

Australian Psychedelic Society

SUBMISSION TO THE INQUIRY INTO THE STATUS OF THE HUMAN RIGHT TO FREEDOM OF RELIGION OR BELIEF



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Terms of Reference

The Committee shall examine the status of the freedom of religion or belief (as recognised in Article 18 of the International Covenant on Civil and Political Rights) around the world, including in Australia. The Committee shall have particular regard to:

1. The enjoyment of freedom of religion or belief globally, the nature and extent of violations and abuses of this right and the causes of those violations or abuses;
2. Action taken by governments, international organisations, national human rights institutions, and non-government organisations to protect the freedom of religion or belief, promote religious tolerance, and prevent violations or abuses of this right;
3. The relationship between the freedom of religion or belief and other human rights, and the implications of constraints on the freedom of religion or belief for the enjoyment of other universal human rights;
4. Australian efforts, including those of Federal, State and Territory governments and non-government organisations, to protect and promote the freedom of religion or belief in Australia and around the world, including in the Indo-Pacific region.

The inquiry should have regard to developments since the Committee last reported on Australia's efforts to promote and protect freedom of religion or belief in November 2000.

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1. About the Submitter

The Australian Psychedelic Society (APS) was officially launched in January 2017 with the intention of becoming a not-for-profit incorporated association. The APS sees itself as the key advocacy group for psychedelic users in Australia. The APS aims to represent the interests of all Australian citizens who utilise psychedelics, including those who do so for religious purposes. APS objectives include harm reduction through education and regulation, along with upholding human rights and freedom of religious practice. The APS seeks to promote a high standard of social conduct.

The APS aims to work with all levels of Government to develop laws and policies which maximise psychedelic related health, social and economic benefits, while respecting human rights and cognitive liberty. As such, the APS expects to be consulted on all policy or legislation relevant to APS aims and objectives.

2. Scope of Submission

This submission concerns the utilisation of classical psychedelics for religious and spiritual purposes in Australia, in relation to the terms of reference.

Psychedelics are a diverse range of substances both natural and man made. Psychedelics produce their primary psychological effects by activating a variety of neurotransmitters in the brain including the serotonin-2A receptor, otherwise known as the 5-HT_{2A} receptor. For this submission, the focus is on classical psychedelics, which act primarily as 5-HT_{2A} receptor agonists. This class of psychedelic is central to a number of religions, and includes but is not limited to; mescaline, psilocybin, N,N-Dimethyltryptamine (DMT), and lysergic acid diethylamide (LSD). The scope also includes monoamine oxidase A (MAO-A) inhibitors, such as the beta-carbolines, traditionally found in *Banisteriopsis caapi*. MAO-A inhibitors are used to enable DMT to be orally active in Ayahuasca, which is a traditional preparation and religious sacrament. It is very important to distinguish between psychedelics and dissociatives (such as ketamine, PCP) or delirants (such as scopolamine which is found in datura), as these are often confused. The term hallucinogen includes psychedelics, dissociatives and delirants.

3. History and Overview

The rationale for the prohibition of psychedelics was flawed from the start. The laws were first introduced in the 1970's, despite two decades of predominantly positive research, there was limited knowledge of psychedelics in the broader community and a fear of these unknown substances. Additionally there was a lack of social context that accompanies traditional use. At the time psychedelics were known to have a low potential for abuse, low toxicity, and therapeutic effects were being researched and employed in clinical settings. Despite this, psychedelics were classed with disregard to their therapeutic value and religious significance and were placed in one of the highest restrictive categories, along with harmful and addictive substances.

Currently, psychedelics are legally consumed in a religious context in some areas of the world, where Governments uphold the values of the International Covenant on Civil and Political Rights (ICCPR). The utilisation of psychedelics for religious purposes is legal in the following jurisdictions; Peyote (containing mescaline) is legal in most states in the United States of America (US); Ayahuasca (containing DMT and beta-carbolines) is legal in Brazil, Peru, Colombia, Chile, Mexico, Spain and six US states. The interplay of international laws, local laws, policies (or lack thereof) and the level of enforcement is complex. This is especially so regarding the religious use of psychedelics. The utilisation of some psychedelics appears to be allowed, whether legal or not, in various jurisdictions. The most notable of these are the use of *Psilocybin* mushrooms in New Mexico, Brazil, Czech Republic, Spain, and Portugal.

Current Australian laws and policies prohibit the use of psychedelics for religious purposes. These laws and policies restrict personal and religious freedom. They contravene the fundamental human rights to religious freedom, and represent State sanctioned persecution of religious minorities (Jade, 2013). The current Australian laws which prohibit the use of psychedelics for religious purposes are not based on evidence or best practice. Figure 1 shows the mean and relative harms of various drugs against United States and United Kingdom laws (Morgan *et al*, 2013). Although there may be minor variations, Australia has very similar socio-economic and cultural circumstances, and drug laws compared to these countries.

The current situation in regard to laws and policies pertaining to the religious use of psychedelics is reflected in this quote from the Global Commission on Drug Policy (2016);

“It is, however, time to challenge more fundamentally the way societies view drugs and those who use them. Psychoactive substances have accompanied humanity throughout its whole history. Some, such as alcohol or tobacco, are legally accepted in many regions of the world; others are recognized and prescribed as medicines, while what people refer to as “drugs” in the context of illicit consumption are prohibited by international treaties. The vast majority of people use all these substances in a reasonable way”

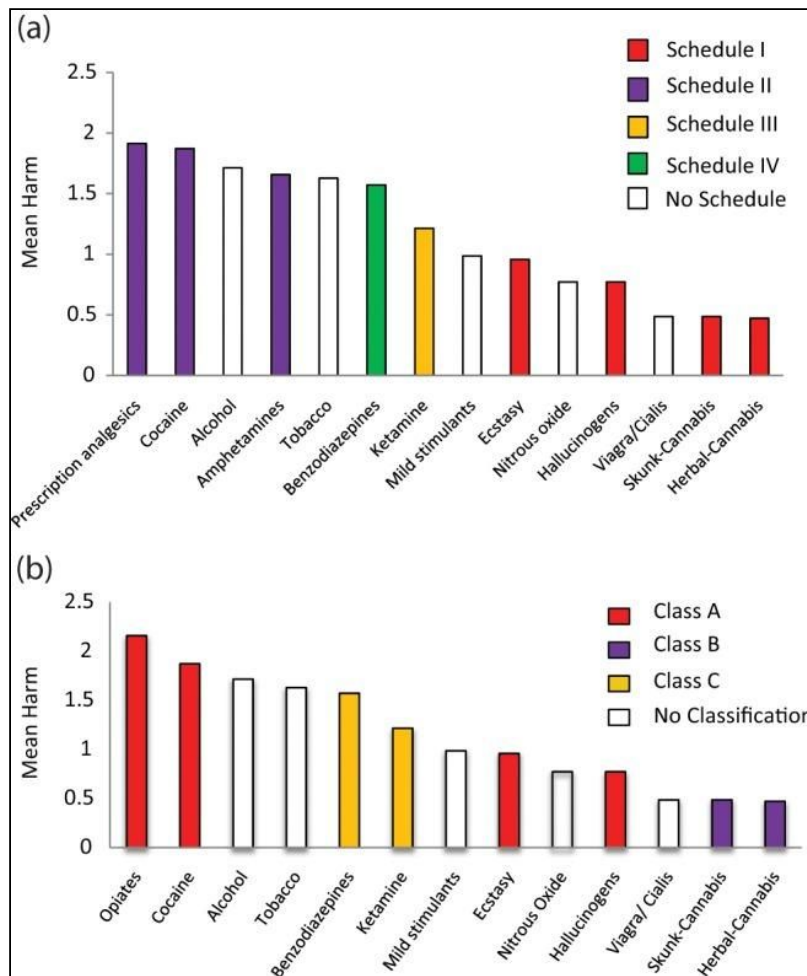


Figure 1. Mean harm ratings of drugs against a) US Schedules under the Controlled Substances Act b) UK legal classifications under the Misuse of Drugs Act.

4. Legitimacy of Religious Use of Psychedelics

It is well documented that people utilise a variety of psychedelics for religious purposes, and have done so for millennia (Nichols, 2016; Global Commission on Drug Policy, 2016; Baumeister *et al.*, 2014). In the Americas, psychedelic plants such as psilocybe mushrooms, peyote, and ayahuasca have long been used in shamanic traditions (Lerner & Lyvers, 2006). Despite the recent criminalisation, the utilisation of psychedelics for religious purposes has continued in Australia, albeit with a high level of persecution. Although some religions are broadly associated with race, location or culture, religious beliefs and practices transcend boundaries. It cannot be said that religious beliefs or practices should be confined to any race, location or even tradition. Religious freedom should be afforded to everyone regardless of race, culture or nationality. Article 18 (1) of the ICCPR states;

“Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”

Article 18 (1) clearly sets out the right to have or to adopt a religion or belief of our choice, and freedom to practice one's religion.

In Australia psychedelics are utilised for religious or spiritual purposes by individuals, formally recognised groups and informal groups. Despite the fact that it is currently illegal under Australian law to utilise psychedelics, under the ICCPR the groups and individuals who utilise psychedelics for religious and spiritual purposes are considered to be practicing a legitimate religion. In Australia there are a range of psychedelics which are being used as sacraments in religious contexts. These include but are not limited to; Ayahuasca, San Pedro and Peyote (mescaline), Psilocybin mushrooms (psilocybin and psilocin), and LSD.

Evidence shows that in contrast to other classes of drugs, the use of classical psychedelics is correlated with mystical experiences (Griffiths, 2016; Lyvers & Meester, 2012; Griffiths *et al.*, 2006; Lerner & Lyvers, 2006). Psychedelic have been shown to facilitate mystical experiences that have lasting personal and spiritual significance (Griffiths *et al.* 2011; Goodman, 2010; Bunch, 2009; Griffiths, 2008; Doblin, 1991). Griffiths *et al.* (2008) found that fourteen months after taking psilocybin for the first time nearly two-thirds of volunteers rated the experience as in the top five for both most personally meaningful and most spiritually significant experience in their entire lives. Approximately 64% said the experience had increased their personal well-being and life satisfaction over the fourteen month period. Having a mystical experience while on psilocybin appeared to play a central role in these high ratings of personal meaning and spiritual significance. Additionally, volunteers said that they experienced positive changes in their attitudes towards life and to their self, as well as increased positive mood and a sense of greater altruism. These self-ratings were confirmed by people who knew the volunteers well. The findings of increased altruism agree with the finding by Lerner and Lyvers (2016) that psychedelic drug users scored significantly higher on mystical beliefs (eg., oneness with God and the universe) and life values of spirituality and concern for others than other drugs and non-drug users.

5. Justifications for Allowing Religious Use of Psychedelics

The APS seek religious freedom and freedom from persecution for citizens to utilise psychedelics as part of their spiritual practice. The current Australian laws and policies restrict the use of psychedelics for religious purposes are counter to Article 18 (3) of the ICCPR which states;

“Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.”

Laws by themselves are not reason enough to restrict rights because laws can be unjust and used to persecute minorities. In Article 18 (3) the use of the conjunction ‘and’ clearly shows limits can only be placed on religious practices where prescribed by law AND where they are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. The Australian Government has a responsibility to ensure citizens are able to undertake their religious practices and be free from persecution. It is important to keep laws and policies up to date and bring them in line with scientific knowledge, best practice and international covenants.

In Australia, psychedelics are currently classified under Schedule 9 of the Standard for the Uniform Scheduling of Medicines and Poisons (Poisons Standard). This classification is reflected in State and Territory laws. The current classification of psychedelics seems to be applied arbitrarily without any scientific, sociological or medical justification. For the Government to stop citizens from utilising psychedelics for religious purposes it would need to demonstrate that the use of psychedelics, in a religious setting, with adequate controls, was a significant comparative threat to public safety, order, health, or morals or the fundamental rights and freedoms of others. A recent freedom of information request has showed that the Government has not undertaken a basic risk assessment of psychedelics, let alone an assessment of the utilisation of psychedelics in a controlled religious context.

The utilisation of psychedelics for religious purposes show a high safety profile especially when administered in controlled settings. The utilisation of psychedelics has not been shown to threaten public safety and order. Evidence suggests the controlled use of psychedelics increases public safety and order by improving the psychological well being of participants in the mid to long-term (Carhart-Harris, 2016; Griffiths, 2016; Hendricks, 2015). The utilisation of psychedelics for religious purposes has not been shown to adversely affect public morals or the fundamental rights and freedoms of others. In this case the studies that have been undertaken show a decrease in problematic alcohol and drug use, and an increase in social cohesion (Walsh, 2016; Bogenschutz, 2015; Krebs 2012).

The utilisation of psychedelics has not been shown to negatively affect public health. Psychedelics show a high safety profile when administered in controlled settings, and are comparatively safe compared to other psychoactive drugs, both legal and illegal (Nutt, 2007). Psychedelics are both psychologically and physically non-addictive, and the use of psychedelics has not been found to be associated with long-term negative effects (Johansen 2015; Bouso, 2012; Studerus *et al.*, 2010). Indeed the use of psychedelics has been shown to be associated with positive outcomes in the mid to long-term (Carhart-Harris *et al.*, 2016; Hendricks *et al.*, 2015; Johansen & Krebs, 2015; Moro *et al.*, 2011). Johansen & Krebs (2015) states that “Psychedelics are not known to harm the brain or other body organs or to cause addiction or compulsive use; serious adverse events involving psychedelics are extremely rare.” Recreational use is also moderated by some of the more un-recreational physiological and psychological effects. The vast majority of people are not interested in trying psychedelics, let alone continuing to explore their religious potential. This can be seen in Figure 2, which shows users first and second preference for various drugs, all other drugs are preferenced over psychedelics (Morgan *et al.*, 2013). Additionally, there are numerous peer reviewed scientific studies showing that psychedelics can be used for a range of therapeutic effects including the treatment of drug and alcohol abuse and addiction, and psychological disorders (Baumeister *et al.*, 2014; Fabregas 2010). As mentioned previously the controlled use of psychedelics generally leads to improvements in psychological well being.

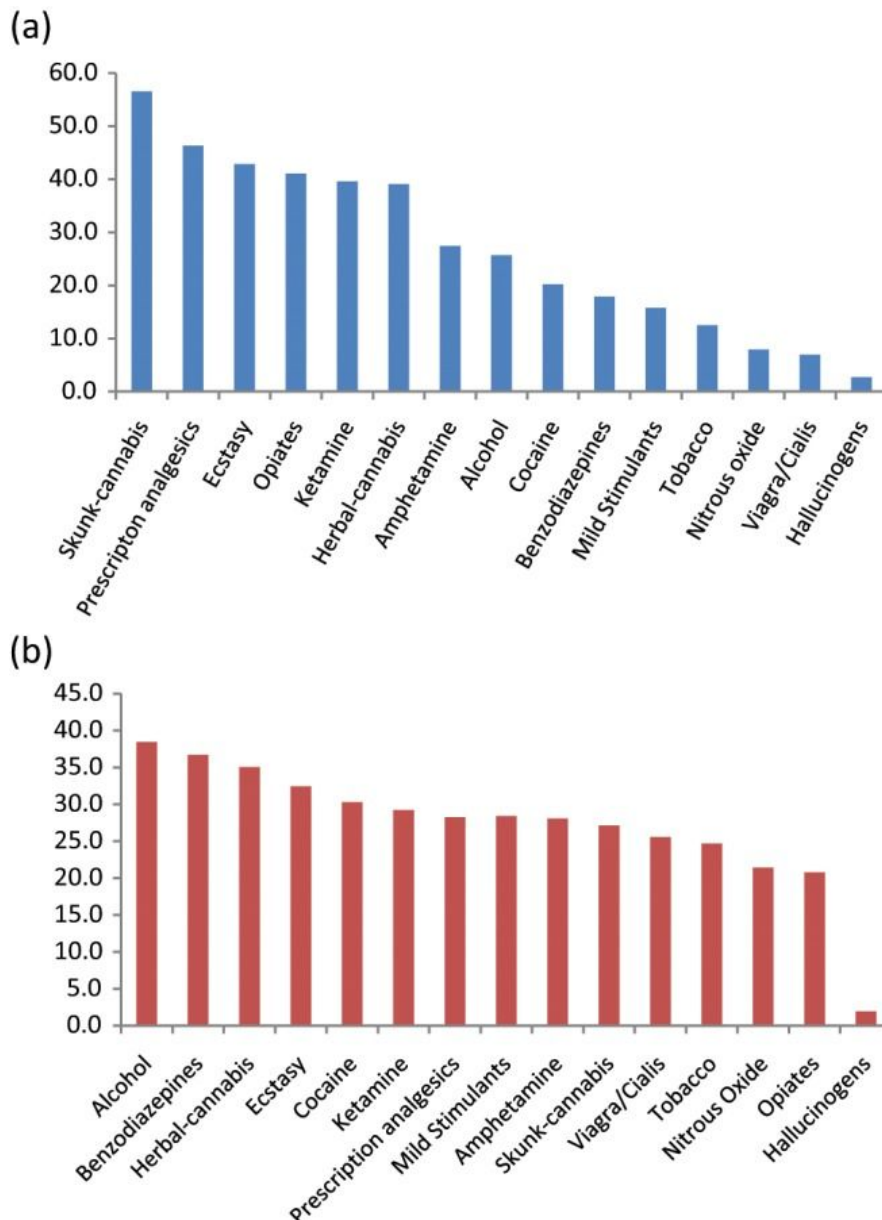


Figure 2. Percentage of participants reporting each drug as a) first preference b) second preference. [The term 'Hallucinogen' includes classical psychedelics along with 2CB / 2CI which have a low affinity for the 5HT_{2A} receptor, and receptor *Salvia divinorum* which has no affinity for the 5HT_{2A} receptor.]

The Global Commission on Drug Policy 2016 Report makes it clear that harms are increased by taking a punitive approach to drugs, instead of a public health approach. The current laws and policies increase the risks associated with drug use, including increasing the risks associated with the religious use of psychedelics. The safe and effective religious use of psychedelics is reliant on a number of factors which prohibition negatively impacts on (Baker, 2005). Although there are differences in safety profile between the various psychedelics or psychedelic admixtures, overall psychedelics show a low toxicity compared to other commonly available regulated drugs (Nutt, 2007).

Any threats to public safety, order and health are more a result of prohibition than from the religious use of psychedelics. Due to prohibition, individuals who utilise psychedelics for religious purposes may be left without adequate guidance and care. They may be more likely to come into contact with criminals and be taken advantage of. These individuals may be more likely to take incorrect dosages, or worse still unknown substances or purity. They may be more likely to take psychedelics in unsafe environments. They may also be more likely to hide their actions, and be less likely to seek support if required. The prohibition of religious use has also largely disrupted access to appropriate training and knowledge. The current laws and policies increase the risk, vulnerability, and oppression of psychedelic users, along with social stigma and cultural discrimination, and therefore reduce inclusiveness and open discussion (Global Commission on Drug Policy, 2016; Jade, 2013). These potential harms are a result of prohibition, not a result of the use of classical psychedelics. The very laws which aim to protect citizens are increasing harms to public safety, order and health. Figure 3. shows the relative harms of different drugs for the United Kingdom (Nutt *et al*, 2010). These statistics could very likely be extrapolated for Australia where there are similar socio-economic factors and laws. It can be seen that the two classical psychedelics investigated demonstrate very low comparative harms.

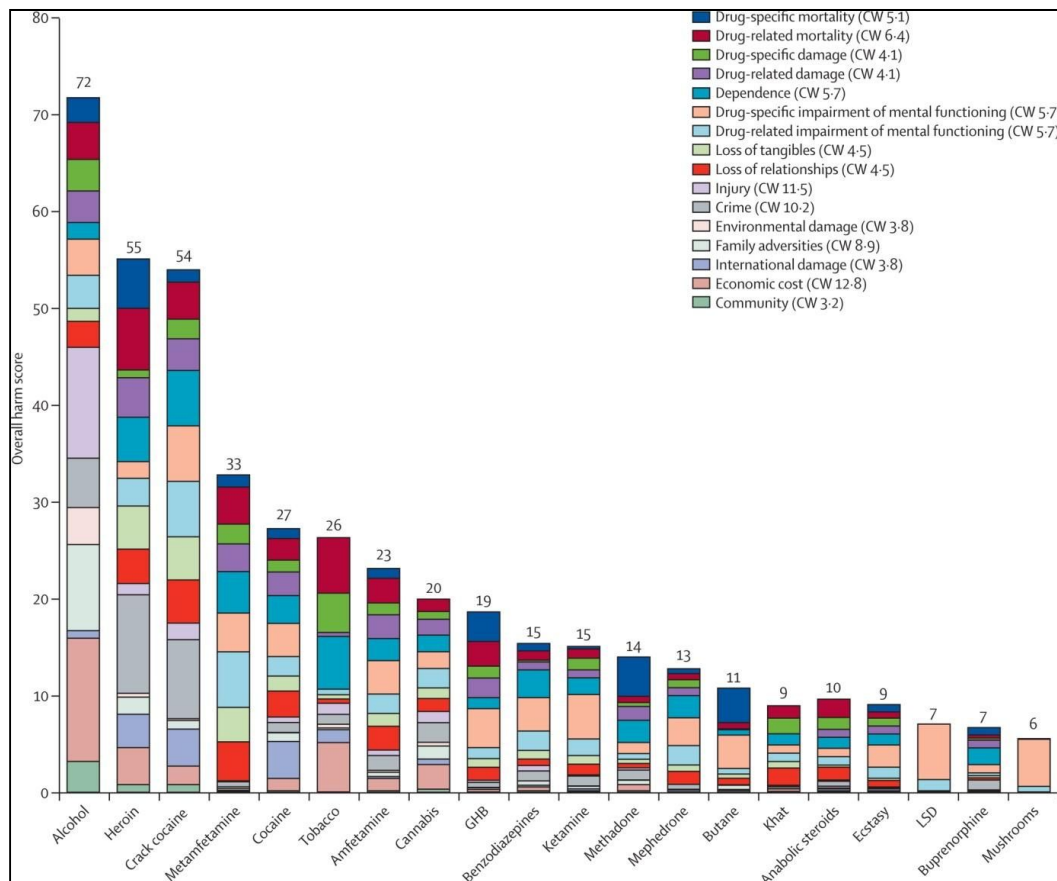


Figure 3.

6. Approach to Religious Use of Psychedelics

In reality the religious use of psychedelics is rare, and the religious use of high doses in an unsafe environment is rarer still. Compare this to the common use of high doses of alcohol in unsafe environments and without supervision. Criminal laws should be in place to protect the rights of citizens, and maintain order. Laws should be in place to protect the rights of citizens, and maintain order by acting as a specific and general deterrent. Laws should convict those who have done wrong and deter others from doing wrong. Instead, the current laws support organised crime by creating black markets, punishing citizens who utilise psychedelics for victimless crimes and persecuting religious minorities.

With the traditional religious use of psychedelics, important knowledge and practices are passed from one generation to the next, from experienced to inexperienced, and social checks and balances are maintained. However, within an environment of prohibition it is difficult to share important knowledge of how to safely utilise psychedelics. There is currently a comprehensive knowledge base on traditional and modern practices for citizens to safely and effectively utilise psychedelics. Legalising the religious use of psychedelics would allow for an integration of traditional and modern knowledge and practices.

Legalising the religious use of psychedelics would allow for best practice. Within an organised religious setting, initial assessments could be undertaken to determine if an individual is ready to use the psychedelic. An individual could become familiar with the religious setting before deciding if they want to take the psychedelic. They could also be provided with advice on how to psychologically prepare for the experience. A supportive religious environment along with appropriate training for the religious practitioner can allow for the important aspects of safety, mindset, setting, sitter (religious practitioner) and social connection. These aspects have been shown to reduce the chance of negative outcomes from the psychedelic experience, and help to facilitate the positive life affirming spiritual aspects (Fadiman, 2011). **Dosage could be increased gradually over a number of sessions, to increase familiarity with** the effects and gauge the appropriate dose or any unintended reactions. The psychedelic could be taken at minimum effective frequency and dose. Use of lowest effective dose is important because use of too high a dose increases the chance of negative experiences, but not necessarily mystical experiences. Part of best practice would be to recommend that it may be inappropriate, counterproductive and possibly dangerous and to take other drugs and some medication with psychedelics. For some physical or psychological conditions it could be advised to seek medical assessment before utilising a psychedelic.

Along with overseeing the spiritual side of an individual's life, religious practitioners are responsibilities for the safety of individuals in their care. Exempting the use of psychedelics for religious purposes would allow for increased guidelines, accountability and best practice training, which would be expected to increase safety. In the open and honest environment that decriminalisation would encourage, practical advice and checks and balances could be applied. With appropriate training the religious practitioner could assess the situation, provide guidance and the provision of appropriate psychological and physiological first aid if required. Appropriate integration of the psychedelic experience is important especially for first time users or for a powerful or profound experience. It is easier to ensure suitable advice and support is being provided, or

available within a supportive religious community. Integration can be as simple as knowing the support of a caring community is there to help. Due to prohibition there is currently no requirement for religious practitioners to provide or refer clients to support, or assist with integration, although APS is aware this service is provided by some facilitators.

Ideally there would be an exception for religious use of classical psychedelics. Within this framework religious practitioners would be able to easily access and apply best practice to ensure high standards of care and continuous improvement. It would also lead to significantly improved integration with relevant Government services where appropriate. An exemption on religious use would also increase transparency and allow for removal of inappropriate practice from the landscape.

The APS is willing to work with Government to develop a model for religious use of psychedelics. Ideally this process would seek to mitigate any risks, and would seek input from religious groups and individuals who utilise psychedelics in Australia.

7. Recommendations

The APS recommend that all classical psychedelics be legalised and regulated for religious purposes. The APS is willing to work with Government to develop a model for the legalised religious use of psychedelics. Ideally this process would seek to mitigate any risks, and would request input from groups and individuals who utilise psychedelics.

From a broader perspective the APS recommend that the use of psychedelics is allowed for non-religious purposes. This would be expected to decrease any non-authentic religious use of psychedelics, and would reflect the very low incidence of harm and non-addictive nature of psychedelics.

Political Recommendations:

- Acknowledge the legitimacy of religious groups who use psychedelics for religious purposes in Australia.
- Acknowledge that the current laws and policies are leading to the violation of human rights and the persecution of religious minorities.
- Acknowledge that the current laws and policies are detrimental to citizens who utilise psychedelics for religious purposes.

Policy recommendations:

- Consult broadly with groups and individuals who represent the interest of citizens who utilise psychedelics for religious purposes; to ensure that any changes to legislation and policies are appropriate.
- Support research into the use of psychedelics for religious purposes in Australia.

Legal Recommendations:

- Amend laws and policies to allow the religious use of psychedelics; to bring in line with Article 18 of the International Covenant on Civil and Political Rights. As a first step to achieving this it is recommended to provide exemptions for the religious use of classical psychedelics, on a case-by-case basis.
- Legalise and regulate non-religious use of psychedelics.
- Cease criminal proceeding for use or possession of psychedelics where they were intended for religious purposes.

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