

IPCI POSITION ON DECRIMINALIZATION 2025

IPCI opposes the legalization or decriminalization of peyote in any form except for use in accordance with the American Indian Religious Freedom Act amendment of 1994.

Decriminalization of controlled substances is a phenomenon sweeping the United States, and indeed the world. This is an effort to change many controlled substances to a status receiving the least amount of law enforcement control and punishment. It is not the same as legalization. Some efforts are for all 'drugs', some are just for 'psychedelics' or psycho-active substances, some are for only psilocybin (active ingredient in some mushrooms utilized by Indigenous peoples of the Mazatec Sierra in Mexico and Indigenous peoples of Northern Europe).

The first major decriminalization effort was in the City of Oakland in California in 2019. As bona fide Indigenous leaders of IPCI, communication was sent to a group called Decriminalize Nature to ask them to respect the current law protecting Native American possession and use of Peyote. However, the Decriminalize Nature insists they should have rights to everything in Nature. In 2022, Colorado passed the Natural Medicine Health Act which created a legal program for psychedelic plant medicines and decriminalized them throughout the state. Peyote was excluded from Colorado's law, but other mescaline-containing cacti were included.

IPCI has met with other efforts and has had some success in some major places with keeping Peyote out of state and local efforts at decriminalization. This is true in California, where Senator Weiner made sure Peyote was specifically excluded from the decriminalization effort of SB 519 in 2022. Several other local government initiatives have followed the SB 519 and Santa Cruz, CA examples and left specific mention of Peyote out of their efforts, out of respect for AIRFA and Native American Peyote peoples.

As an Indigenous conservation organization, IPCI has been a voice within the psychedelic space since the onset of the Decriminalization movement. As the first recognized Indigenous voice within this platform, there has been a misunderstanding by our own Indigenous communities that IPCI supports the inclusiveness of peyote within the psychedelic movement. This notion has never been true. IPCI has only worked to prevent Peyote from being included in the psychedelic decriminalization movement and to protect peyote as stated within the AIRFA amendment rights.

Another aspect of this is in relation to the inclusion of mescaline in these decriminalization efforts. Mescaline is the psychoactive alkaloid of three known cacti: Peyote, Peruvian Torch, San Pedro. Mescaline is not exclusive to peyote. Mescaline is also listed separately in the DEA Controlled Substances Act of 1970 as a Schedule I controlled substance along with peyote.

It is important to prevent any extraction of mescaline derived from the natural Peyote. Nothing should be allowed to be decriminalized outside of AIRFA; however, synthetic mescaline (made by chemicals in a lab) or mescaline from other plants is not protected by AIRFA for use by Native Americans.

Although Indigenous views may not align with the creation of synthetic mescaline, we are unaware of any policy (Federal/State) preventing synthetic mescaline within the United States. For this reason, IPCI Leadership has kept its focus on the Peyote protections, specifically where Indigenous peoples have rights and obligations. This is a confusing and important issue that needs a continued dialogue.