MODEL WILD MUSHROOM CODE

The (insert proper authority) hereby finds and declares it is in the interest of public health, safety, and welfare that a Uniform State Code is needed to regulate the sale of wild mushrooms within the State of __________; to provide for the certification of wild mushroom harvesters who commercially sell to the public; to provide for a Wild Mushroom Advisory Group; to provide for the inspection of wild mushroom establishments; and to require additional food labeling for wild mushrooms.

The intent of this code is to assure that wild mushrooms being sold to the public are safe, wholesome, and properly identified.

Article 1

Definition

Section

Mushrooms are the fruit bodies produced by a number of higher fungi that are edible.

Section

Wild mushrooms are edible varieties harvested from a natural state in a wilderness.

Section

Cultivated mushrooms are edible varieties from spores in prepared beds.

Section

Certified Mushroom Specialist is a person certified by (insert proper authority) to identify edible varieties of mushrooms.

Section

Edible: A mushroom that is safe, free from poisonous or deleterious substances which may render it injurious to health of man, and it is fit to be eaten.

Article 2

General Provisions

Section

The provisions of this division regarding the selling of any wild mushrooms include, but are not limited to, all of the following:

(a) The harvesting, processing, packing of any wild mushrooms.
(b) The exhibition, offering, possession, or holding of any wild mushrooms for sale, giving, supplying in the conduct of any establishment.

(c) The sale, giving, supplying of any wild mushrooms in the conduct of any establishment.

Section

The provisions of this division shall be so construed as to not to be in conflict with the provisions of the (insert proper authority) and the rules and regulations adopted pursuant thereto.

Article 3

Section

The (insert proper authority) shall administer and enforce the provisions of this division.

Section

The (Director or as the case may be) and authorized agents of (insert proper authority) shall have the powers set forth in Sections ______ of this Code.

Section

The (insert proper authority) may adopt any regulations which it determines are necessary for the enforcement of this division. The regulations shall be adopted by (insert proper authority) in the manner prescribed by Chapter ______ (commencing with Section ______ of Part ______ of Division ______ of Title ______ of the Government Code).

Section

Whenever public health or other consideration in this State requires, the (insert proper authority) may adopt upon its own motion, or upon the petition of any interested party, regulations relating to wild mushrooms. A petition shall establish, by data submitted to (insert proper authority), that a necessity exists for such regulations and that its effect will not be detrimental to the public health. If the data furnished by the petitioner is not sufficient to allow the Department to determine whether such regulation should be adopted, the (insert proper authority) may require additional data to be submitted.
If substantial objections are made within 30 days prior to its becoming effective in this State or to a proposed regulation within 30 days after it is published, the (insert proper authority) after notice, shall conduct a public hearing to receive evidence on issues raised by the objections. Any interested person or his representative may be heard. The (insert proper authority) shall act upon objections by order and shall mail the order to objectors by certified mail as soon after the hearing as practicable. The order shall be based on evidence contained in the record of the hearing. If the order concerns a proposed regulation, the (insert proper authority) may withdraw it or set an effective date for the regulation as published or as modified by the order. The effective date shall be at least 60 days after publication of the order.

Hearings authorized or required by this division shall be conducted by the (insert proper authority) of such agent as the (insert proper authority) may designate for that purpose.

For purposes of enforcement of this division, any authorized agent of the (insert proper authority) may, upon presenting appropriate credentials and at a reasonable time, do any of the following:

(a) Enter any harvest area, processor, warehouse, establishment, in which any wild mushrooms are harvested, processed, packed, or held; enter any vehicle which is being used to transport or hold such wild mushrooms; or enter any place where any wild mushrooms are suspected of being held in violation of this division.
Failure to comply with this requirement shall be sufficient grounds to deny the request.

Section

In adopting regulations, pursuant to this division, the (insert proper authority) shall consider all of the following factors which the petitioner shall furnish:

(a) The name and all pertinent information concerning the wild mushrooms, including proposed labeling and all other relevant data bearing upon its safety.

(b) The probable consumption and effect of such wild mushrooms in the diet of man.

(c) Safety factors which, in the opinion of qualified experts, are generally recognized as recognized as appropriate for food use.

(d) Practicable methods of analysis for determining the identity and quantity of all of the following:

1. Any substance which is in or on the wild mushrooms.

2. Any substance formed in or on the wild mushrooms because of the use of such substance.

(e) Facts supporting the contention that the use of such wild mushrooms will serve a useful purpose.

Section

If no substantial objections are received and no hearing is requested within 30 days after publication of a new proposed (insert proper authority) regulation, it shall take effect on the date set by the (insert proper authority). The effective date shall be at least 60 days after the time for filing objections has expired.
Section

The inspection authorized by Section ______ shall not include any of the following:

(a) Financial data

(b) Sales data, other than shipment data.

(c) Pricing data.

(d) Personnel data, except data as to qualifications of technical and professional personnel.

Section

An authorized agent of the (insert proper authority) may secure any sample or specimen of any wild mushrooms. If the agent obtains any samples prior to leaving the premises, he shall leave a receipt describing any sample obtained.

Section

An authorized agent of the (insert proper authority) shall have access to all records of carriers in commerce relating to the movement in commerce of any wild mushrooms, or the holding of such wild mushrooms during or after such movement, and the quantity, shipper, and consignee of the wild mushrooms. Evidence obtained under this section shall not be used in a criminal prosecution of the person from whom it is obtained. The carrier shall not be subject to the other provisions of this division by reason of their receipt, carriage, holding, or delivery of any wild mushrooms in the usual course of business as carriers.

Section

It is unlawful for any person to refuse to permit entry or inspection, the taking of samples or other evidence, or access to copying of any record as authorized by this division, or to conceal such samples or evidence, or withhold evidence concerning them.
Section

It is unlawful for any person to use to his own advantage, or to reveal to any person other than to the director or officers or employees of this (insert appropriate authority), or to the courts when relevant in any judicial proceeding under this division, any information acquired under authority of this division concerning any method or process which is a trade secret entitled to protection.

Section

The (insert proper authority) may publish reports summarizing all judgments, court orders, regulatory actions, which have been rendered under this division, including the nature of the charge and the disposition of the charge.

Section

The (insert proper authority) may distribute such information regarding any wild mushrooms as the (insert proper authority) considers necessary for the protection of the health and safety of the consumer or for his protection from fraud.

Section

The (insert proper authority) may collect, report, or illustrate the results of any investigation of the (insert proper authority).

Article 5

Section

For the purpose of this article, the following wild mushrooms shall be considered safe such that they may be offered for sale within the State:

<p>| Agaricus agustus | Prince of Horse mushroom |
| Armillaria ponderosa | Matsutake |
| Boletus aereus | Queens bolete |
| Boletus edulis | Kings bolete, cep, porcini |
| Cantharellus subalbidus | White chanterelle |
| Cantharellus cibarius | Golden chanterelle |
| Craterellus cornucopioides | Horn of plenty |
| Denticum albidum | White hedgehog |
| Denticum repandum | Spreading hedgehog or Sweet tooth |</p>
<table>
<thead>
<tr>
<th>Species</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Dentinum umbilicatum</em></td>
<td>Depressed hedgehog</td>
</tr>
<tr>
<td><em>Hericium erinaceus</em></td>
<td>Bear's head</td>
</tr>
<tr>
<td><em>Leccinum aurantiacum</em></td>
<td>Orange or red-capped scaber stalk</td>
</tr>
<tr>
<td><em>Leccinum manzanitae</em></td>
<td>Manzanita bolete</td>
</tr>
<tr>
<td><em>Leopista rudis</em></td>
<td>Biewit</td>
</tr>
<tr>
<td><em>Morchella</em> spp.</td>
<td>Morels</td>
</tr>
<tr>
<td><em>Pleurotus ostreatus</em></td>
<td>Oyster mushroom</td>
</tr>
<tr>
<td><em>Pleurotus poprigens</em></td>
<td>Angel wings</td>
</tr>
<tr>
<td><em>Polyporus multiplex</em></td>
<td>Blue chanterelle</td>
</tr>
<tr>
<td><em>Sparassis crisp</em></td>
<td>Cauliflower mushroom</td>
</tr>
</tbody>
</table>

**Section**

All other wild mushrooms will be considered to be adulterated as defined by Section _______ of the _______.

**Section**

The (insert proper authority), or interested party, firm, organization may petition for the addition of a wild mushroom species to the safe list by providing the following:

1. Full reports that show that the proposed mushroom species is safe, edible, and free from any poisonous or deleterious material.

2. The cost of the (insert appropriate authority) review, processing, and evaluation of the petitioner's request shall be incurred by the petitioner. Appropriate funds shall be put forth prior to the (insert proper authority) review.

3. Full description of the historical consumption, any ill or adverse effects, and any effect such wild mushroom species will have on the diet of man.

4. Any samples of any wild mushroom specie that the (insert appropriate authority) may require.
5. Specimens of labeling and advertising to be used to promote the sale of wild mushroom species.

6. Facts supporting the condition that the use of these wild mushrooms will serve a useful purpose.

**Section**

Within 180 days after the filing of the petition, the (insert proper authority) will do either of the following:

(a) Approve the petition in writing.

(b) Deny the petition in writing. Should the petition be denied, the petitioner will have an opportunity for a hearing before the __________________. If the petitioner elects to accept the notice of such hearing by written request within 30 days after such notice, such hearing shall commence not more than 90 days after the expiration of such 30 days unless the ________ and the petitioner otherwise agree.

**Section**

Any such hearing shall thereafter be conducted on an expedited basis and the (insert proper authority) order thereon shall be issued within 90 days after the date fixed by the (insert proper authority) for filing final briefs.

**Section**

The (insert proper authority) shall issue an order refusing an application if any of the following findings are made:

(1) Reports are incomplete.

(2) Failure to provide adequate funds within ten days of receipt of the petition.

(3) Failure to provide a specimen of labeling and/or advertising.
(4) Failure to provide sufficient quantity of sample to perform the necessary tests.

(5) Lack of substantial evidence that the wild mushroom specie is safe.

(6) Evaluation made by the (insert proper authority) that the labeling and/or advertising is false or misleading in any particular.

(7) Evaluation and/or tests made by the (insert proper authority) find that the wild mushroom specie is unsafe, not edible, and/or not suitable for man's diet.

**Article 6**

**Misbranded Wild Mushrooms**

**Section**

Any wild mushroom displayed, held, offered for sale, or sold shall bear a label which complies with the provisions of Sections _______ of this division.

**Section**

Any wild mushroom is misbranded unless it bears a label clearly stating its scientific name along with its common name.

**Section**

Any wild mushroom is misbranded unless its label is stamped with the certificate number of a certified wild mushroom harvester or seller. A wild mushroom is misbranded when displayed in bulk, unless the mandatory principal display panel information is conspicuously displayed to the customer.

**Section**

Any wild mushroom is misbranded unless its labeling bears adequate warning against unsafe consumption practices as determined by the (insert proper authority). Warnings shall be such manner and form as are necessary for the protection of consumers.

**Section**

The holding or sale of any wild mushroom for commercial purposes must be accompanied by an invoice which must include the following information:
**Section**

Invoices must be retained by the wholesaler and retailer for a period of six (6) months from the date of purchase.

**Section**

No person shall display, hold, or offer for sale any wild mushrooms unless they have been certified as being safe.

**Section**

Any wild mushroom is misbranded if its labeling is false and misleading in any particular.

**Section**

Any wild mushroom is misbranded if it is in package form unless it bears a label containing all the following information:

(a) The name of the business or harvester, grower, processor, packer, or distributor.

(b) An accurate statement of the quantity of contents in terms of weight. The net weight statement shall be in the lower 30% of the principal display panel.

**Section**

Any wild mushroom is misbranded if it is labeling or packing does not conform to the requirements of Chapter ______ (commencing with Section ______) of this division.

**Section**

Any wild mushroom is misbranded if it is offered for sale under the name of another mushroom.
Any wild mushroom is misbranded if it is a potentially hazardous food which is preserved by refrigeration at temperatures of 45°F or lower and it is not conspicuously labeled "PERISHABLE KEEP REFRIGERATED".

Any wild mushroom is misbranded unless its label contains warnings and/or notice statements about its possible hazards: examples: WARNING - HAZARDOUS IF EATEN RAW.

Any wild mushroom is misbranded if any word, statement, or other information required, pursuant to this division, to appear on the label or labeling is not prominently placed upon the label or labeling with such conspicuousness as compared with other words, statements, designs, or devices in the labeling and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

Any wild mushroom is misbranded unless it bears a label clearly stating the common or usual name along with its scientific name. The scientific name of the wild mushroom species is composed of two words. The first, always capitalized, is the name of the genus; the second, always in the lower case, is the species.

Any wild mushroom is misbranded unless its label is stamped as being approved by a Certified Mushroom Specialist.

It is unlawful for any person to harvest, process, sell, deliver, hold, or offer for sale any wild mushroom that is misbranded.

It is unlawful for any person to misbrand any wild mushroom.

It is unlawful for any person to receive in commerce any food that is misbranded or to deliver or proffer for delivery any such wild mushroom.
Article 7

Adulteration

Section
Wild mushrooms are adulterated if they are sold in this State without having been examined and approved for sale by a Certified Mushroom Specialist.

Section
Any wild mushroom is adulterated if it bears or contains any poisonous or deleterious substance which may render it injurious to health of man that may consume it.

Section
Any wild mushroom is adulterated if it consists in whole or in part of any diseased, contaminated, filthy, putrid, or decomposed substance, or if it is otherwise unfit for food.

Section
Any wild mushroom is adulterated if it has been grown, harvested, produced, prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered unwholesome, diseased, or injurious to health.

Section
Any wild mushroom is adulterated if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

Section
Any wild mushroom is adulterated if it is displayed, held, offered for sale, or sold without first having been certified as safe, pursuant to Section _____ of Chapter ____. Article _____ of this division by a certified wild mushroom harvester.

Section
Any wild mushroom is adulterated if it is displayed, held, offered for sale, or sold in a food facility as defined in Section _____ of Chapter _____. Division _____ without first having been certified as safe, pursuant to Section _____ of Chapter ____. Article _____ of this division by a certified wild mushroom harvester or seller.
Article 8

Certification

Section
No wild mushrooms are to be sold in this State without having been examined and approved for sale by a Certified Mushroom Specialist.

Section
A separate certificate is required by each Certified Mushroom Specialist.

Section
The (insert proper authority) shall discipline the holder of any Mushroom Specialist Certificate whose default has been heard by the (insert proper authority) and found guilty, by any of the following methods:

(a) Suspending judgment.

(b) Placing certificate holder upon probation.

(c) Suspending his right to practice for a period not exceeding one year.

(d) Revoking his certificate.

Section
An application for wild mushroom certification shall be completed annually and shall be accompanied by a nonrefundable fee of ______ dollars payable to (insert proper authority).

Section
The Department shall issue a certificate of wild mushroom certification to those applicants who can demonstrate the requisite knowledge and skills to identify safe wild mushrooms. Testing for the aforementioned knowledges and skills shall be administered by accredited colleges, universities, or mycological societies recognized by the (insert proper authority) as having an approved wild mushroom certification program.
Criteria for wild mushroom certification shall be as identified by a state wide Wild Mushroom Advisory Committee.

Section

The (Director or as the case may be). (insert proper authority). shall appoint a state wide Wild Mushroom Advisory Committee consisting of the following membership:

- 1 Member Food and Drug Branch
- 1 Member Local Environmental Health Unit
- 1 Member Wild Mushroom Commercial Harvesters
- 1 Member Toxicologist
- 1 Member Medical Doctor
- 2 Members Mycological Society
- 1 Consumer
- 1 Representative Retail Food Industry

The members shall be appointed from among persons recommended to the (Director or as case may be) by persons and organizations concerned with wild mushroom commercial sales safety. In the event of a vacancy, the appointing authority shall fill the vacancy within ninety (90) days following receipt of written notification by the chairperson of the Advisory Committee that such a vacancy has occurred.

The Advisory Committee shall conduct meetings whenever the Advisory Committee chairperson or the appointing authority determines that a meeting is necessary to carry out the purposes and duties of the Advisory Committee. Nothing in this chapter shall prohibit the Advisory Committee from conducting meetings on a regional basis to assist it in conducting its affairs. and such meetings shall not be considered as a general Advisory Committee meeting.

The members of the Advisory Committee, other than the personnel of the (insert proper authority), shall receive no compensation for their services, but shall be allowed their actual necessary traveling expenses incurred in the discharge of their duties associated with general meetings of the Advisory Committee. The (insert proper authority) may provide staff support to the
Advisory Committee as the (insert proper authority) determines is necessary for the conduct of the Advisory Committee's business.

Section

The Advisory Committee shall be solely advisory in character and shall not be delegated any administrative authority or responsibility. The Advisory Committee shall assist, advise, and make recommendations to the appointing authority regarding the following matters:

1. The addition or removal of wild mushroom species from the list specified in Section _____ of this article.

2. The educational and/or experience criteria for certification of wild mushroom harvesters or sellers.

3. The accredited colleges and universities and mycological societies recognized as having an approved wild mushroom certification program.

4. The necessity for and adequacy of label and customer notice warning statements.

5. Other issues affecting the holding and sale of wild mushroom species, including public educational materials.

Section

Food poisonings associated with the consumption of wild mushrooms shall be reported consistent with the requirements specified in the _____ Code, Title _____, Sections _____.

Section

The (insert proper authority) may commence disciplinary proceedings resulting in the suspension or revocation of any certification granted pursuant to this article for acts which the (insert proper authority) determines constitutes unprofessional conduct.
Acts of unprofessional conduct include, but are not limited to, the following:

(a) Gross incompetence.

(b) The commission of any act involving dishonesty or corruption, whether the act is committed in connection with a certificate or otherwise.

(c) Misidentification of species of wild mushrooms.

(d) Misuse of the certificate number.

(e) Knowingly making or signing application, documents, or labels which falsely represent the existence of a state of facts.

(f) Failure to notify immediately the nearest Food and Drug Branch Office whenever unapproved wild mushrooms are found.

(g) Failure to identify approved wild mushroom labels with a certification stamp.

The (insert proper authority) shall discipline the holder of any Mushroom Specialist Certificate whose default has been entered or who has been heard by the (insert proper authority) and found guilty, by any of the following methods:

(a) Suspending judgment.

(b) Placing certificate holder upon probation.

(c) Suspending his right to practice for a period of not exceeding one year.

(d) Revoking his certificate.
Article 9

Penalties and Remedies

Section

Any person who violates any provision of this division or any regulation adopted pursuant to this division is guilty of a misdemeanor and shall, if convicted, be subject to imprisonment for not more than six months in the county jail or a fine of not more than five thousand dollars ($5,000.00), or both such imprisonment and fine. If the violation is committed after a previous conviction under this section which has become final, or if the violation is committed with intent to defraud or mislead, the person shall be subject to imprisonment for not more than one year in the county jail or a fine of not more than ten thousand dollars ($10,000.00), or both such imprisonment and fine.

Section

One-half of all fines collected by any court or judge for any violation of any provision of this division shall be paid into the (State Treasury or as the case may be) to the credit of the (State or as the case may be) fund.

Section

The Attorney General, any district attorney, or any city attorney to whom the (insert proper authority) reports any violation of this division shall begin appropriate proceedings in the proper court.

Section

The (insert proper authority) is not required to institute proceedings under this division for minor violations of this division, if the (insert proper authority) believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning.

Section

When the (insert proper authority) asserts a violation of this division, the (insert proper authority) need not negate any exemption from the requirements of this division in any pleading or, in any trial, hearing, or other proceeding. The burden of proof with respect to any such exemption or exception rests upon the person claiming the benefit.
Whenever an authorized agent of the (insert proper authority) finds, or has probable cause to believe, that any wild mushroom adulterated, misbranded, or falsely advertised within the meaning of this division or the sale of any wild mushroom would be in violation of this division, he shall affix to such wild mushroom, a tag or other appropriate marking. He shall give notice that the wild mushroom is, or is suspected of being, adulterated, misbranded, falsely advertised, or the sale of which would be in violation of this division and has been embargoed, and that no person shall remove or dispose of the wild mushroom by sale or otherwise until permission for removal or disposal is given by an authorized agent of the (insert proper authority) or the court.

It is unlawful for any person to remove, sell, or dispose of a detained or embargoed mushroom without permission of an authorized agent of the (insert proper authority) or the court.

When an authorized agent of the (insert proper authority) has found that a wild mushroom which is embargoed, is not adulterated, misbranded, falsely advertised, or the sale of which is not otherwise in violation of this division, he shall remove the tag or other marking.

When an authorized agent of the (insert proper authority) finds, or has reasonable cause to believe, that the embargo will be violated, he may remove such embargoed wild mushrooms to a place of safekeeping.

When a wild mushroom is alleged to be adulterated, misbranded, falsely advertised, or the sale of which is otherwise in violation of this division, the (insert proper authority) shall commence proceedings in the Superior Court or lower court in whose jurisdiction the wild mushroom is located for condemnation of the article.
If the court finds that an embargoed adulterated, misbranded, falsely advertised, or the sale of which is otherwise in violation of this division, such wild mushroom shall, after entry of the judgment, be destroyed at the expense of the claimant or owner, under the supervision of an authorized agent of the (insert proper authority). All court costs and fees and storage and other expenses shall be taxed against the claimant or owner of such mushroom or his agent. When the adulteration or misbranding can be corrected by proper labeling or processing of the wild mushroom, or when the false advertisement can be corrected and when all provisions of this division can be complied with, then, after entry of the judgment and after such costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such wild mushroom will be brought into compliance, the court may, by order, direct that the wild mushroom be delivered to the claimant or owner to be brought into compliance by labeling, processing, or other means under the supervision of an authorized agent of the (insert proper authority). The expense of such supervision shall be paid by the claimant or owner. The bond shall be discharged when the court finds that the wild mushroom is no longer held for sale in violation of any provision of this division and that all of the expenses of supervision have been paid.

Whenever an authorized agent of the (insert proper authority) finds any wild mushroom which is unsound, or which contains any filthy, decomposed, or putrid substance, or which may be poisonous or deleterious to health, or otherwise unsafe, he may declare such food to be a nuisance and the (insert proper authority), or its authorized agent, shall condemn or destroy it or render it unsalable as human food by decharacterization.
Section
Any superior or lower court of this State may condemn any wild mushroom under provisions of this division. In the absence of such an order, such wild mushroom may be destroyed under the supervision of an authorized agent of the (insert proper authority) who has written consent of the owner, his attorney, or authorized representative.

Section
The Attorney General or any district attorney, on behalf of the (insert proper authority), may bring an action in Superior Court and such court shall have jurisdiction upon hearing and for cause shown, to grant a temporary or permanent injunction restraining any person from violating any provision of this division. Any proceeding under the provisions of this section shall conform to the requirements of Chapter (commencing with Section ) of Title of Part of the (Code of Civil Procedure or as the case may be) except that the (insert proper authority) shall not be required to allege facts necessary to show, lack of adequate remedy of law, or to show, or tending to show, irreparable damage or loss.

Section
In addition to injunctive relief, the court may impose as a civil penalty, damages in the maximum of five thousand dollars ($5,000.00) for each day such violation is continued. Damages shall be paid one-half to the State and one-half to the county in which such action is brought by the Attorney General, or entirely to the county if brought by a district attorney.
An Act to Amend Existing Food & Drug Model Law called Commercial Sale of Wild Mushrooms

Prepared by WAFDO Food Committee
Warren B. Crawford, Chairman

Section 1. Any wild mushroom is adulterated if it is displayed, held, offered for sale or sold without first having been certified as safe, pursuant to Section ______, by a certified wild mushroom harvester or seller.

Section 2. Any wild mushroom is adulterated if it is displayed, held, offered for sale or sold in a food facility without first having been certified as safe, pursuant to Section ______, by a certified wild mushroom harvester or seller.

Section 3. Commercial Sale of Wild Mushrooms

Provisions of this article are designed to protect the consumer from the sale of poisonous, adulterated and or misbranded wild mushrooms. It is not intended to infringe upon the rights of individuals to collect wild mushrooms from public lands for their own personal use.

Section 4. For purposes of this article, the following wild mushrooms shall be considered safe such that they may be offered for sale within the State:

- Agaricus augustus
- Armillaria ponderosa
- Boletus aerius
- Boletus edulis
- Cantharellus subaibidus
- Cantharellus cibarius
- Craterellus cornucopioides
- Dentinum albium
- Dentinum repandum
- Dentinum umbilicatum
- Hericium erinaceus
- Leccinum aurantiacum
- Leccinum manzanitae
- Lepista nuda
- Morchella spp.
- Price of Horse mushroom
- Matsutake
- Queens bolete
- Kings bolete, cepe, porcini
- White chanterelle
- Golden chanterelle
- Horn of plenty
- White hedgehog
- Spread hedgehog or Sweet tooth
- Depressed hedgehog
- Bear's head
- Orange or red-capped scaber stalk
- Manzanita bolete
- Blewit
- Morels
Section 5.

Any wild mushroom displayed, held, offered for sale or sold shall bear a label which complies with the provisions of Section _____ through Section _____ and Section _____ through Section _____.

Any wild mushroom is misbranded unless it bears a label clearly stating its scientific name along with its common name.

Any wild mushroom is misbranded unless its label is stamped with the certificate number of a certified wild mushroom harvester or seller. A wild mushroom is misbranded when displayed in bulk, unless the mandatory principal display panel information is conspicuously displayed to the customer.

Any wild mushroom is misbranded unless its labeling bears adequate warning against unsafe consumption practices as determined by (insert proper authority). Warnings shall be such manner and form as are necessary for the protection of consumers.

Section 6.

The holding or sale of any wild mushroom for commercial purposes must be accompanied by an invoice which must include the following information:

- name, address and telephone number of seller
- identity of the mushroom(s) by scientific and common name
- certificate number of the seller or harvester
- date of purchase
- quantity purchased

Invoices must be retained by the wholesaler and retailer for a period of six (6) months from the date of purchase.

Section 7.

No person shall display, hold, sell or offer for sale any wild mushrooms unless they have been certified as being safe.
An application for wild mushroom certification shall be completed annually and shall be accompanied by a nonreturnable fee of ______ dollars payable to (insert proper authority).

The (insert proper authority) shall issue a certificate of wild mushroom certification to those applicants who can demonstrate the requisite knowledge and skills to identify safe wild mushrooms. Testing for the aforementioned knowledges and skills shall be administered by accredited colleges, universities or mycological societies recognized by (insert proper authority) as having an approved wild mushroom certification program.

Criteria for wild mushroom certification shall be as identified by a state-wide wild mushroom advisory committee.

The (insert proper authority) shall appoint a state-wide mushroom advisory committee consisting of the following membership:

1. member Food and Drug
1. member Local Health Unit
1. member wild mushroom commercial harvesters
1. member toxicologist
1. member medical doctor
2. members mycological society
1. consumer
1. representative retail food industry

The members shall be appointed from among persons recommended to the (insert proper authority) by persons and organizations concerned with wild mushroom commercial sales safety. In the event of a vacancy, the appointing authority shall fill the vacancy within ninety (90) days following receipt of written notification by the chairperson of the advisory committee that such a vacancy has occurred.

The advisory committee shall conduct general meetings whenever the advisory committee chairperson or the appointing authority determines that a meeting is necessary to carry out the purposes and duties of the advisory committee. Nothing in this chapter shall prohibit the advisory committee from conducting meetings on a regional basis to assist it in conducting its affairs; and, such meetings shall not be considered as a general advisory committee meeting.
The members of the advisory committee, other than the personnel of the (insert proper authority), shall receive no compensation for their services, but shall be allowed their actual necessary traveling expenses incurred in the discharge of their duties associated with general meetings of the advisory committee. The (insert proper authority) may provide staff support to the advisory committee as the (insert proper authority) determines is necessary for the conduct of the advisory committee's business.

The advisory committee shall be solely advisory in character and shall not be delegated any administrative authority or responsibility. The advisory committee shall assist, advise and make recommendations to the appointing authority regarding the following matters:

1. The addition or removal of wild mushroom species from the list specified in Section 3 of this article.

2. The educational and/or experience criteria for certification of wild mushroom harvesters or sellers.

3. The accredited colleges and universities and mycological societies recognized as having an approved wild mushroom certification program.

4. The necessity for and adequacy of label and customer notice warning statements.

5. Other issues affecting the holding and sale of wild mushroom species, including public educational materials.

Section 8. Food poisonings associated with the consumption of wild mushrooms shall be reported consistent with the requirements specified in the Control of Communicable Diseases.

Section 9. The (insert proper authority) may commence disciplinary proceedings resulting in the suspension or revocation of any certification granted pursuant to this article for acts which the (insert proper authority) determines consists of unprofessional conduct.
Acts of unprofessional conduct include, but are not limited to, the following:

(a) Gross incompetence.

(b) The commission of any act involving dishonesty or corruption, whether the act is committed in connection with a certificate or otherwise.

(c) Misidentification of species of mushrooms.

(d) Misuse of the certificate number.

(e) Knowingly making or signing application documents or labels which falsely represent the existence or nonexistence of a state of facts.

(f) Failure to notify immediately the nearest (insert proper authority) Office whenever wild mushrooms are found.

(g) Failure to identify approved wild mushroom labels with a certification stamp.

The (insert proper authority) shall discipline the holder of any Mushroom Specialist Certificate whose default has been entered or who has been heard by the (insert proper authority) and found guilty, by any of the following methods:

(a) Suspending judgment.

(b) Placing certificate holder upon probation.

(c) Suspending his right to practice for a period of not exceeding one year.

(d) Revoking his certificate.