



U. S. Department of Justice
Drug Enforcement Administration
8701 Morrissette Drive
Springfield, Virginia 22152

www.dea.gov

January 2, 2024

Mr. Michael McGuire
New York Cultivation Law PLLC



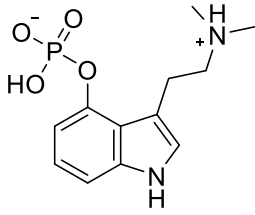
Dear Mr. McGuire:

This is in response to your letter dated November 29, 2023 in which you request the control status of “magic mushroom” spores under the Controlled Substances Act (CSA). The major psychoactive constituents of magic mushrooms are psilocybin and psilocin. The Drug Enforcement Administration (DEA) conducted a scientific review of the chemical structures of these substances in accordance with the definitions within the CSA and its implementing regulations.

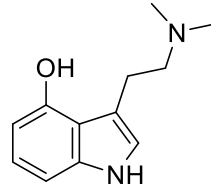
Psilocybin and psilocin are listed in Title 21 of the United States Code (U.S.C.) § 812 Schedule I and Title 21 of the Code of Federal Regulations (CFR) § 1308.11(d), which controls psilocybin and psilocin, including their salts, isomers, and salts of their isomers in schedule I. The Controlled Substance Code Number (CSCN) for psilocybin is 7437 and has a conversion factor (C.F.) of 1.0. The CSCN for psilocin is 7438 and has a CF of 1.0.

If the mushroom spores (or any other material) do not contain psilocybin or psilocin (or any other controlled substance or listed chemical), the material is considered not controlled under the CSA. However, if at any time the material contains a controlled substance such as psilocybin or psilocin (for example, upon germination), the material would be considered a controlled substance under the CSA.

The chemical structures used to make these determinations are shown below. If you have any further questions, please contact the Drug and Chemical Evaluation Section at DPE@dea.gov or (571) 362-3249.



psilocybin
schedule I
CSCN 7437
C.F.: 1.00



psilocin
schedule I
CSCN 7438
C.F.: 1.00

Sincerely,

A handwritten signature in black ink, appearing to read "Terrence L. Boos".

Terrence L. Boos, Ph.D., Chief
Drug & Chemical Evaluation Section
Diversion Control Division

cc: New York Division