

26 March 2021

Dear Senator Weiner,

I am writing today to express some concerns with a particular aspect of your proposed legislation, SB519. The bill excludes cultivation of a plant on the basis that it is threatened, which is counterproductive to its conservation. We believe that legal cultivation is critical to the survival of peyote in its native habitat and highly recommend that SB519 be amended to allow cultivation.

Who I Represent: I am a pioneer in the field of cactus and peyote conservation, working with an organization that I co-founded, called Cactus Conservation Institute (CCI). CCI is focused on preserving at-risk cacti in a part of Texas known as the Tamaulipan thornscrub. Part of our mission beginning in 2004 is to ensure Native Americans have access to peyote in perpetuity while conserving its natural habitat and ecosystem in general. Since its founding, and as we struggle to protect wild peyote, CCI has become familiar with much of the peyote culture and the individuals who utilize it as a sacrament. While our mission includes protecting Native American access to peyote, it is important to note that we do not specifically represent any Native American groups, peyote using or otherwise.

Why We Believe Cultivation is Necessary: We've heard proposals voiced that cultivation in California would increase poaching of this plant in Texas. There is no evidence for this. Any change in California law would not change federal law or Texas state law, so wild harvesting and trespassing by Californians on private property would retain their existing illegal status, and it would remain illegal for any Texas distributor to sell peyote to them.

CCI believes that permitting legal cultivation will help to ensure the continuation of peyote and other cactus species in their native habitat. Conservation of peyote by necessity includes understanding and legal support of indigenous rights to its access and use, but it also includes survival of peyote as a species.

We disagree with the stance taken by IPCI (Indigenous Peyote Conservation Initiative) against the cultivation of peyote in California. Peyote is a very slow-growing plant, and a mature plant suitable for ceremonies will take longer than a decade to produce. The Native American Church (NAC), which serves Native Americans with the peyote sacrament, has been growing explosively since 1996¹ and struggles every year to have sufficient peyote for their needs. There are two Indigenous-run cultivation operations planned (IPCI & SIA). Neither one is fully operational yet (one has not even broken ground) and it will be many years in the future before they begin being able to provide cultivated peyote. Even two fully operational cultivation operations would not be able to

¹ See Prue 2013. The American Journal on Addictions; 20: 1–6. Prevalence of Reported Peyote Use 1985–2010.

satisfy growing demands for peyote for the ceremonies. A table is attached as an appendix to give a realistic view of what is involved.²

The membership in the NAC has been estimated at ~500 000 people, and multiple decentralized greenhouses would be needed to produce millions of peyotes needed every year. This makes any impediment to cultivation a major threat not only to peyote but to the future of the NAC and other peyote people. One other reason more cultivation operations are imperative is in the event something occurs to one of the operations such as large hail or a tornado or a major pest invasion. That could be the end of the story for some time if production of such a slow growing crop was not decentralized. The ideal would be greenhouse operations in the hands of every NAC chapter who could afford one.

What is required for the cultivation of peyote is that the people involved can satisfy the DEA that diversion will not occur by constructing an approved secure facility. Congress limited use of peyote to tribal members, and it is clear in their words that they envisioned cultivation but they also just as clearly anticipated it would be done according to the existing guidelines within the CSA and regulated by the DEA. California is by far the state best suited for commercial operations in accord with what is described in the CSA. The NAC's need for peyote is far greater than any single operation can fulfill and legal cultivation in California could help to preserve and protect the cultural and religious traditions of the NAC and other Indigenous peyotists residing in California..

Moreover, decriminalizing cultivation would diminish poaching of wild plants by recreational users or cactus collectors. If the plant is freely available in cultivation, the demand for wild-harvested plants is greatly reduced, as has been demonstrated in many case-studies across the world. Therefore, an obvious harm-reduction measure if poaching is primary concern is to allow cultivation.

I would be more than happy to discuss this and any other aspect of the topic and its history and, as a long-time follower of this subject, it is likely I can assist you should you need any additional information or documentation.

Best regards,

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² Data provided to the Texas Department of Public Safety shows that a million or more peyotes are sold by legally licensed distributors operating in the Tamaulipan region every year.