, although lagging on the federal level, is providing a unique view of how psilocybin decriminalization and medicalization can be achieved through state and local government, individual citizens, well-funded research, and exposure to the public. It remains to be seen how quickly these factors will lead to widespread change in the U.S., however, the early years of this movement have already revealed a lot of information about this process. Countries throughout the world, at earlier stages of legalization, may look to this progress and adopt their own versions of it to effectively achieve psilocybin legality.

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INTRODUCTION

The United States is traveling with momentum toward a legal framework in which psychedelics are legal and available to the public. The forerunner of this movement appears to be the psychedelic substance, psilocybin and its administration in therapeutic settings. Although not as advanced as countries like Portugal and the Netherlands, which have decriminalized psilocybin nationwide, the U.S. has shown unprecedented policy change in its attitude toward the substance in many cities and states. The United Kingdom, a culturally, socially, and developmentally similar country to the U.S., conversely has had little to no momentum in changing its restrictive controlled substances laws, or allowing widespread research in order to foster legal access to psychedelics. Australia, while making huge progress toward legalizing psilocybin for medical use, also does not appear to be moving with any intention toward wider acceptance for personal use. Several countries throughout the world have completely legalized or decriminalized the substance through sweeping legislation, however, the vast majority of countries have seen no movement whatsoever toward any form of psilocybin or psychedelic legalization.

Although the legal framework for psychedelics in the U.S. still largely looks upon psilocybin disapprovingly—especially on the federal level—key legislative initiatives in some cities and states have put the country firmly on a path to legalization, similar to that of marijuana, by the year

2040. Both perpetuating and growing as a result of these legislative changes is a web of passionate individuals, profit-driven biomedical companies, nonprofit organizations, researchers, and activists all striving for some degree of psychedelic legalization. The unprecedented progress seen in psilocybin legalization in the United States has been made possible largely because of the American system of federalism and the state and local power which that system guarantees. In this sense, the UK has a much larger hurdle to clear on its own path to legalization as it does not enjoy the same federalist system. Australia has an advantage over the UK with its federalist system but still shows seemingly little momentum toward local and state changes. The American movement toward psilocybin access, while still in its infancy, could show the world the worthiness of psilocybin acceptance as well as provide insight into how legalization could be achieved in countries where much less progress has been made. This Note explores the psilocybin movement in the U.S. and how the UK, Australia, and other countries may be able to harness this uniquely American momentum and build momentum of their own.

I. PSILOCYBIN

A. *A Short History of Psilocybin*

Psilocybin is an alkaloid hallucinogenic compound that occurs naturally in psychedelic mushrooms.¹ Psychedelic mushrooms, also known as magic mushrooms, have had a centuries-long medicinal history in non-western cultures.² Cave-painting evidence suggests psilocybin was consumed through magic mushrooms as early as 9,000 B.C.E.³ Psilocybin has recently been found to have potentially existed on earth for over sixty-seven million years.⁴ The first evidence of ritualistic consumption of psilocybin came in the 1500s with the Mixtec culture of Mexico.⁵ Psilocybin still enjoys ritual use to this day in groups like

1. *Are Magic Mushrooms Legal in the UK?*, NECTAR (Oct. 21, 2021), <https://nectarmedicalvapes.com/us/blog/are-magic-mushrooms-legal-in-the-uk> [https://perma.cc/ZR82-T3MV].

2. Claudia Schwarz-Plaschg, *Socio-psychedelic Imaginaries: Envisioning and Building Legal Psychedelic Worlds in the United States*, 10 EUR. J. FUTURES RSCH. 1, 2 (2022), <https://doi.org/10.1186/s40309-022-00199-2> [https://perma.cc/U92C-LAX8].

3. Caitlyn Hitt, *The Long History of Magic Mushrooms*, THRILLIST (Aug. 26, 2020), <https://www.thrillist.com/news/nation/history-of-magic-mushrooms-origin-story-facts> [https://perma.cc/GML5-TMPW].

4. Jane C. Hu, *The Long History of Psilocybe's Evolution; New Bills in Indiana, California, and New Jersey; and COMPASS Partners with a Healthcare Non-Profit*, MICRODOSE (Jan. 19, 2024), <https://themicrodose.substack.com/p/the-long-history-of-psilocybes-evolution> (last visited June 16, 2025).

5. R.C. Van Court et al., *Diversity, biology, and history of psilocybin-containing fungi: Suggestions for research and technological development*, 126 FUNGAL BIOLOGY 308, 308 (2022).

Chatins, Matlanzins, and Nahuatls.⁶ The Western world was first fully introduced to mushrooms containing psilocybin in 1957 when an article was published in Life Magazine detailing a mushroom ritual in Mexico.⁷ Since the Western world discovered magic mushrooms in Central America, millions of tourists over many years travelled to towns where such rituals took place in order to personally try them.⁸ When outsiders discovered the profound effects of the drug, it began spreading throughout the world and eventually was outlawed in most countries.⁹

B. *Effects and Uses*

Psilocybin is currently being studied to treat a plethora of psychological and physical ailments including but not limited to alcohol, opioid, and tobacco abuse disorders; depression; anxiety; post-traumatic stress disorder (PTSD); obsessive compulsive disorder (OCD); and cluster headaches.¹⁰ Studies involving each of these ailments have seen overwhelmingly positive outcomes following the administration of psilocybin in tandem with psychotherapy.¹¹ These positive effects have also been reported for decades by underground, self-medicating users.¹²

Classical psychedelics, including psilocybin, lysergic acid diethylamide (LSD), and methylenedioxymethamphetamine (MDMA) have extremely low toxicity to the human body and have not been shown to directly cause any serious bodily harm.¹³ Additionally, long-term use of psychedelics has not been shown to cause dependence, addiction, cravings, or withdrawal unlike many other legal substances that are widely available to the public.¹⁴ Many studies have also demonstrated long-term positive changes in the personal life of participants who use psychedelics.¹⁵ Positive psychological changes including a better subjective outlook on the world and perception of the body and personal

6. *Id.* at 309.

7. David E. Nichols, *Psilocybin: from ancient magic to modern medicine*, 73 J. ANTIBIOTICS 679, 680 (2020).

8. Mattha Busby, 'Flesh of the Gods': The Trippy History of Magic Mushrooms, VICE (Sept. 2, 2022), <https://www.vice.com/en/article/epzx4p/magic-mushrooms-history> [<https://perma.cc/PKA3-4KAZ>].

9. Schwarz-Plaschg, *supra* note 2, at 1.

10. Sandee LaMotte, *How Psilocybin, the psychedelic in mushrooms, may rewire the brain to ease depression, anxiety and more*, CNN (May 10, 2023), <https://www.cnn.com/2022/06/11/health/psilocybin-brain-changes-life-itself-wellness-scn/index.html> [<https://perma.cc/MWJ7-DKBR>].

11. Schwarz-Plaschg, *supra* note 2, at 7.

12. Johan Soderberg, *The psychedelic renaissance: a case of outlaw user innovation in the pharmaceutical industry*, 38(4) PROMETHEUS 385, 387 (2023).

13. Zuzana Postránecká et al., *Psychedelic Therapy in the Czech Republic: A Theoretical Concept or a Realistic Goal?*, 3 J. PSYCHEDELIC STUD. 19, 26 (2019).

14. *Id.* at 25.

15. LaMotte, *supra* note 10.

issues have all been reported in connection with psychedelic substance consumption.¹⁶

A 2006 Johns Hopkins study by Dr. Roland R. Griffiths, in which researchers administered psilocybin to participants, is seen as the impetus of the “psychedelic renaissance” of the west, making a convincing case for further research to be conducted despite entrenched legal restrictions.¹⁷ Two-thirds of the thirty-six participants reported that their psilocybin experience was one of the top five most meaningful experiences of their lives.¹⁸ Participants became happier and more optimistic for a prolonged period, sometimes lasting months, from just one experience.¹⁹ Ten years later, Griffiths published a larger study looking at psilocybin’s effects on depression and anxiety in cancer patients.²⁰ He found that high doses of psilocybin significantly reduced participants’ depression and anxiety, and such feelings could last for over six months.²¹ There were no serious adverse effects.²²

Another study dealing with psilocybin’s effects on treatment-resistant major depression showed a significant decrease in depressive symptoms both at one week and three months post-treatment.²³ Anxiety symptoms followed a similar pattern.²⁴ A different study showed that when fifteen smoking-addicted participants received several doses of psilocybin, ten of them were smoke-free for at least twelve months post-treatment.²⁵

C. Potential Drawbacks

Despite the highly beneficial potential value of psilocybin consumption and a growing body of research suggesting little to no physiological risks, there are several possible psychological drawbacks

16. Postránecká, *supra* note 13, at 26.

17. Marc Shapiro, *Johns Hopkins’ ‘Risky’ Decision Leads to a Psychedelic Renaissance*, JOHNS HOPKINS MED. (Nov. 18, 2021), <https://www.hopkinsmedicine.org/news/articles/2021/11/johns-hopkins-risky-decision-leads-to-a-psychedelic-renaissance> [https://perma.cc/K8SX-3YSH].

18. Roland R. Griffiths et al., *Psilocybin can occasion mystical-type experiences having substantial and sustained personal meaning and spiritual significance*, 187 PSYCHOPHARMACOLOGY 268, 274 (2006).

19. *Id.*

20. Roland R. Griffiths et al., *Psilocybin produces substantial and sustained decreases in depression and anxiety in patients with life-threatening cancer: A randomized double-blind trial*, 30 J. PSYCHOPHARMACOLOGY 1181, 1181 (2016).

21. *Id.* at 1185.

22. *Id.* at 1187.

23. Matthew W. Johnson & Roland R. Griffiths, *Potential Therapeutic Effects of Psilocybin*, 14(3) NEUROTHERAPEUTICS 734, 736 (2017).

24. *Id.*

25. *Id.* at 737.

to its use that must be addressed.²⁶ Among the short and transient list of physiological effects related to some psilocybin experiences are “nausea, bodily discomfort, and headaches.”²⁷

Psilocybin consumption has been shown to affect time perception, attention, orientation, and memory.²⁸ Such effects could lead to impairment in one’s ability to operate machinery or motor vehicles.²⁹ It is worth pointing out, however, that fatal traffic accidents involving psychedelic drugs have been extremely rare and virtually nonexistent.³⁰ Particularly high doses of psilocybin may result in an experience commonly known as a “bad trip.”³¹ Such an experience is often marked by heightened “anxiety, dysphoria, delusions, or confusion.”³² Psilocybin may also increase one’s suggestibility, making the user more agreeable or vulnerable to abuse from those around them.³³ This is especially important when considering the trusting relationship necessary between a patient and therapist who is tasked with administering psilocybin. Heightened suggestibility could conceivably increase the likelihood that a practitioner takes advantage of their patient during a session, although no such cases have yet been reported.³⁴

With rather high doses of psilocybin or other psychedelics, users suffering from schizophrenia or other mental ailments may be more susceptible to a psychotic episode.³⁵ Such events, though rare, have been reported to last anywhere from days to months.³⁶ There has been, however, no record of long-term psychosis in modern trials.³⁷ In past cases of psychotic episodes in those who have consumed a psychedelic substance, the causal link to psychedelic administration has been difficult

26. Moa Nordin et al., *A double-edged sword: Insights from practitioners on the short and long-term negative effects of psilocybin-assisted psychological interventions*, 8 J. PSYCHEDELIC STUD. 196, 196 (2024).

27. *Id.* at 199.

28. *Id.*; James J. Rucker et al., *Medicinal Use of Psilocybin: Reducing Restrictions on Research and Treatment*, ADAM SMITH INST. 1, 35 (2020), https://www.drugsandalcohol.ie/32599/1/Medicinal_use_psilocybin.pdf [<https://perma.cc/7TKY-A22U>].

29. Rucker et al., *supra* note 28, at 35.

30. Rucker et al., *supra* note 28, at 36.

31. Henry Harder et al., *The Psychedelic Social Club: a regulatory concept for people who use psychedelics?*, DRUGS: EDUC. PREVENTION & POL’Y 1, 2 (2023).

32. *Id.*

33. Nuno Azevedo et al., *Ethics of Psychedelic Use in Psychiatry and Beyond—Drawing upon Legal, Social, and Clinical Challenges*, 8 PHILOSOPHIES 1, 7 (2023).

34. *See generally* Rucker et al., *supra* note 28 (noting that researchers found psilocybin to induce suggestibility in participants).

35. Harder et al., *supra* note 31, at 3.

36. Rucker et al., *supra* note 28, at 38.

37. Rucker et al., *supra* note 28, at 38.

to establish due to the often long periods of time interceding consumption and negative outcome.³⁸

Despite the psychological, and limited physiological, risks involved in psilocybin consumption, the extent and likelihood of negative outcomes may be seen as negligible when compared to the very common negative effects seen with legal substances like alcohol and nicotine.³⁹ In a survey of over 9,000 voluntary participants around the world who had consumed mushrooms containing psilocybin in the previous year, only 0.2% reported negative effects prompting them to seek medical care.⁴⁰ In addition, most negative impacts are naturally resolved within the patient in a matter of hours.⁴¹ It is important to note that much of the data gathered thus far on the risks of psilocybin consumption has been borne out of non-therapeutic and non-clinical settings.⁴² Risks associated with psilocybin consumption appear even further discounted when undertaken with therapy and a controlled clinical environment.⁴³ Furthermore, many psychotherapists who have worked in legally administering psilocybin to patients contend that most negative experiences associated with a therapeutic psilocybin experience are necessary in achieving long-term treatment outcomes.⁴⁴

II. THE HISTORY OF PSILOCYBIN'S LEGAL STATUS IN THE UNITED STATES

A. 1970s to 2000s

Research in the United States involving psychedelics enjoyed widely unfettered treatment for a large portion of the 20th century until being banned in 1968 and classified as a schedule I substance with passage of the Controlled Substances Act (CSA) by Congress in 1970.⁴⁵ The CSA organized a variety of drugs into five categories (“schedules”).⁴⁶ These schedules reflected the Federal Government’s assessment of various factors relating to each drug, including its potential for medical use, potential for abuse, and perceived danger.⁴⁷ Psychedelics including psilocybin, LSD, and MDMA were categorized as Schedule I substances, the most restrictive category, meaning that they were seen as having no

38. Rucker et al., *supra* note 28, at 38.

39. Rucker et al., *supra* note 28, at 34.

40. Harder et al., *supra* note 31, at 2.

41. Rucker et al., *supra* note 28, at 34.

42. *Id.* at 37.

43. Nordin et al., *supra* note 26, at 2.

44. Nordin et al., *supra* note 26, at 4.

45. David Nutt, *Psychedelic—a new era in psychiatry?*, 21 *DIALOGUES CLINICAL NEUROSCIENCE* 139, 139 (2019).

46. *Id.* at 140.

47. 21 U.S.C. § 812.

accepted medical use nor accepted safe use under medical supervision.⁴⁸ To this day, the less severe schedule II includes drugs like cocaine and fentanyl.⁴⁹

In 1971, President Richard Nixon declared the beginning of the “War on Drugs” and organized thousands of drug raids across the country.⁵⁰ The creation of the Drug Enforcement Administration (DEA) in 1973 served to give the CSA an arm of enforcement.⁵¹ Any scientific research into the benefits of psychedelics quickly shuttered and their production moved underground.⁵² In the 1990s, the DEA allowed certain researchers to study a limited number of psychedelics.⁵³

Since the relaxation of psychedelic study in the 90s, many universities and private organizations have developed a rapidly growing body of work that supports the medical utilization of psychedelics.⁵⁴ Despite the allowance of university and private research into the beneficial qualities of psychedelic consumption, the CSA and its schedule system still essentially blockade any federal funding for such research.⁵⁵ A federal appropriations rider passed in 1996 ensured that no federal funding could legally be allocated to “any activity that promotes the legalization of any drug in schedule I” which would include scientific research into psychedelics.⁵⁶ Bills have been introduced to eliminate this rider but none have succeeded.⁵⁷ A schedule I drug may only be researched in the U.S. with proper DEA authorization and can then only be produced in small, highly-regulated amounts.⁵⁸ The cumbersome authorization and research process for schedule I substances generates extremely high costs and creates a barrier for most researchers looking to research the substance.⁵⁹

48. *Id.*

49. *Id.*

50. Christopher J. Coyne & Abigail R. Hall, *Four Decades and Counting: The Continued Failure of the War on Drugs*, CATO INST. (Apr. 12, 2017), <https://www.cato.org/policy-analysis/four-decades-counting-continued-failure-war-drugs> [<https://perma.cc/BHZ2-3LG4>].

51. *Id.*

52. Schwarz-Plaschg, *supra* note 2, at 2.

53. Mason Marks & I. Glenn Cohen, *Psychedelic Therapy: A Roadmap for Wider Acceptance and Utilization*, 27 NATURE MED. 1669, 1669 (2021).

54. *Id.*

55. *Id.* at 1670.

56. *Id.*

57. *Id.*

58. Mason Marks, *Psychedelic Medicine for Mental Illness and Substance Use Disorders: Overcoming Social and Legal Obstacles*, 21 N.Y.U. J. LEGIS. & PUB. POL’Y 69, 89 (2018).

59. *Id.*

B. *Present Day*

1. State and Local

Today, a disconnected web of municipalities and states are reforming psychedelic laws through approaches like decriminalization and biomedicalization.⁶⁰ The concept of decriminalization, although appearing in several different forms, is a form of legalization and is most simply seen through local governments lowering the priority of pursuing psilocybin offenders to the lowest level.⁶¹ This specific form of decriminalization is known as deprioritization and appears when a local government agrees to no longer prosecute or allocate government funds toward enforcing criminal penalties for a particular law.⁶² Biomedicalization, on the other hand, occurs when a substance, like psilocybin, becomes legally accessible through the government controlled regulatory framework used by new medicines and medical technology.⁶³ This process is largely indicated by private research and the commodification of results for commercial value.⁶⁴ Psilocybin acceptance in the U.S. has a heavy base in start-ups and private investors looking to make a profit in a burgeoning medical and biotechnology market.⁶⁵ Under today's regime, wealthy private companies fund most psychedelic research.⁶⁶ We have seen both decriminalization and biomedicalization so far being employed by cities and states throughout the U.S.

In 2019, although psilocybin was federally illegal, Denver, Colorado, was the first city in the U.S. to pass legislation decriminalizing the substance.⁶⁷ So, while it is still technically a crime to possess or consume psilocybin in Denver, it has been established that no government funds may be used to pursue a criminal charge for such a crime, which effectively nullifies the law.

Oregon was subsequently the first state to take bold action by decriminalizing psilocybin for medical and recreational use in 2020.⁶⁸ The state of Colorado joined Oregon in 2022 by passing a psychedelic reform initiative by majority popular vote that decriminalized

60. See generally Joshua S. Siegal et al., *Psychedelics Drug Legislative Reform and Legalization in the US*, 80 JAMA PSYCHIATRY 1, 2 (2023) (analyzing trends in psychedelic legal reform in the United States).

61. *Id.* at 4.

62. Schwarz-Plaschg, *supra* note 2, at 7.

63. Schwarz-Plaschg, *supra* note 2 at 5.

64. Schwarz-Plaschg, *supra* note 2, at 3.

65. *Id.*

66. Marks & Cohen, *supra* note 53, at 1670.

67. Siegal et al., *supra* note 60, at 2; Schwarz-Plaschg, *supra* note 2, at 7.

68. Siegal et al., *supra* note 60, at 2.

hallucinogenic plants and fungi including psilocybin.⁶⁹ As of 2022, cities throughout the country like Detroit; Seattle; Washington, D.C.; Ann Arbor; and Santa Cruz have successfully passed resolutions decriminalizing psilocybin.⁷⁰ By the end of 2023, other cities like Minneapolis, Minnesota; Salem, Massachusetts; Portland, Maine; and Eureka, California passed actions decriminalizing some psychedelics.⁷¹

As of January 2024, a bill was introduced to the Indiana senate that would establish funds to research the use of psilocybin for treating disorders including PTSD, bipolar disorder, and depression with an eye toward veterans and first responders.⁷² Among the dozens of legislative efforts to reform psychedelics in the United States, nearly all bills focus on psilocybin.⁷³

2. Federal

In 2018, the U.S. Food and Drug Administration (FDA) granted psilocybin a breakthrough therapy status and released draft guidance to be used by researchers in working and administering psilocybin treatments.⁷⁴ The guidance stresses that the FDA is not creating any legally enforceable responsibilities but merely delineating recommendations and “current thinking” regarding psychedelics in medical treatment cases.⁷⁵ This shows that although the federal government is not quite at a place to change the legal status of psilocybin, it acknowledges psilocybin’s current trajectory within the country.

III. LEGALIZATION EFFORTS IN THE UNITED STATES

A. Federal Level

The ultimate goal in the U.S., for someone wishing for fair and free access to psilocybin, is an across-the-board legalization and institutional embrace of the substance, similar to what is seen today with alcohol, a

69. Alexis Barnes, *Proposition 122 Passes in Colorado*, JD SUPRA (Feb. 2, 2023), <https://www.jdsupra.com/legalnews/proposition-122-passes-in-colorado-3934940> [<https://perma.cc/6UVQ-U95R>].

70. Schwarz-Plaschg, *supra* note 2, at 7.

71. *Psychedelic Policy Reform & Legal Markets in 2023*, PSYCHEDELIC ALPHA (Jan. 30, 2024), <https://psychedelicalpha.com/news/psychedelic-policy-reform-legal-markets-in-2023> [<https://perma.cc/5ASD-H8AG>].

72. Hu, *supra* note 4.

73. Siegal et al., *supra* note 60, at 1.

74. Xin Tao et al., *The Tide is Turning for Psychedelics-based Therapies in the UK*, GLOB. CANNABIS COMPLIANCE BLOG (July 27, 2023), <https://healthcarelifesciences.bakermckenzie.com/2023/07/27/the-tide-is-turning-for-psychedelics-based-therapies-in-the-uk/> [<https://perma.cc/2UK3-YN78>].

75. U.S. FOOD & DRUG ADMIN., PSYCHEDELIC DRUGS: CONSIDERATIONS FOR CLINICAL INVESTIGATIONS: GUIDANCE FOR INDUSTRY (2023).

much more harmful and easily accessible drug. Many experts in the field agree that such a goal is realistically only achievable by first going down the path of biomedicalization, legalizing psilocybin for medical use.⁷⁶ The process of enabling legal medical use of psilocybin, however, is severely hindered by its current federal scheduling status.⁷⁷ Although legalization will occur across U.S. states and cities regardless of psilocybin's status federally, the rate at which legalization occurs could be monumentally hastened if the substance were to be rescheduled by Congress or the FDA.⁷⁸ Rescheduling a substance can occur if Congress amends the CSA or if the executive branch orders the DEA to reschedule.⁷⁹ The FDA may also recommend rescheduling to the DEA.⁸⁰ The DEA will not reschedule psilocybin, however, absent mass amounts of evidence gathered through highly-controlled clinical trials.⁸¹ Ironically, psilocybin's scheduling status, in itself, largely obfuscates the ability for such trials to be conducted.⁸² It is estimated that researching highly-restricted schedule I drugs like psychedelics could cost as much as ten times that of less-restricted substances.⁸³ Even if the DEA reschedules psilocybin, the FDA must still approve medications containing the substance before it can be prescribed to patients.⁸⁴

Despite federal roadblocks, there have been glimmers of hope for a changing tide in the federal government's treatment of psilocybin. First, the draft guidance from the FDA provided a federal acknowledgment of the increased acceptance of psychedelic medicine. Physicians who wish to provide psychedelic treatment, in turn, will likely feel less fear about medical malpractice claims by implementing the guidelines.⁸⁵ This is one of many avenues by which the floodgates to psilocybin accessibility can be opened from the federal level.⁸⁶

Progress is also being made in other areas of the federal government. The Department of Defense recently allocated funding for psychedelic trials for active-duty service members.⁸⁷ This was done through a relatively innocuous amendment in the must-pass U.S. military budget for 2023.⁸⁸ There have also been inklings of action from members of

76. Schwarz-Plaschg, *supra* note 2, at 3.

77. Marks, *supra* note 58, at 74.

78. *Id.*

79. Marks & Cohen, *supra* note 53, at 1669.

80. *See* Marks, *supra* note 58, at 116.

81. *See id.* at 117.

82. *Id.* at 74.

83. *Id.* at 109.

84. *See id.* at 114.

85. *See* Marks & Cohen, *supra* note 53, at 1671.

86. *Id.*

87. PSYCHEDELIC ALPHA, *supra* note 71.

88. *Id.*

Congress. The recently introduced VISIONS Act would serve to prevent federal intervention in states with relaxed psilocybin laws.⁸⁹ Specifically, it would prohibit the use of “federal funds from preventing a state from implementing state psilocybin laws.”⁹⁰

B. State and Local Government

The enormous hurdle of strict federal scheduling faced by cities and states is currently being bypassed through decriminalization and biomedicalization efforts.⁹¹ In 2023, more than half of U.S. considered some form of psychedelic-related legislation.⁹² Although most of the actions failed, such reform is typically an extremely slow process, and the introduction of the bills alone is an encouraging sign of progress.

Oregon was the first state to decriminalize psilocybin for medical and recreational use in 2020.⁹³ Measure 109, the Oregon Psilocybin Services Act, allows for the supervised consumption of psilocybin.⁹⁴ Essentially, someone may participate in the consumption of psilocybin without a medical diagnosis by getting the substance administered to them by a trained facilitator licensed with the Oregon Health Authority.⁹⁵ The state of Colorado is taking a similar approach with their 2022 passage of Proposition 122 which decriminalized psilocybin and allowed for legal regulated access for adults 21 years and older.⁹⁶

The state of California is on the doorstep of psilocybin decriminalization. A bill decriminalizing the substance made it all the way through California’s legislature only to be vetoed by Governor Gavin Newsom.⁹⁷ Newsom’s refusal to sign the bill into law seems to stem from a lack of clear therapeutic guidelines for psilocybin but, barring that stipulation, he appeared open to signing a similar bill in the future.⁹⁸ In Massachusetts, a ballot similar to those in Colorado and Oregon, cleared by the state Attorney General, may be passed along to voters in the 2024 election.⁹⁹

89. Aaron Pelley, *VISIONS Act & The Future of Psychedelics*, CULTIVA LAW (Sept. 28, 2023), <https://cultivalaw.com/visions-act-the-future-of-psychedelics> [<https://perma.cc/E55E-AK36>].

90. *Id.*

91. Marks, *supra* note 58, at 129.

92. PSYCHEDELIC ALPHA, *supra* note 71.

93. Siegal et al., *supra* note 60, at 1.

94. Marks & Cohen, *supra* note 53, at 1671.

95. *Id.*

96. Barnes, *supra* note 69.

97. PSYCHEDELIC ALPHA, *supra* note 71.

98. *Id.*

99. Ben Adlin, *Massachusetts Lawmakers Approve Psilocybin Bill to Legalize For ‘Therapeutic, Spiritual And Medicinal Purposes’*, MARIJUANA MOMENT (Feb. 8, 2024),

Some researchers have looked at the massive legalization and reform efforts successfully made for marijuana in the U.S. in an attempt to predict and hypothesize upon the legal trajectory of psychedelics, specifically psilocybin, in the country.¹⁰⁰ Joshua Siegal developed some analytical models based on the progression of cannabis both for recreational and medical use.¹⁰¹ Using methods studying cannabis legalization for medical use, psychedelics are predicted to be legal in a majority of states by 2037.¹⁰² Studying the recreational marijuana progression reveals a projection that a majority of states will legalize psychedelics by 2033.¹⁰³

C. Other Actors

Individual citizens, organized groups of ordinary people, activists, non-profit organizations, and biomedical companies have all contributed crucial energy into legalizing psilocybin in the U.S.¹⁰⁴ Without these actors, the leaders on the local and state level who have made progress toward psilocybin legalization would likely have had little incentive to do so.¹⁰⁵

Due to the long-time restrictive drug laws of the U.S., communities of illegal psilocybin users have created a large body of anecdotal evidence and experiences on the internet.¹⁰⁶ This user data has helped give institutional bodies a starting point of knowledge to base much of their work toward now that research efforts in the U.S. are growing.¹⁰⁷

Besides the passive sharing of lived-experiences, people in psychedelic user communities as well as those who support its legalization, actively engage in political action such as petitioning leaders and organizations to join in the legalization process.¹⁰⁸ In 2020, over 30,000 citizens of Washington, D.C. signed their names to create a ballot decriminalizing psilocybin along with entheogenic plants.¹⁰⁹ The ballot

<https://www.marijuanamoment.net/massachusetts-lawmakers-approve-psilocybin-bill-to-legalize-for-therapeutic-spiritual-and-medicinal-purposes> [<https://perma.cc/FC8T-LV3Q>].

100. Siegal et al., *supra* note 60, at 7.

101. *Id.*

102. *Id.*

103. *Id.*

104. Andrew Beaujon, *How the “Most Normal Person Ever” Became the Face of a Movement to Decriminalize Magic Mushrooms*, WASHINGTONIAN (July 27, 2020), <https://www.washingtonian.com/2020/07/27/how-the-most-normal-person-ever-became-the-face-of-a-movement-to-decriminalize-magic-mushrooms> [<https://perma.cc/32LV-J6P6>].

105. *See id.*

106. *See* Schwarz-Plaschg, *supra* note 2, at 9.

107. Soderberg, *supra* note 12, at 385.

108. *See id.* at 387.

109. Andrew M. Robie, *Ego Birth: Measure 109, the NMHA, and Forward Movement in the Nascent Psilocybin Industry*, 65 OHIO MORITZ COLL. L. DRUG ENF'T & POL'Y CTR. (2023).

eventually passed, showing, at least in an area that allows such a process, how normal citizens can work to legalize psilocybin.¹¹⁰ Political action has also been seen in the form of lobbying. Several military veterans, like Jose Martinez, have taken up the cause to campaign for the legalization of psychedelic therapy.¹¹¹ Martinez lost his arm and both of his legs during his military service in Afghanistan and has personally reaped profound benefits from psychedelic treatment outside of the U.S.¹¹² Another veteran, Kevin Matthews, led the charge with a ballot initiative to make Denver, Colorado the first U.S. city to decriminalize psilocybin.¹¹³ Veterans like Martinez and Matthews are examples of individuals who take direct political action in an attempt to lobby leaders to legalize psilocybin.

Even despite psilocybin's strict scheduling, research labs may still obtain regulated amounts of the substance for study through a strenuous request process with the DEA.¹¹⁴ With trusted medical, pharmaceutical, and therapeutic research, leaders and policymakers should acknowledge the place that psilocybin has in the world and begin to change the laws. We have seen this type of organizational work in the U.S. with Roland Griffiths' groundbreaking psilocybin studies with Johns Hopkins University; the Multidisciplinary Association for Psychedelic Studies (MAPS), with their non-profit clinical testing of psychedelic compounds; and Rose City Laboratories, the first licensed psilocybin manufacturer in Oregon.¹¹⁵

Due to the highly restrictive nature of psilocybin in the U.S., research is currently only being conducted by approved non-governmental entities.¹¹⁶ Such a pursuit naturally requires a large amount of capital to fund the research. It is often the case today that wealthy private companies, with a financial incentive in psilocybin legalization and commercialization, work to fund groups that can research or advocate for psilocybin.¹¹⁷ For example, Dr. Bronners, a California-based soap company, has contributed more than 23 million dollars toward psychedelic advocacy and research.¹¹⁸ The founder of Toms Shoes, Blake Mycoskie, has also provided a wealth of funds for psychedelics research

110. *Id.*

111. Andrew Jacobs, *Veterans Have Become Unlikely Lobbyists in Push to Legalize Psychedelic Drugs*, N.Y. TIMES (June 22, 2023), <https://www.nytimes.com/2021/11/11/health/veterans-psychedelics-ptsd-depression.html> (last visited June 16, 2025).

112. *Id.*

113. *Id.*

114. Quentin Barbosa, *America is Tripping: Psychedelic Pharmaceutical Patent Reforms Fostering Access, Innovation, and Equity*, 88 BROOK. L. REV. 1129, 1140 (2023).

115. Robie, *supra* note 109, at 4.

116. Marks & Cohen, *supra* note 53, at 1669.

117. Barbosa, *supra* note 114, at 1140.

118. Robie, *supra* note 109, at 9.

along with swaths of anonymous investors who likely see a positive financial future in legal psilocybin commodification.¹¹⁹

D. Policy Considerations

There is a strong case to be made for fully legalizing the sale, possession, and consumption of psilocybin in the United States as well as the world.¹²⁰ The two most drastic societal effects that would come with this change would be improved public health and economic growth. If marijuana's legalization trajectory in the U.S. is anything to base psilocybin's on, we will most likely see medicalization before open access.¹²¹ Even this intermediary step would provide profound policy benefits to the U.S.

Psilocybin consumption, especially in optimal conditions, has numerous and profound potential benefits. As previously noted, a large amount of scientific research has pointed toward psilocybin's incredible effects on treatment-resistant depression, OCD, PTSD, anxiety, and general outlook on life.¹²² Not only has psilocybin been outperforming other pharmaceuticals in this department, but the effects have also been proven to last longer.¹²³ Psilocybin's positive mental health effects have been seen to be stable and longer-lasting than traditional prescription medications.¹²⁴

Psilocybin's potential to address serious and expensive mental conditions opens the path to thousands of saved lives and billions of saved dollars all without the risk of abuse or dependence.¹²⁵ In terms of actual revenue generation, the legal marijuana industry in the U.S. generated states almost three billion dollars in tax revenue alone during 2022.¹²⁶ It is estimated that, in 2024, the medical and recreational marijuana industry in the U.S. will generate 11.6 billion and 26.9 billion dollars respectively.¹²⁷ The economic gains reaped from a patchwork of

119. Tiffany Kary, *Meet the Lobbyists and Investors Who Are Pushing Legal 'Shrooms*, BLOOMBERG (July 10, 2023), <https://www.bloomberg.com/news/newsletters/2023-07-10/meet-the-lobbyists-and-investors-who-are-pushing-legal-shrooms?embedded-checkout=true> (last visited June 16, 2025).

120. Marks, *supra* note 58, at 69.

121. *Id.*

122. *Id.* at 71.

123. Postránecká et al., *supra* note 13, at 24.

124. *Id.* at 24.

125. Marks, *supra* note 58, at 72.

126. Adam Hoffer, *Cannabis Taxation: Lessons Learned from U.S. States and a Blueprint for Nationwide Cannabis Tax Policy*, TAX FOUND. (Dec. 14, 2023), <https://taxfoundation.org/research/all/state/cannabis-tax-revenue-reform/#:~:text=The%20revenue%20potential%20from%20cannabis,billion%20annually%20for%20all%20states> [<https://perma.cc/K9R2-6Q3A>].

127. *U.S. Cannabis Economic Impact*, MJBIZDAILY (Apr. 2023), <https://mjbizdaily.com/us-cannabis-sales-estimates> (last visited June 16, 2025).

marijuana legalization in America gives an idea of the great financial benefits that legalizing a previously outlawed drug might have on a nation's economy.

IV. PSILOCYBIN'S LEGAL STATUS INTERNATIONALLY

A. *The United Nations*

In 1971, the United Nations (UN) adopted the Convention on Psychotropic Substances with a goal of stemming the abuse of psychoactive drugs.¹²⁸ The convention categorized drugs into different schedules, classifying psychedelic substances like psilocybin into the most extreme schedule I.¹²⁹ Similar to subsequent substance scheduling in signatory countries, schedule I drugs are considered to “pose a great risk to society” and lack “therapeutic potential.”¹³⁰ The convention led to complementary acts like the UK's Misuse of Drugs Act and the CSA in America. These national legislative schemes acted as attempts to comply with the UN convention.

Since that time, there have been a patchwork of international treaties and national laws dealing with psychedelic substances. The UN Declaration on the Rights of Indigenous Peoples recognizes the right for cultures to maintain, control, protect, and develop cultural heritage including with substances like medicines, flora, and fauna.¹³¹ This has been interpreted to allow for the cultural usage of psychedelics.¹³²

B. *The United Kingdom*

In 1971, similarly to the U.S., the UK enacted wide reaching anti-drug regulation with the passage of the Misuse of Drugs Act thereby categorizing several substances into classes based on their governmentally perceived safety and potential for use.¹³³ This class system is similar to the scheduling system of the U.S. and, in fact, took on the “schedule” terminology with the updated Misuse of Drugs Regulations of 2001.¹³⁴ The drugs that are placed in schedule I are the most illegal and subject to prosecution.¹³⁵ The UK's schedule I of drugs includes psilocybin, LSD, and MDMA while the more relaxed schedule

128. *Psychotropic Substances*, INT'L NARCOTICS CONTROL BD. (Feb. 2, 2018), <https://www.incb.org/incb/en/psychotropics/index.html> [<https://perma.cc/Y6D9-CS3X>].

129. U.N. Convention on Psychotropic Substances, Feb. 21, 1971, 1019 U.N.T.S. 175.

130. *Id.*

131. G.A. Res. 61/295, U.N. Doc. A/RES/61/295, at 31 (Sept. 13, 2007).

132. *Id.*

133. Rucker et al., *supra* note 28, at 10.

134. *Id.* at 17.

135. NECTAR, *supra* note 1.

II features cocaine, methamphetamine, and ketamine.¹³⁶ The schedule I classification means that psilocybin is considered to have no therapeutic use.¹³⁷ Furthermore, any research into the substance requires obtaining a license from the Home office.¹³⁸ This poses a significant barrier for all UK researchers.¹³⁹ The maximum penalty for offenses relating to schedule I drugs, while more relaxed than the American sentencing structure, includes seven years of incarceration and a potentially unlimited fine.¹⁴⁰

Interestingly, until 2005, a loophole in the Misuse of Drugs Act meant that fresh magic mushrooms containing psilocybin were legal to possess and gather while those prepared or dried through human intervention were outlawed.¹⁴¹ This loophole was closed, however, with the Drugs Act of 2005 which made it illegal to import, export, produce, supply, or possess magic mushrooms in any form.¹⁴²

In May of 2023, there was a small push for psilocybin reform in the UK government by some members of parliament with a scheduled debate.¹⁴³ The debate regarded a decision on whether to reschedule psilocybin, potentially making it easier to research and thus more accessible to the public.¹⁴⁴ The debate revealed some bipartisan consensus on rescheduling psilocybin in order to widen the pathway for further research and funding but the proceeding yielded no demonstrable impact.¹⁴⁵ It was also noted in the debate that the U.S. had been progressing in psilocybin research and therapy at a great pace.¹⁴⁶

As of June 2023, the farthest that the UK had gotten in psychedelic reform is the Medicines and Healthcare products Regulatory Agency's approval of a trial testing a psilocin-based drug to treat major depressive

136. Rucker et al., *supra* note 28, at 48.

137. *Id.* at 27.

138. *Id.* at 11.

139. Tao et al., *supra* note 74.

140. NECTAR, *supra* note 1.

141. *Magic Mushrooms Ban Becomes Law*, BBC NEWS (July 18, 2005), http://news.bbc.co.uk/2/hi/uk_news/4691899.stm [<https://perma.cc/RL4D-HXES>].

142. *Id.*

143. Becky Morton, *Psilocybin: Calls to ease restrictions on magic mushroom drug*, BBC (May 18, 2023), <https://www.bbc.com/news/uk-politics-65638220> [<https://perma.cc/SX9J-8Z9W>].

144. Jane C. Hu, *UK Members of Parliament Call for Psilocybin Rescheduling, a New Psychedelics Action Group in the European Parliament, and was Australia's Psychedelic Reform "Too Fast and Too Soon"?*, MICRODOSE (May 26, 2023), https://themicrodose.substack.com/p/uk-members-of-parliament-call-for?r=8388d&utm_medium=ios&utm_campaign=post (last visited June 17, 2025).

145. Tao et al., *supra* note 74.

146. *Id.*

disorder.¹⁴⁷ Psilocin is a substance found alongside psilocybin in psychedelic mushrooms.¹⁴⁸ It is also a schedule I drug under the 1971 UN Convention on Psychotropic Substances.¹⁴⁹

C. Australia

Australia provides somewhat of a contrast to the UK in terms of psilocybin legality but is still in its infancy in terms of psychedelic acceptance. Psychedelic substances, including psilocybin, were outlawed in Australia following the passage of the Narcotic Drugs Act of 1967.¹⁵⁰ The Office of Drug Control (ODC), similar in function to the DEA of the United States, was created to regulate and report the movement of psychedelic substances in Australia under the 1971 Convention of Psychotropic Substances.¹⁵¹ Australia also federally classifies illegal drugs using a scheduling system.¹⁵² Classical psychedelics like psilocybin were classified under this system as schedule 9, the most strict schedule in Australia.¹⁵³

In 2023, Australia became the first nation in the world to legalize psilocybin for therapeutic treatment of certain ailments.¹⁵⁴ The Therapeutic Goods Administration, a corollary to America's FDA, rescheduled both psilocybin and MDMA to schedule 8, allowing the substances more freedom to be researched and used for medical purposes.¹⁵⁵ Specifically, approved psychiatrists may prescribe psilocybin for those whose depression is treatment-resistant.¹⁵⁶ Although this is still a relatively restricted scheme for allowing the legal use of psilocybin, it is a monumental move that even the U.S. has yet to achieve. The change speaks to the shifting opinions of Australia's national government but does not say much for its individual states and cities, who

147. Catherine Eckford, *UK Trial to Test Psilocin-based Drug for Major Depressive Disorder*, EUR. PHARM. REV. (June 28, 2023), <https://www.europeanpharmaceuticalreview.com/news/184038/uk-trial-to-test-psilocin-based-drug-for-major-depressive-disorder> [https://perma.cc/47QK-XKG6].

148. Rucker et al., *supra* note 28, at 17.

149. Convention on Psychotropic Substances, *supra* note 129, 1019 U.N.T.S. at 175.

150. *Narcotic Drugs Act 1967* (Act No. 53/1967) (Aus.).

151. *Id.*

152. *Big, if True: Did Australia Legalize MDMA and Psilocybin?*, MULTIDISCIPLINARY ASS'N FOR PSYCHEDELIC STUD. (Feb. 27, 2023), <https://maps.org/2023/02/27/big-if-true-did-australia-legalize-mdma-and-psilocybin> [https://perma.cc/8KW9-TGJ7] [hereinafter MAPS].

153. *Id.*

154. *Id.*

155. *Id.*

156. *Id.*

also have power to regulate psychedelic substances within their jurisdiction.¹⁵⁷

D. Other Countries

When looking at other countries throughout the world, most outlaw all psychedelic substances outright.¹⁵⁸ Some allow the use of certain psychedelics for medical and ceremonial use.¹⁵⁹ Furthermore, psilocybin has even been completely decriminalized in some nations.¹⁶⁰

Countries like Australia, Canada, Denmark, and Israel allow certain psychedelics to be used for medical and ceremonial use.¹⁶¹ The countries who have completely legalized psilocybin, including Brazil and the Netherlands, along with those who have decriminalized psilocybin, like Colombia, Chile, and Portugal, are not the focus of this Note because of America's unique world position. The United States, with its notoriously cruel war on drugs, extremely diverse population and jurisdictions, early stage of psilocybin legalization, in addition to its influential reputation on the global stage, is in a unique position to model to the world the characteristics that may be conducive to effective psilocybin legalization. Despite clear global progress toward full psilocybin legalization, the cases of such are generally outliers with the vast majority of the world preferring to leave psychedelic laws and regimes unchanged.¹⁶²

V. INSIGHTS FROM THE UNITED STATES REGARDING PSILOCYBIN LEGALIZATION

The United States' system of federalism has undoubtedly been a crucial factor in allowing state and local governments to skirt federal laws and decriminalize psilocybin.¹⁶³ Although federalism has provided a doorway for state and local leaders to decriminalize and accept psilocybin in the U.S., other actors including individual activists; psilocybin users; private, public, and non-profit organizations; as well as researchers and research universities have been the backbone of these policy developments. These actors can be seen doing work to advance the acceptance of psilocybin all across the globe. However, most face a much

157. *Federalism in Action: The Three Levels of Government*, PARLIAMENT OF NEW SO. WALES, <https://education.parliament.nsw.gov.au/federalism-in-action-the-three-levels-of-government> [https://perma.cc/XBT5-8TMW].

158. *Worldwide Psychedelic Laws Tracker*, PSYCHEDELIC ALPHA (June 27, 2023), <https://psychedelicalpha.com/data/worldwide-psychedelic-laws> [https://perma.cc/54PQ-EZAK].

159. Marks & Cohen, *supra* note 53, at 1669.

160. *Id.*

161. PSYCHEDELIC ALPHA, *supra* note 158.

162. *Id.*

163. Kathryn L. Tucker et al., *In Search of: A Federal Safe Harbor for State Legalization of Psilocybin*, 26 LEWIS & CLARK L. REV. 1203, 1213 (2023).

harder hill to climb as a result of stronger national governments in the countries in which they operate. Due to a seemingly ubiquitous distaste for psychedelics across national governments in conjunction with generally less powerful local governments than those seen in the U.S., the pathway to psilocybin legalization seems much further away than it now does in America. The international community can nonetheless learn from the pioneering that the United States is participating in. National governments often change laws and revise legal frameworks as a result of lobbying. Although lobbying a national government is a much different beast than lobbying a state or local government, it can be done, and the aforementioned actors can take the U.S. as a budding example of the ability for lobbyists to enact meaningful statutory change. National governments themselves can learn from the U.S. by observing the positive public health, economic, and popular benefits that U.S. municipalities reap from experimenting in psilocybin legalization. These considerations, coupled with a rapidly growing global body of psilocybin research, may persuade hastened change.

A. *Inherent Differences*

In analyzing the ways in which the United Kingdom, Australia, or any other country may march toward a path of psilocybin acceptance like what is being seen in the U.S., special attention must be afforded toward the inherent structural differences between the American system of government and other nations. A crucial reason why the U.S. has been able to make progress on psilocybin legalization has been the sovereignty afforded to states through federalism. The UK government, for example, is not federalist and relies chiefly on the powerful national government for most substantive changes to country-wide laws.¹⁶⁴ The UK Parliament and government is akin to the U.S.' legislative and executive branches respectively.¹⁶⁵ Local UK governments cannot eschew national drug laws through decriminalization like cities and states have been doing in the U.S. Any substantive changes to law must essentially go through the parliamentary legislation process at the national level.¹⁶⁶

Australia, on the other hand, does have a federalist system similar to that of the U.S., affording smaller portions of government to change drug laws like states and cities in the U.S. without the national government's approval.¹⁶⁷ There are six states which each have their own constitutions, governments, laws, and power within the country.¹⁶⁸ According to the

164. *How government works*, UNITED KINGDOM, <https://www.gov.uk/government/how-government-works> [<https://perma.cc/668U-5Z2R>].

165. *Id.*

166. *Id.*

167. PARLIAMENT OF NEW SO. WALES, *supra* note 157.

168. *Id.*

Australian constitution, states have power over any matter not delineated to the federal government.¹⁶⁹ This includes “schools, hospitals, roads, public works, agriculture, police, prisons, and emergency services.”¹⁷⁰ Local municipalities and their councils in Australia also have power related to areas like public health, parks, libraries, and waste disposal.¹⁷¹

The U.S. has proceeded on their legalization pathway by slowly growing their body of research, and thus, gradually building scientific pressure for the DEA or Congress to restructure the CSA’s scheduling regime. This, in turn, would widely increase access to funding for further research and provide more leeway for greater civilian access. The UK, on the other hand, seems to be proceeding by attempting to reschedule psychedelics first and engaging in further research later, rather than letting more widespread initial research guide the scheduling approach.¹⁷² This approach has worked in Australia, as psilocybin was rescheduled and opened up for regulated medical use and less restricted research.¹⁷³ This move, however, was bold for Australia’s government and some met the decision with criticism.¹⁷⁴ Such a decision is not likely to be made by the UK’s central government in the near future.

The people of the UK need not wait for the slow, incremental developments of their national government to achieve progress in psilocybin reform. They, instead, could emulate the U.S. in the realm outside of state and local initiatives. Even Australia, with the progress it’s made with legalized psilocybin therapy, has the space to speed up legalization through the help of nongovernmental actors and decriminalization on a state and local level. Although the U.S. has seen massive psilocybin reform on the state and local level, a lot of progress may be attributed to private actors.¹⁷⁵ The UK and Australia have the opportunity to follow suit through grassroots organizing, university research, privately funded organizations, lobbying, and greater public awareness. This may quicken the reaction by the UK national government to at least open channels for more extensive and expensive research with an eye toward rescheduling and national reform. State and local

169. *Id.*

170. *Id.*

171. *Id.*

172. Tao et al., *supra* note 74.

173. MAPS, *supra* note 152.

174. See Rich Haridy, *Australia to prescribe MDMA and psilocybin for PTSD and depression in world first*, NATURE (June 30, 2023), <https://www.nature.com/articles/d41586-023-02093-8#:~:text=30%20June%202023-,Australia%20to%20prescribe%20MDMA%20and%20psilocybin%20for%20PTSD%20and%20depression,suggestions%20that%20it%20was%20rushed> [https://perma.cc/AKF6-CZ5H] (noting that at least some individuals or groups have suggested that the decision was rushed).

175. Schwarz-Plaschg, *supra* note 2, at 3.

decriminalization in Australia, additionally, may prove to hasten the national government's timeline for acceptance and legalization.

B. *Individual Citizens*

Individual citizens and organized groups of ordinary people have been essential to the history and progression of psilocybin.¹⁷⁶ After all, a substance like psilocybin needs a population of people who consume and support it, in order for it to be such a prevalent topic throughout the world.

Due to the highly restrictive nature of drug laws worldwide and, by proxy, opportunity for research, an overwhelming amount of data regarding psilocybin has been amassed over decades through the self-reported and illegal experiences of individual users.¹⁷⁷ These users have provided invaluable insight into consumption procedures, environmental preferences, effects, harm reduction, and a plethora of other information surrounding psilocybin consumption.¹⁷⁸ Companies working within the current psilocybin legal framework have pulled these bountiful insights from users to inform their practices.¹⁷⁹ The slowly advancing trajectory of psilocybin legalization and pharmaceutical research, as well as the restricted flow of important findings associated with those, can be relieved by companies taking cues from progress made in communities who have illegally used psilocybin.¹⁸⁰ This information is most often compiled in anonymous web forums and localized literature.¹⁸¹ Community groups also help by creating resources that inform, support, and facilitate safe psilocybin consumption.¹⁸² This type of activism aids in showing leaders and the public the benefits of psilocybin while also normalizing its use.¹⁸³ The base of knowledge compiled by years of individual experience exposes the public to psilocybin, reduces stigma, and helps advance commercialization and biomedicalization.¹⁸⁴

Besides the passive sharing of lived-experiences, people in psychedelic user communities, as well as those who support its legalization, engage in political action such as petitioning leaders and organizations to join in the legalization process.¹⁸⁵ In the U.S., this has been seen with veterans launching campaigns to sway legislators. In

176. See Soderberg, *supra* note 12, at 385 (stating that psilocybin users have been essential to the research and understanding of the substance).

177. *Id.*

178. *Id.* at 386.

179. *Id.*

180. *Id.*

181. *Id.* at 387.

182. Soderberg, *supra* note 12, at 387.

183. See Robie, *supra* note 109, at 14 (stating that decriminalization and community advocacy lead to a better understanding of the use of psychedelics).

184. Soderberg, *supra* note 12, at 393.

185. *Id.* at 387.

every country in the world, individual citizens and community groups have at least some degree of political power. In countries where political freedom has a wider breadth but perhaps their system of federalism is weak or nonexistent, they still have the ability to work toward changing psilocybin laws.

As a result of increased individual participation in the psilocybin legalization movement, a self-promulgating cycle may slowly form. This cycle begins with the relaxation of psilocybin laws in a particular jurisdiction; which leads to more research, public acceptance, and exposure to psilocybin; which results in more people consuming the drug in these jurisdictions and spreading proof of its benefits; which finally leads back to the start of the cycle where psilocybin laws in more jurisdictions are loosened. Inevitably, as the world is exposed more and more to the inspiring health and economic benefits of psilocybin, the pressure and incentive to legalize the substance increases, leading to legalization. Such a cycle could be, and arguably is, being seen on a national and global scale.

C. *Research Through Private Organizations and Universities*

A crucial intermediary between the total outlaw of psilocybin of the past and the widespread access of the future is extensive research done by private organizations and universities.¹⁸⁶ Before the U.S. can make national changes to its psilocybin scheduling or laws, the case for psilocybin must be made through mountains of positive research.¹⁸⁷ Even despite psilocybin's strict scheduling, labs may still obtain regulated amounts of the substance for study through a strenuous request process with the DEA.¹⁸⁸ With trusted medical, pharmaceutical, and therapeutic research, leaders and policymakers should be all but forced to acknowledge the place that psilocybin has in the world and start to change the laws. We have seen this taking place in both the U.S. and abroad. The hope is that such research only grows in frequency and accessibility which will lead to a more expedient shift in law as more organizations gather the capital and authorization to conduct the research.

CONCLUSION

Despite the extremely varying legal frameworks surrounding psilocybin use and possession around the world, one thing is clear: psilocybin is on a path to wider acceptance and decriminalization. The United States, although balking on a federal level, is providing a unique peek at how psilocybin decriminalization, and eventually full legality,

186. Schwarz-Plaschg, *supra* note 2, at 13.

187. Marks & Cohen, *supra* note 53, at 1669.

188. Barbosa, *supra* note 114, at 1140.

can be achieved through state and local government, individual lobbyists, well-funded research, and popular education. It remains to be seen how quickly these factors will lead to more widespread change in the U.S., however, the momentum appears to be building. Countries throughout the world who are at a more regressed position in their legalization journeys and, perhaps, who see the U.S. as a model for behavior, may look to this progress and adopt their own versions of it to achieve psilocybin legalization.