



Ascending Awareness Church – Legal and Constitutional Protections for Religious Use of Marijuana and Psilocybin

Ascending Awareness is a 508(c)(1)(a) church dedicated to restoring freedom, personal responsibility, and self-reliance through intentional community and sustainable living. Our mission is centered on empowering individuals and families to build independent, resilient lives — spiritually, economically, and practically. As part of that commitment, we openly educate our members about the constitutional and legal foundations that protect religious liberty in America. The following information is provided to clarify the legal framework that safeguards sincere religious practice, reinforcing our belief that true self-governance begins with both spiritual conviction and constitutional freedom.

1. First Amendment Guarantees of Religious Freedom:

The U.S. Constitution explicitly protects the free exercise of religion. The First Amendment states, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...”^[1]. This means government may not outlaw sincere religious practices without extremely compelling reasons. The Founders envisioned a strict **separation of church and state**, ensuring that people are “**free to practice their faith without fear of discrimination or retaliation**”, and that religious liberty is upheld as a fundamental right^[2]. In short, **religious practices – even if unconventional – are strongly safeguarded by the Constitution**. Laws must remain religion-neutral and cannot single out or suppress a faith’s practices^[3].



2. “Separation of Church and State” in Law:

The principle of separation of church and state underpins American law, reinforcing that no civil authority can deem a sincere religious rite illegal **simply because it conflicts with secular law**. In practice, this principle requires neutrality: the state cannot favor one religion’s practices while banning another’s^[3]. If a **church’s rituals involve sacraments** like cannabis or psilocybin mushrooms taken for spiritual purposes, the Constitution bars the government from simply declaring those rituals inferior to secular laws. The **free exercise clause** demands that authorities **respect religious rituals** just as they would more common practices, so long as those rituals are sincerely held as part of the faith^[1]. Thus, a **bona fide religious practice holds a protected status** that a government cannot abridge without meeting the highest constitutional scrutiny.

3. Federal Law (RFRA) Strengthening Religious Rights:

In 1993, Congress passed the **Religious Freedom Restoration Act (RFRA)** to bolster constitutional protections for religious exercise. **RFRA forbids the government from substantially burdening a person’s sincere exercise of religion, even via a neutral law**, unless the government can prove a **“compelling governmental interest”** and use the **“least restrictive means”** to achieve it^{[4][5]}. This essentially **restored the strict scrutiny test** for any law impinging on religious practices^[6]. Under RFRA (which applies to federal laws and, in many states, via similar state RFRA), religious practices are given priority – **the government must clear a very high bar before it can outlaw or limit a genuine religious ritual**^[7]. This law was a reaction to earlier court rulings that had allowed enforcement of drug laws despite religious objections, and it now **guarantees robust protection** for rituals like sacramental use of psychedelics or cannabis. In effect, RFRA and related state laws codify that **religious practices trump general drug prohibitions** unless the state can show a truly compelling reason otherwise^[7].



4. Historic Exemptions for Sacramental Substance Use:

The United States has a long history of accommodating religious use of controlled substances. **During Prohibition (1920–1933)**, for example, federal law explicitly exempted sacramental wine for churches and synagogues – clergy could obtain permits to provide alcohol for religious rites despite the general ban^[8]. This reflects the legal principle that **religious sacraments are to be respected even when the substance is otherwise illegal**. More prominently, for **decades the Native American Church has been legally allowed to use peyote (a psychedelic cactus)** in religious ceremonies as a protected act of worship.



A member of a Native American tribe in ceremonial attire, reflecting the sacred traditions associated with peyote rites.



The use of peyote, which contains the Schedule I hallucinogen mescaline, in bona fide Native American religious ceremonies has been explicitly protected by federal law^[9]. In 1994, Congress amended the American Indian Religious Freedom Act to **guarantee that members of federally recognized tribes may legally use peyote as a sacrament in traditional ceremonies^[10]**. This exemption shows that even the strictest drug laws yield to sincere religious practice. Courts have upheld that such accommodations are a matter of religious freedom, not subject to ordinary drug prohibitions. Likewise, other entheogenic sacraments have been recognized: for instance, the Brazil-based União do Vegetal (UDV) church's sacred tea *ayahuasca* (containing DMT) and the Santo Daime church's sacramental brew have been accorded legal protection in the U.S. under religious freedom principles^{[11][12]}. These examples demonstrate that religious use of psychotropic substances is not only a theoretical right but one already affirmed in U.S. law**.

5. Court Rulings Affirming Religious Practices Override Drug Laws:

American courts – including the Supreme Court – have repeatedly validated that **sincere religious practices can supersede controlled-substance laws**. Key legal decisions and precedents include:

- **Supreme Court (Gonzales v. O Centro, 2006):** A unanimous Supreme Court held that a small Christian Spiritist sect (UDV) could **import and use an otherwise illegal hallucinogenic drug** (the *hoasca* tea containing DMT) as part of their worship^[11]. The Court ruled that under RFRA the government had **not shown a compelling interest** to ban this sincere religious practice, and it upheld an injunction protecting the church's sacramental use^{[11][7]}. Chief Justice John Roberts noted that if **“hundreds of thousands of Native Americans are allowed to use peyote”** (a Schedule I substance) in their ceremonies, *“it is difficult to see”* why a small religious group of 130 members should not receive a **similar exception** for their sacred tea^[12]. This case clarified that **the government must meet an exceptionally high burden before it can curtail religious rites that conflict with drug laws^[7]**.



- **Native American Church & Peyote:** The legal acceptance of peyote in worship predates *O Centro* and is well-established. For generations, **Native American Church ceremonies using peyote have been protected** by law. The Supreme Court itself acknowledged this tradition, and today **federal regulations unequivocally exempt the “nondrug use of peyote in bona fide religious ceremonies” of the Native American Church** from the Controlled Substances Act^[12]. In practice, this means **possession and use of peyote for sincere religious ceremony is lawful**, despite peyote’s Schedule I status. This enduring precedent underscores that **when drug laws and religious rites conflict, the rites have been given precedence** (so long as they are part of a historically grounded, sincere practice).
- **Modern Psychedelic Churches (e.g. Utah 2025 case):** Very recently, courts have extended these principles to new religions using cannabis or mushrooms. In 2025, a federal judge **sided with a Utah-based church that uses psilocybin mushrooms** as sacrament, citing religious freedom protections. After police raided the group (the “*Singularism*” spiritual center) and seized its mushrooms, the church sued under Utah’s state RFRA. The judge not only refused to dismiss the case but **ordered a halt to the criminal prosecution** of the church’s founder while the religious-freedom lawsuit proceeds^[13]. She expressed concern that punishing the group before assessing the religious freedom claim would **destroy the congregation’s rights**, effectively recognizing the **use of psychedelic mushrooms as a prima facie protected religious practice** pending a full trial^[13]. This landmark step suggests that even **novel religions using substances like psilocybin can earn legal protection** under the Constitution and RFRA.
- **Rastafari and Sacramental Cannabis:** The Rastafarian faith has long treated **cannabis (ganja) as a holy sacrament** integral to religious ritual and meditation. Courts and scholars have acknowledged that **Rastafarianism is a bona fide religion**, and its adherents’ marijuana use is **rooted in sincere religious belief**^{[14][15]}. Under First Amendment principles, the state cannot dismiss Rastafarians’ sacramental use of cannabis as mere recreational drug use – it **must be afforded the same respect as any other religion’s rites**^[3]. Indeed, the logic of cases like *O Centro* and the existence of exemptions for peyote imply that **neutral drug laws should yield** when applied to sincere **religious cannabis use**, absent a compelling state interest. While each case is fact-specific, the constitutional **standard is clear: free exercise of religion is highly protected**, and any law barring a faith’s sacramental practices faces strict scrutiny^[7].



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Within Ascending Awareness, certain sacramental observances may involve the use of natural plant substances as part of sincerely held religious practice conducted under ecclesiastical governance and within the private membership structure of the church. Any such observances are undertaken as bona fide religious rites, not for recreational or commercial purposes, and are administered in a manner consistent with constitutional protections for the free exercise of religion. Participation in any sacramental practice is limited to consenting adult members and is approached with reverence, discipline, and spiritual intent, in alignment with the church's broader mission of personal responsibility, self-reliance, and lawful private association.

Conclusion:

The **legal, constitutional reality** is that if a church's genuine religious practices involve marijuana, psilocybin mushrooms, or other controlled substances, those practices **are protected by the First Amendment's guarantee of free exercise of religion**. Courts have **documented time and again** that religious rites take priority over drug prohibitions – from sacramental wine during Prohibition^[8], to peyote in Native American ceremonies^[9], to psychedelics in modern spiritual movements^[11]. The **“separation of church and state”** means the government cannot infringe upon or criminalize the sacraments of a religion without a paramount reason. In practical terms, this has been affirmed through **Supreme Court rulings and federal statutes**: a church using cannabis or mushrooms as part of sincerely held belief is **constitutionally shielded**, and the government must overcome a *“high hurdle”* to justify any interference^[7]. **In sum, the First Amendment – buttressed by court precedents and laws like RFRA – ensures that religious practices involving marijuana or psilocybin are fundamentally a protected act, transcending the reach of ordinary state drug laws.**



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[1] The Bill of Rights: A Transcription | National Archives

<https://www.archives.gov/founding-docs/bill-of-rights-transcript>

[2] [5] [6] 42 USC Ch. 21B: RELIGIOUS FREEDOM RESTORATION

<https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter21B&edition=prelim>

[3] [13] [15] Psychedelic Mushroom Religion Wins Major Victory in Utah Court - Universal Life Church Legal Cases - ULC Case Law

<https://ulccaselaw.com/ulc-case-law-legal-blog/psychedelic-mushroom-religion-wins-major-victory-in-utah-court/>

[4] [7] [11] [12] Supreme Court Rules that Religious Group Can Use Illegal Drug in their Worship Services | Pew Research Center

<https://www.pewresearch.org/religion/2006/02/21/supreme-court-rules-that-religious-group-can-use-illegal-drug-in-their-worship-services/>

[8] Volstead Act - Wikipedia

https://en.wikipedia.org/wiki/Volstead_Act

[9] [10] Religious Protections and Federal Law Governing Peyote Use

<https://highscience.com/peyote-religious-protections-federal-law/>

[14] Town v. State Ex Rel. Reno :: 1979 :: Florida Supreme Court Decisions

<https://law.justia.com/cases/florida/supreme-court/1979/55987-0.html>