

Bill as Introduced

HB 345 - AS AMENDED BY THE HOUSE

8Apr2021... 0239h

2021 SESSION

21-0156
08/10

HOUSE BILL

345

AN ACT

establishing a license for mushroom harvesters.

SPONSORS:

Rep. Knirk, Carr. 3; Rep. Fellows, Graf. 8; Rep. Merchant, Sull. 4; Rep. M. Murray, Hills. 22; Rep. Bixby, Straf. 17; Sen. Sherman, Dist 24; Sen. Bradley, Dist 3

COMMITTEE:

Executive Departments and Administration

ANALYSIS

This bill:

I. Establishes a license for wild mushroom identifiers, harvesters, and distributors.

II. Allows the department of health and human services to assess fines to people who distribute wild mushrooms without a license.

III. Requires the department of health and human services to develop a list of approved mushrooms for distribution as well as an educational curriculum for license applicants.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT establishing a license for mushroom harvesters.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Subdivision; Wild Mushroom Harvesters. Amend RSA 143-A by inserting after section
2 20 the following new subdivision:

3 Wild Mushroom Harvesters

4 143-A:21 Definitions. In this chapter:

5 I. "Community supported agriculture" or "CSA" means a distribution system in which a
6 farmer distributes produce directly to consumers.

7 II. "Department" means the department of health and human services.

8 III. "Distributor" means a person who purchases wild mushrooms from a harvester and sells
9 to food establishments or direct to the public. Distributor shall not include food establishments.

10 IV. "Food establishment" means a food service establishment or retail food store licensed
11 under RSA 143-A, as well as farmers market, farm stand, and CSA.

12 V. "Harvester" means a person who forages for and harvests wild mushrooms for sale to a
13 distributor, food establishment, or to the public.

14 VI. "Identifier" means a person who identifies wild mushrooms collected by a harvester on
15 behalf of a distributor or a food establishment.

16 VII. "Mushroom" means the fleshy, spore-bearing, fruiting body of a fungus.

17 VIII. "Tier 1 mushroom" means a wild mushroom which is easily identified, that has no toxic
18 look-alikes, and which is unlikely to cause illness in humans.

19 IX. "Tier 2 mushroom" means a wild mushroom which is difficult to identify, may have toxic
20 look-alikes, or may cause illness in some humans.

21 143-A:22 License Required.

22 I. No person shall identify, harvest, or offer wild mushrooms for sale unless he or she is
23 licensed by the department.

24 II. A wild mushroom identifier, harvester, and distributor may receive a tier 1 license upon
25 the following:

26 (a) Payment of a fee of \$75 to the department.

27 (b) Fulfilling educational requirements approved by the department.

28 (c) Passing an exam on the tier 1 mushroom list approved by the department.

29 III. A wild mushroom identifier, harvester, and distributor may receive a tier 2 license upon
30 the following:

31 (a) Payment of a fee of \$75 to the department.

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1 (b) Fulfilling educational requirements set by the department.

2 (c) Passing an exam on the tier 2 mushroom list approved by the department.

3 IV. Licenses shall be valid for 5 years from the date of issue. A person holding a valid
4 mushroom identifier, harvester, and distributor license may renew such license after completion of
5 an on-line renewal course and payment of a \$30 fee.

6 V. A licensee may only identify, harvest, and sell mushrooms from the tier list corresponding
7 to the tier license they hold, however a tier 2 licensee may also identify, harvest, and sell mushrooms
8 from the tier 1 list.

9 VI. The department may revoke a license for good cause including, but not limited to, the
10 harvest, distribution or sale of wild mushrooms in a manner not consistent with this chapter and the
11 educational program required under this section, failure to keep records in accordance with this
12 subdivision, or the sale of wild harvested mushrooms not included on the tier 1 or tier 2 lists.

13 VII. A licensed mushroom identifier, harvester, and distributor shall present his or her
14 license to the purchaser of his or her mushrooms at the time of sale and to the department of health
15 and human services or to the department of agriculture, markets, and food upon request.

16 VIII. A person harvesting wild mushrooms for personal use shall not require a license.

17 IX. A licensee may harvest from a property only with documented permission from the land
18 owner or land manager.

19 143-A:23 Labeling Requirements; Recordkeeping.

20 I. All mushrooms harvested by a person licensed under this subdivision for sale shall be
21 labeled with the following:

22 (a) The name, address, and license number of the licensed mushroom identifier,
23 harvester, and distributor.

24 (b) The species of mushroom.

25 (c) The weight sold.

26 (d) The date of harvesting.

27 (e) The county of harvesting.

28 II. A copy of such label shall be retained by the licensed mushroom identifier, harvester, and
29 distributor for one year, as well as information on the specific harvest location of all mushrooms
30 harvested.

31 III. A copy of such label shall be retained by the food service establishment for 90 days.

32 IV. Such records shall be available for inspection upon request by the department of health
33 and human services and the department of agriculture, markets, and food.

34 143-A:24 Sale of Wild Mushrooms. A licensed food service establishment or retail food store
35 within the state may only sell wild mushrooms or food products made with wild mushrooms,
36 identified, harvested, and distributed in accordance with this subdivision unless purchased from an
37 out-of-state source approved by that state or country of origin. A licensed food service establishment

1 or retail food store purchasing or receiving wild mushrooms from a licensed wild mushroom
2 identifier, harvester, and distributor shall keep a record of all such transactions with the
3 information described in RSA 143-A:23 for no less than 90 days. Such records shall be available for
4 inspection upon request by the department of health and human services or the department of
5 agriculture, markets, and food. The department of health and human services shall add wild
6 mushrooms to the inspection requirements of licensed food establishments and retail food stores
7 including verifying that such wild mushrooms sold meet the requirements of this subdivision. The
8 department of agriculture, markets, and food may verify that wild mushrooms sold at farmers
9 markets and farmstands meet the requirements of this subdivision.

10 143-A:25 Revocation of License. A food service establishment or retail food store within this
11 state licensed under this chapter may have its license revoked under RSA 143-A:7 if the department
12 finds any of the following:

13 I. Records have not been kept in accordance with RSA 143-A:23 and RSA 143-A:24.

14 II. Purchasing or receiving wild mushrooms for use in food products from a person who is
15 not licensed under RSA 143-A:22 unless purchased from an out-of-state source approved by that
16 state or country of origin.

17 III. Purchasing or receiving wild mushrooms for use in food products that are not approved
18 as tier 1 or tier 2 mushrooms by the department, unless purchased from an out-of-state source
19 approved by that state or country of origin.

20 143-A:26 Penalty.

21 I. Any person who identifies, harvests, or distributes wild mushrooms without having a
22 license to do so as required by this subdivision may be subject to an administrative fine levied by the
23 commissioner of the department not to exceed \$1,000 for each violation.

24 II. The department may issue a cease and desist order to any person selling mushrooms in
25 violation of this subdivision at a farm stand, farmers market, food service establishment, or retail
26 food store.

27 III. A food service establishment or retail food store within this state licensed under this
28 chapter that violates this subdivision may be subject to an administrative fine levied by the
29 department of health and human services not to exceed \$1,000 per violation.

30 IV. A food service establishment or retail food store within this state licensed under this
31 chapter that distributes wild mushrooms in violation of this subdivision may be subject to an
32 administrative fine levied by the department of health and human services not to exceed \$1,000 per
33 violation.

34 143-A:27 Duties; Department of Health and Human Services. The department shall:

35 I. Maintain a database of all wild mushroom identifier, harvester, and distributor licensees.
36 Such database shall be available to the public on the department's Internet site.

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- Page 4 -

1 II. Approve training courses and licensing exams for tier 1 and tier 2 mushroom identifier,
2 harvester, and distributor licenses.

3 III. Develop an education and notification program for food service licensees on the wild
4 mushrooms approved for harvest and sale on the tier 1 and tier 2 lists, including but not limited to
5 photos of such mushrooms.

6 143-A:28 Rulemaking. The department shall adopt rules under RSA 541-A relative to:

7 I. The content of the required educational courses for persons applying for a tier 1 or tier 2
8 mushroom identifier, harvester, and distributor license, including identification of mushrooms,
9 appropriate locations from which to harvest mushrooms, the safe handling and storage of
10 mushrooms, record keeping requirements, and ethics of harvesting; and which shall contain no less
11 than 12 hours of in-person instruction with a mandatory online preparation module.

12 II. The content of the required educational course for persons applying to renew a tier 1 or
13 tier 2 mushroom harvester and distributor license.

14 III. The content of an abbreviated course which shall contain no less than 4 hours of in-
15 person training which shall be offered for experienced identifiers, harvesters, and distributors who
16 demonstrate competency to the department. Experienced identifiers, harvesters, and distributors
17 may apply to the department for such course.

18 IV. A list of tier 1 mushrooms which are easy to identify, with no toxic look-alikes, and
19 which are unlikely to cause illness in humans.

20 V. A list of tier 2 mushrooms which are more difficult to identify, which may have toxic look-
21 alikes, or may make a small percentage of humans ill.

22 VI. The content and format of application forms, testing materials and procedures.

23 VII. The content of testing material and test taking procedures.

24 VIII. Evidence of licensure.

25 IX. The content of the database for mushroom identifier, harvester, and distributor
26 licensees.

27 X. Qualifications for trainers and instructors for educational courses for tier 1 and tier 2
28 mushroom identifier, harvester, and distributor license.

29 XI. A fine schedule for violations of this subdivision.

30 2 Effective Date. This act shall take effect July 1, 2022.

CHAPTER 70
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HB 345 - FINAL VERSION
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29 XI. A fine schedule for violations of this subdivision.

70:2 Effective Date. This act shall take effect July 1, 2022.

Approved: June 10, 2021

Effective Date: July 01, 2022

Committee Minutes

SENATE CALENDAR NOTICE
Executive Departments and Administration

Sen Sharon Carson, Chair
Sen John Reagan, Vice Chair
Sen Denise Ricciardi, Member
Sen Kevin Cavanaugh, Member
Sen Suzanne Prentiss, Member

Date: April 15, 2021

HEARINGS

Wednesday	04/28/2021	
(Day)	(Date)	
Executive Departments and Administration	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m. HB 273	relative to the 50th anniversary of the passage of the 26th amendment, granting the right to vote to 18-21 year olds and celebrating youth voting and office holding.	
9:15 a.m. HB 345	establishing a license for mushroom harvesters.	
9:30 a.m. HB 509	relative to portraits and memorial objects in the state house, legislative office building, and Upham Walker house.	
9:45 a.m. HB 567	permitting certain military personnel, emergency medical technicians, and paramedics to apply for licensure as a nursing assistant.	
10:00 a.m. HB 631	relative to regulation of interpreters for the deaf, deaf blind, and hard of hearing.	

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/97905915900>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: +13017158592,,97905915900# or +13126266799,,97905915900#
4. Webinar ID: **979 0591 5900**
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>

6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 273

Rep. Cushing

Rep. Conley

HB 345

Rep. Knirk

Rep. Bixby

Rep. Fellows
Sen. Sherman

Rep. Merchant
Sen. Bradley

Rep. M. Murray

HB 509

Rep. Wall

HB 567

Rep. S. Pearson

HB 631

Rep. M. Pearson

Rep. Guthrie

Rep. Woods
Rep. Rice

Rep. Nutter-Upham
Sen. Birdsell

Rep. Major
Sen. D'Allesandro

Cameron Lapine 271-2104

Sharon M Carson
Chairman

Senate Executive Departments and Administration Committee

Cameron Lapine 271-2104

HB 345, establishing a license for mushroom harvesters.

Hearing Date: April 28, 2021

Time Opened: 9:15 a.m.

Time Closed: 9:27 a.m.

Members of the Committee Present: Senators Carson, Reagan, Ricciardi, Cavanaugh and Prentiss

Members of the Committee Absent: None

Bill Analysis: This bill:

I. Establishes a license for wild mushroom identifiers, harvesters, and distributors.

II. Allows the department of health and human services to assess fines to people who distribute wild mushrooms without a license.

III. Requires the department of health and human services to develop a list of approved mushrooms for distribution as well as an educational curriculum for license applicants.

Sponsors:

Rep. Knirk
Rep. M. Murray
Sen. Bradley

Rep. Fellows
Rep. Bixby

Rep. Merchant
Sen. Sherman

Who supports the bill: Representative Jerry Knirk (Carroll – District 3), Colleen Smith (DHHS), John Ballentine, Representative Diane Schuett (Merrimack – District 20), Senator Jeb Bradley (District 3), Representative Peter Bixby (Stafford – District 17), Representative Suzanne Vail (Hillsborough – District 30), Representative Heidi Hamer (Hillsborough – District 17), Gary Hamer, Geoffrey Hamer, Representative Susan Almy (Grafton – District 13), Representative Chuck Grassie (Strafford – District 11), Representative Roger Dontonville (Grafton – District 10), Representative Deb Stevens (Hillsborough – District 34), Kathy Tucker, Representative Efstathia Booras (Hillsborough – District 33), Anne Dontonville, Representative Christy Bartlett (Merrimack – District 19), Rick Van de Poll, Representative Wendy Chase (Strafford – District 18), Representative Rod Pementel (Merrimack – District 6), Senator Tom Sherman (District 24), Caroline Storrs,

Representative Rebecca McBeath (Rockingham – District 26), Elaine Thomas, Representative Safiya Wazir (Merrimack – District 17), and Representative Megan Murray (Hillsborough – District 22).

Who opposes the bill: Elliot Axelman, Nicholas Thomas, Representative Erica Layon (Rockingham – District 6), and Alexandra Mennella.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Jerry Knirk

Carroll – District 3

- Representative Knirk said that HB 345 came from the Mushroom Foraging Study Commission (Laws of 2019, 35:2) charged with developing a system for the licensing of wild mushrooms for sale. He said that wild mushrooms are a specialty product that restaurants like to serve or people like to use at home. He said that without HB 345, restaurants, grocery stores, and farmers markets cannot sell wild mushrooms in New Hampshire.
- Rep. Knirk said that the 2017 United States Food Code requires an approved regulatory authority within the state to provide for the identification of wild mushrooms. He said that New Hampshire does not have such a program.
- Rep. Knirk said that HB 345 does not interfere with the harvesting of wild mushrooms for personal use but is important because misidentified wild mushrooms could be unpleasant to eat or toxic, up to kidney failure, liver failure, and death. He also said that there is large damage to the reputation of a restaurant or market if an outbreak of illness due to wild mushrooms is linked to their facilities.
- Rep. Knirk said that there was a bill in 2020 on this same issue but it died in the Senate due to the COVID-19 pandemic.
- Rep. Knirk said that under HB 345, the Department of Health and Human Services (DHHS) will approve a course for identifying wild mushrooms, as well the ethics around harvesting and selling wild mushrooms.
- Rep. Knirk said that the study commission developed a two-tier system for wild mushrooms, with Tier I being wild mushrooms that are easy to identify with no toxic lookalikes. Tier II wild mushrooms are harder to identify and may make people ill if incorrectly identified. He said that purchase can only occur from people certified consistent with their tier.
- Rep. Knirk said that there would be an online database with certified individuals, as well as a card, and public notification for certified wild mushroom harvesters and distributors.
- Rep. Knirk also said that there is a labeling requirement for tracking wild mushrooms as they are harvested, processed, and sold.
- Senator Carson asked about the labeling requirement on Page 2, Line 19. She asked if there should be an expiration date on the tag.
 - Rep. Knirk said that there had not been any discussion about an expiration date. He said that at a restaurant, the distributor and the facility would probably have a conversation about freshness. He said that he would not object to including an expiration date but there usually are not expiration dates on produce like mushrooms.

Colleen Smith

Food Protection Section, DHHS

- Ms. Smith said that she supports HB 345 and that it is a request of the study commission, which had representatives from the Department of Agriculture, Markets, and Food, academia, and the industry to create a pathway to licensure.
- Ms. Smith said that there are many harvesters who seek a safe way to offer their products. She said that education, limitations on the species harvested, and good record keeping will create a good pathway to meet the US Food Code requirements.

Representative Peter Bixby

Strafford – District 17

- Representative Bixby said that the original wild mushroom harvesting bill originally came through House Environment and Agriculture, which saw a strong need for it. He said that that bill died because of the COVID-19 pandemic.
- Rep. Bixby said that his committee strongly supports HB 345 and the amendments from House Executive Departments and Administration improved the bill, making it effective and low-burden.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

cml

Date Hearing Report completed: April 29, 2021

Speakers

Senate Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB345 of
Support: 28 Oppose: 3 Neutral: 0 Total to Testify: 2

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testify</u>
Knirk, Jerry	Jerry.Knirk@leg.state.nh.us	617-448-7557	An Elected Official	Myself-prime sponsor	Support	Yes
Smith, Colleen	colleen.smith@dhhs.nh.gov	603-856-6829	State Agency Staff	DHHS	Support	Yes
Ballentine, John M	mikeb@btine.com	Not Given	A Member of the Public	Myself	Support	No
Bradley, Jeb	jeb.bradley@leg.state.nh.us	603.271.4151	An Elected Official	SD3	Support	No
Bixby, Peter	peter.bixby@leg.state.nh.us	16037495659	An Elected Official	co-sponsor	Support	No
Vail, Suzanne	Suzanne.vail@leg.state.nh.us	Not Given	An Elected Official	Hillsborough County 30	Support	No
Hamer, Heidi	Not Given	Not Given	An Elected Official	Myself	Support	No
Hamer, Gary	Not Given	Not Given	A Member of the Public	Myself	Support	No
Hamer, Geoffrey	Not Given	Not Given	A Member of the Public	Myself	Support	No
Almy, Susan	susan.almy@comcast.net	603.448.4769	An Elected Official	Myself	Support	No
Axelmann, Elliot	alu.axelman@gmail.com	732.674.2355	A Member of the Public	Myself	Oppose	No
Grassie, Chuck	chuck.grassie@leg.state.nh.us	16039787417	An Elected Official	Strafford 11	Support	No
Cornell, Patricia	Not Given	Not Given	An Elected Official	Myself	Support	No
Dontonville, Roger	rdontonville@gmail.com	603.632.7719	An Elected Official	Myself	Support	No
Thomas, Nicholas	nicholas.w.thomas@uconn.edu	Not Given	A Member of the Public	Myself	Oppose	No
Stevens, Representative Deb	debstevens4ward7@gmail.com	603.820.0866	An Elected Official	My 10K constituents	Support	No
Tucker, Kathy	Not Given	Not Given	A Member of the Public	Myself	Support	No
Layon, Erica	erica.layon@leg.state.nh.us	603.479.9595	An Elected Official	Myself	Oppose	No
Booras, Hon. Efstathia	efstathia73@gmail.com	603.930.3220	An Elected Official	Constituents	Support	No
Dontonville, Anne	Adontonville@gmail.com	603.632.7719	A Member of the Public	Myself	Support	No

4/28/2021

Senate Remote Testify

Bartlett, REp Christy	christydbartlett@gmail.com	603.717.8151	An Elected Official	Merrimack 19	Support	No
Van de Poll, Rick	rickvdp@gmail.com	603.677.2473	A Member of the Public	Myself	Support	No
Chase, Wendy	wendy.chase@comcast.net	603.319.7259	An Elected Official	Myself	Support	No
Pimentel, Rod	Rodpimentel@leg.state.nh.us	Not Given	An Elected Official	Myself	Support	No
Sherman, Senator Tom	jennifer.horgan@leg.state.nh.us	271-7875	An Elected Official	SD24	Support	No
Storrs, Caroline	Not Given	Not Given	A Member of the Public	Myself	Support	No
McBeath, Rebecca	NHStateHouse@gmail.com	Not Given	An Elected Official	Myself	Support	No
Lewandowski, Jean	jlewando@hotmail.com	Not Given	A Member of the Public	Myself	Support	No
Hamblet, Joan	joan.hamblet@leg.state.nh.us	603.205.4925	An Elected Official	Myself	Support	No
Thomas, Elaine	Not Given	Not Given	An Elected Official	Myself	Support	No
Wazir, Safiya	Not Given	Not Given	An Elected Official	My Constituents	Support	No

Testimony



Lori A. Shihinette
Acting Commissioner

Lisa M. Morris
Director

STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH SERVICES
BUREAU OF PUBLIC HEALTH PROTECTION

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603-271-4524 1-800-852-3345 Ext. 4524
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Testimony for
HB 345, Relative to Establish a License for Mushroom Harvesters
Executive Departments and Administration Committee
April 28, 2021

Good Morning Senator Carson and Members of the committee. My name is Colleen Smith, and I am the Administrator of the Food Protection Section within the NH Department of Health and Human Services (DHHS), Division of Public Health Services (DPHS). I am here to support HB 345 that establishes a certification for mushroom harvesters.

Background

The bill, which was created at the request of the Wild Mushroom Foraging Study Commission, of which I served on, now makes it possible for licensed food establishments to offer New Hampshire wild harvested mushrooms provided they be harvested in accordance with conditions set forth in this bill. As there are public health concerns associated with wild mushrooms, it is currently not allowable for New Hampshire wild mushroom harvesters to legally offer wild mushrooms to licensed food establishments.

Over 5000 species of fleshy mushrooms grow naturally in North America. The vast majority have never been tested for toxicity. It is known that about 15 species are deadly and another 60 are toxic to humans whether they are consumed raw or cooked. An additional 36 species are suspected of being poisonous, whether raw or cooked. At least 40 other species are poisonous if eaten raw, but are safe after proper cooking.

Some wild mushrooms that are extremely poisonous may be difficult to distinguish from edible species. For this reason, there has been difficulty in the past, regulating wild harvested mushrooms at retail. The 2017 US Food and Drug Administration Food Code, He-P 2300, The Rules for the Sanitary Production and Distribution of Food, which is based on the latest science and best practices and is incorporated into rule for the regulation of New Hampshire food establishments, states that the following elements should be addressed for allowing wild harvested mushrooms:

1. Developing resources & criteria to select wild mushroom species for service or sale,
2. Establishing record-keeping and traceability to assure safety of wild harvested mushrooms,
3. Documenting buyer specifications that include:
 - Identification by the scientific name and the common name of the mushroom species,
 - A statement that the mushroom was identified while in a fresh state,
 - The name and contact information of the person who identified the mushroom and the mushroom seller, and

- A statement as to the qualifications and training of the identifier, specifically related to mushroom identification.
- Development of qualifications and training curriculum that could be used for further training of mushroom identifiers

The required education of harvesters, identifiers and distributors, the limitation of wild mushroom species to be offered, and the requirement for recordkeeping by the harvester and by the food establishment as specified in this bill, creates the pathway necessary to meet the Food Code requirements for wild harvested mushrooms. This pathway addresses public health protection for consumers seeking wild harvested mushrooms.

Food Protection Section inspectors will be able to verify compliance to ensure those food establishments offering wild mushrooms are obtaining products from approved licensed wild mushroom harvesters or distributors and are following the recordkeeping requirements during routine inspections.

As there are requirements for the Department to collect fees and administer fines for non-compliance to this regulation, we would welcome the opportunity to provide a fiscal note.

Thank you for this opportunity to address the committee on this bill. I am happy to answer any questions or provide additional information.

Colleen Smith, MS
Administrator, Food Protection Section
New Hampshire Division of Public Health Services, Department of Health and Human Services
29 Hazen Drive Concord, NH 03301-6504
Phone: 603-271-4589 Email: colleen.smith@dhhs.nh.gov

HB 345—Establishing a certification for mushroom harvesters

Rep Jerry Knirk, Carroll 3

April 28, 2021

This bill is a product of the 2019 mushroom foraging commission charged “to study developing a system for licensing individuals who forage for wild mushrooms with intent to sell them to restaurants, suppliers, or at farmers markets in New Hampshire”. Without passage of this bill, restaurants, grocery stores, farmers markets and farmstands will not be allowed to sell or serve wild mushrooms in New Hampshire.

According to the 2017 US food code, in order for a food service establishment to serve or sell wild harvested mushrooms in the United States they must be approved to do so by a regulatory authority with jurisdiction over the food establishment. Approval requires the proper identification of wild mushrooms being sold or served. In New Hampshire, we do not have a program of certification and registration for the harvesting of wild mushrooms to ensure proper identification, making the sale of wild harvested mushrooms not allowed. Food establishments include restaurants, grocery stores, suppliers, farmstands, or farmer’s markets.

This bill does not interfere with harvesting wild mushrooms for personal use.

The difficulty with mis-identified mushrooms can range from simply a mushroom which is inedible to a mushroom which is toxic. Many of the toxic reactions are minor gastrointestinal distress but the toxicity can range up to kidney and liver failure and death.

It is important to assure that the mushrooms being sold are actually the mushroom being represented and are safe to eat. A restaurant which serves a dinner of inedible mushrooms or is the source of an outbreak of mushroom poisoning would sustain damage to their reputation with a deleterious effect on the restaurant’s business. An outbreak of mushroom poisoning would give wild mushrooms a bad reputation, harming the competent foragers.

The Mushroom Foraging Commission recommended that in order to meet the US food code, the state of New Hampshire institute a program of certification and registration of individuals who harvest, identify and/or distribute wild mushrooms with intent to sell them to food establishments or private individuals as food.

The bill passed through the House last year but died a COVID death.

Under HB 345, DHHS will approve an educational course for individuals who wish to harvest, identify and/or distribute wild mushrooms. The educational program will cover identification, harvesting, handling and storage, New Hampshire regulations and the ethics of harvesting.

There are two certification levels, Tier 1 which includes mushrooms which are easy to identify, with no toxic look-alikes, and which are unlikely to cause illness in humans and a Tier 2 list will include mushrooms which are more difficult to identify, which may have toxic look-alikes, or may make a small percentage of humans ill. Purchasing by food establishments and private purchases will only be able to occur from a certified harvester or distributor consistent with their level of certification.

A registration program for certified wild mushroom harvesters, identifiers and/or distributors will be based in the Department of Health and Human Services with an online database that is updated as new individuals certify. A certification card will be given to every certified harvester, identifier and/or distributor.

Public notification will be given to restaurants, suppliers, grocery stores, farm stands, and farmers markets, that only certified wild mushroom harvesters, and/or distributors will be allowed to sell wild harvested mushrooms as food. Any other sources will not be considered an approved source and therefore will not be allowed. They will also be informed as to the approved mushrooms on the list by receiving descriptions and photographs of mushrooms on the approved lists of mushroom species.

The Department of Health and Human Services retains responsibility for inspection of wild harvested mushrooms in grocery stores and food service establishments, along with the authority to levy fines for non-compliance. A certified harvester and/or distributor who sells wild harvested mushrooms shall generate a labeling tag for all mushrooms to allow tracking.

Much of the work on this program has already been done in the mushroom foraging commission. The Tier 1 and Tier 2 lists have been compiled and the framework for the course has been completed. There is demand for wild harvested mushrooms. HB 345 will enable our wild mushroom harvesters to sell to restaurants, grocery stores and farmstands. I urge you to pass HB345.

April 4, 2019

TO:

Senate Executive Departments & Administration Committee
Honorable Sharon Carson, Kevin Cavanaugh, Cindy Rosenwald, Shannon Chandley, John Reagan
Senate Office Building
Concord, NH 03301

RE: HB634

Dear Committee Members;

I am writing to you today in support of House Bill 634 relative to establishing a commission to study the licensing of wild mushroom foragers.

Over the past 40 years I have been involved with wild mushroom foraging mostly for personal use. I have a graduate degree in Mycology and have taught Mycology at Antioch New England University and Plymouth State University. I regularly teach seminars and classes on wild mushroom foraging around the state, and am currently the President of the Northeastern Mycological Federation, an organization that is comprised of 32 member clubs in nine northeastern state and two Canadian provinces.

In 2015 and 2016, I worked with the NH Department of Agriculture to help address the concern over wild mushroom foraging relative to the Food Security Code, which required registration of such activities in order to comply with federal food safety laws. At the time, the DoA and the Department of Health and Human Services was considering a mechanism to certify wild mushroom foragers in order to provide some assurances to restaurants and farmers markets.

Whereas this year-long effort did not bear any definitive certification program, the foundation for such an effort was begun through the NH Mushroom Company in Tamworth, wherein training workshops were established and seminars in mushroom harvesting were begun.

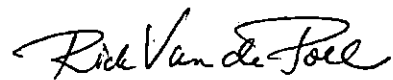
The proposed Study Commission would finalize such an effort and provide a means to ensure continued food safety in the public sector by training wild mushroom foragers as

to species identification, collecting etiquette, proper preservation techniques, as well as marketing and sales.

Since I have aided the state in this capacity to date, I would be happy to continue to support this effort by submitting my name to the Governor for consideration as the "trained mycologist" recognized under this bill.

In sum, I support this bill and recommend its passage by your committee. Thank you very much for your time and consideration of these remarks.

Sincerely;

A handwritten signature in cursive script that reads "Rick Van de Poll".

Rick Van de Poll, Ph.D.
Ecosystem Management Consultants

MEMORANDUM

DATE: **October 23, 2019**

TO: **Honorable Christopher Sununu, Governor**
Honorable Stephen J. Shurtleff, Speaker of the House
Honorable Donna M. Soucy, President of the Senate
Honorable Paul C. Smith, House Clerk
Honorable Tammy L. Wright, Senate Clerk
Michael York, State Librarian

FROM: **Representative Jerry L. Knirk, Chairman**

SUBJECT: **Final Report on RSA 433:37, HB 634, Chapter 35, Laws of 2019**
Commission to Study the Licensure of Individuals who Forage for
Wild Mushrooms for Sale to Others

Pursuant to RSA 433:37, HB 634, Chapter 35, Laws of 2019, enclosed please find the Final Report of the Commission to Study the Licensure of Individuals who Forage for Wild Mushrooms for Sale to Others.

If you have any questions or comments regarding this report, please do not hesitate to contact me.

Enclosure

cc. committee members

State of New Hampshire

GENERAL COURT

CONCORD

FINAL REPORT

Commission to Study the Licensure of Individuals who Forage for Wild Mushrooms for Sale to Others

RSA 433:37, HB 634, Chapter 35, Laws of 2019

October 23, 2019

MEMBERS:

- Rep. Jerry L. Knirk, Chairman
- Rep. Sallie D. Fellows
- Rep. Craig R. Thompson
- Sen. Harold French
- Shane Conlin, designee of the Commissioner of the Department of Agriculture, Markets, and Food
- Colleen Smith, designee of the Commissioner of the Department of Health and human services
- Thomas Stoughton, active wild mushroom forager who sells commercially, appointed by the governor.
- Nada Haddad, representative of the university of New Hampshire cooperative extension, appointed by the extension.
- Stefan Ryll, representative of the American Culinary Foundation, appointed by that foundation.
- Rick Van de Poll, trained mycologist, appointed by the governor.

CHARGE OF THE STUDY:

The commission was charged “to study developing a system for licensing individuals who forage for wild mushrooms with intent to sell them to restaurants, suppliers, or at farmers markets in New Hampshire”.

PROCESS AND PROCEDURES:

The commission met five times between September 16 and October 9, 2019. In the course of their study they reviewed the following materials:

- Information on Michigan’s Wild-foraged Mushroom Identification Certification Program accessible through the website of the Midwest American Mycological Information website
- 22 Maine RSA §2175 Maine Wild Mushroom Harvesting Certification Program
- Minnesota Food Code administrative rule section 4626.0155, relative to the sale of mushrooms to food establishments by certified mushroom harvesters
- *National Survey of State Regulation of Wild Mushroom Foraging for Retail Sale*, by Ms. Priya Nair, Environmental Health Specialist, Georgia Department of Health, November 2016
- Information on the Rhode Island Wild Mushroom Foraging Certification Program and Workshop; course description, sample application, and list of Tier 1, Tier 2 and Tier 3 mushrooms, submitted by Catherine White, Supervising Environmental Health Food Specialist, Rhode Island Department of Health

Commission members also received direct testimony from the following individuals:

- Joe Shoemaker, Director, Division of Technical Professions, Office of Professional Licensing and Certification
- Mike Sommers, NH Lodging and Restaurant Association
- Matt Provencher, Chef, The Foundry, Manchester
- Corey Fletcher, Chef, Revival Kitchen and Bar, Concord
- Catherine White, Supervising Environmental Health Food Specialist, Rhode Island Department of Health
- Susan Francher, Division of Forests and Lands, Department of Natural and Cultural Resources
- Mike Mengers, UNH Professional Development and Training
- William Dunkerley, Dunks Mushroom Products & Foraging LLC, Brentwood

INTRODUCTION

In order to protect public safety of the food supply and to enable legal sale of wild harvested mushrooms (WHM) the Mushroom Foraging Commission makes the following report and recommendations.

According to the 2017 US food code, in order for a food service establishment to serve or sell wild harvested mushrooms in the United States they must be approved to do so by a regulatory authority with jurisdiction over the food establishment. Approval requires the proper identification of wild mushrooms being sold or served. In New Hampshire, we do not have a program of certification and registration for the harvesting of wild mushrooms, making the sale of wild harvested mushrooms not allowed, though such sales are common.

The 2017 FDA Food Code has been adopted in rule by the department of health and human services as follows:

3-201.16 Wild Mushrooms.

(A) Except as specified in ¶ (B) of this section, mushroom species picked in the wild shall not be offered for sale or service by a FOOD ESTABLISHMENT unless the FOOD ESTABLISHMENT has been APPROVED to do so. P

(B) This section does not apply to:

(1) Cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the FOOD regulatory agency that has jurisdiction over the operation; or

(2) Wild mushroom species if they are in packaged form and are the product of a FOOD PROCESSING PLANT that is regulated by the FOOD regulatory agency that has jurisdiction over the plant.

Therefore, the Mushroom Foraging Commission recommends that the state of New Hampshire should institute a program of certification and registration of individuals who harvest, identify and/or distribute wild mushrooms with intent to sell them to food establishments or private individuals as food. Food establishments include restaurants, grocery stores, suppliers, farmstands, or farmer's markets.

COMPONENTS OF FUTURE LEGISLATION

The entire commission supports the introduction of legislation to implement a certification and registration program for individuals who wish to harvest, identify and/or distribute wild mushrooms with the following components:

A. EDUCATION PROGRAM

There will be established a certified educational course for individuals who wish to harvest, identify and/or distribute wild mushrooms. Such a curriculum and qualified trainers will be approved by the Department of Health and Human Services (DHHS) and the Department of Agriculture.

The educational program will cover the identification of mushrooms, appropriate locations to harvest mushrooms, the safe handling and storage of mushrooms, the New Hampshire regulations for record keeping of sales, and the ethics of harvesting.

For basic certification, a specified list of accepted Tier 1 mushrooms (see appendix A) will be maintained by Department of Agriculture and updated as needed. The Tier 1 list will include mushrooms which are easy to identify, with no toxic look-alikes, and which are unlikely to cause illness in humans. A more exhaustive advanced list of acceptable mushrooms, Tier 2, (see appendix B) will be maintained for an advanced level of certification. The Tier 2 list will include mushrooms which are more difficult to identify, which may have toxic look-alikes, or may make a small percentage of humans ill. Harvesters and distributors will only be able to sell wild harvested mushrooms on the list consistent with their certification, and food establishments will only be able to purchase wild harvested mushrooms on those lists. Purchasing by food establishments and private purchases will only be able to occur from a certified harvester or distributor consistent with their level of certification.

The teaching program will culminate in testing and certification. A passing level will be set high enough to be certain that the person has demonstrated true competency in the identification, harvesting and handling of wild harvested mushrooms (WHM).

The training course for new and/or inexperienced harvesters, identifiers and/or distributors, will consist of a minimum of 12 contact hours along with a mandatory, online preparation module. For existing or experienced harvesters, identifiers and/or distributors a mandatory four contact hour course will be given followed by an exam. Experienced harvesters, identifiers and/or distributors must demonstrate competency to the testing agent in order to qualify for the shorter course. Cost, including testing, is not expected to exceed \$275. Subsequent to passing the exam and being certified by the Department of Agriculture as a certified harvester, identifier and/or distributor, an online refresher course for re-certification shall be taken every five years. The cost of the recertification seminar is not expected to exceed \$30 and shall be administered by a DHHS and Department of Agriculture approved training entity.

B. REGISTRATION OF WILD MUSHROOM HARVESTERS

A registration program for certified wild mushroom harvesters, identifiers and/or distributors will be based in the Department of Agriculture with an online database that is updated as new individuals certify. A certification card will be given to every certified harvester, identifier and/or distributor.

Cost of registration is not expected to exceed \$25. This fee shall be used by the Department of Agriculture to cover the cost of registration and maintaining the data base. It is expected that fewer than 100 people will register as WHM harvesters, identifiers and/or distributors. This may include out-of-state harvesters, identifiers and/or distributors who seek to certify themselves for sale of WHM in New Hampshire or in another state where certification is not yet operational.

The Department of Agriculture may revoke certification for good cause.

Reciprocity with other states could be considered in the future.

C. INSPECTION AND REGULATION

Public notification will be given to restaurants, suppliers, grocery stores, farm stands, and farmers markets, that only certified wild mushroom harvesters, and/or distributors will be allowed to sell wild harvested mushrooms as food. Any other sources will not be considered an approved source and therefore will not be allowed. They will also be informed as to the approved mushrooms on the Department of Agriculture list by receiving descriptions and photographs of mushrooms on the approved lists of WHM species.

Authority for inspection shall reside within the Department of Agriculture for farmstands and farmers markets by adding wild harvested mushrooms to the definition of a commodity and adding wild harvested mushrooms to the inspection requirements for farmstands and farmers markets.

The Department of Health and Human Services retains responsibility for inspection of wild harvested mushrooms in grocery stores and food service establishments, along with the authority to levy fines for non-compliance.

D. LABELING AND TRACKING OF WILD HARVESTED MUSHROOMS

A certified harvester and/or distributor who sells wild harvested mushrooms will generate a labeling tag for all mushrooms sold that shall include the name and address of the harvester, the name and address of the distributor, if different, the certificate number of the harvester and

distributor, if different, the species of the mushroom, the weight sold, the date of harvesting, and the county of harvesting. A copy of this labeling tag shall be retained by the harvester and/or distributor and by the purchasing food establishment for a period of 90 days and the seller for one year. These records shall be available for inspection upon request by the Department of Health and Human Services or the Department of Agriculture. The harvester and/or distributor, when selling, must demonstrate the certification card to the purchaser.

HARVESTING MUSHROOMS ON PUBLIC AND PRIVATE LAND

The commission learned that some people who currently harvest and sell wild mushrooms take those mushrooms from private or public land without the permission of the land owner or land manager. The ethics and legality of doing so were discussed by the commission.

Rep. Fellows felt that the commission's recommendations for legislation should include a requirement for a harvester to obtain permission from the land owner or manager before harvesting wild mushrooms intended for sale. This would apply to private land and conservation land, as well as federal and state parks and forests. It would not apply to the harvesting of small quantities of mushrooms for personal use by recreational users of the land. This recommendation was defeated by a vote of the commission.

Respectfully submitted,

Rep. Jerry Knirk, Chairman

APPENDIX A

Tier 1 Wild Harvested Mushrooms

- 1) Morel – *Morchella* spp. - *M. americana* Clowez & Matherly, *M. angusticeps* Pk., *M. elata* Fr., *M. punctipes* Pk.
- 2) Chanterelle – *Cantharellus* spp. - *Cantharellus cinnabarinus* (Schwein.) Schwein. *C. flavus* Foltz & Volk, *C. lateritius* (Berk.) Singer, *C. minor* Pk., *C. roseocanus* (Redhead, Norvell & Danell) Redhead, Norvell & Moncalvo
- 3) Black Trumpet – *Craterellus cornucopioides* (L.) Pers., *C. fallax* A.H. Smith
- 4) Lion's Mane (Bears Head or Coral Tooth) – *Hericiium* spp. - *H. americanum* Ginns, *H. coralloides* (Scop.) Pers., *H. erinaceus* (Bull.) Pers.
- 5) Oyster Mushroom – *Pleurotus* spp. - *Pleurotus ostreatus* (Jacq.) Kumm., *P. populinus* O. Hilber & O.K. Miller, *P. pulmonarius* (Fr.) Quel.
- 6) King Bolete (Porcini, Cep, Steinpilz) – *Boletus edulis* group (*B. edulis* Bull., *B. atkinsonii* Pk., *B. chippewaensis* A.H. Smith & Thiers, *B. nobilis* Pk., *B. sepeans* Pk., *B. subcaerulescens* (E.A. Dick & Snell) Both, Bessette & A.R. Bessette, *B. variipes* Pk.,)
- 7) Matsutake – *Tricholoma magnivelare* (Pk.) Redhead
- 8) Hen-of-the-Woods – *Grifola frondosa* (Dickson) Gray
- 9) Wine Cap – *Stropharia rugosoannulata* Farl. ex Murrill
- 10) Cauliflower Mushroom – *Sparassis* spp. – *S. spathulata* (Schwein.) Fr., *S. americana* R.H. Petersen
- 11) Lobster Mushroom - *Hypomyces lactifluorum* (Schwein.) Tulasne & C. Tulasne

APPENDIX B

Tier 2 Wild Harvested Mushrooms

12. Caesar's Amanita - *Amanita jacksonii* Pomerleau
13. Pear-shaped puffball - *Lycoperdon pyriforme* Schaeff.
14. Crown-tipped coral - *Artomyces pyxidatus* (Pers.) Julich
15. Russell's bolete - *Aureoboletus russellii* (Frost) G.Wu & Zhu L. Yang
16. Jelly ear - *Auricularia americana* Parmasto & I.Parmasto
17. Pallid Bolete - *Boletus pallidus* Frost
18. Butter bolete - *Butyriboletus brunneus* (Pk.) D. Arora & J. L. Frank
19. Frost's bolete - *Butyriboletus frostii* (J.L.Russell) G.Wu, Kuan Zhao & Zhu L. Yang
20. Pheasant's back or Dryad's Saddle – *Polyporus (Cerioporus) squamosus* (Huds.) Fr.
21. Blewit - *Lepista nuda* (Bull.) Cooke
22. Shaggy Mane - *Coprinus comatus* (O.F.Muller) Pers.
23. Trumpet chanterelles - *Craterellus* spp. Pers. (*Craterellus caeruleofuscus* A.H. Smith, *Craterellus foetidus* A.H. Smith, *Craterellus ignicolor* (R.H.Petersen, Dahlman, Danell & Spatafora, *Craterellus tubaeformis* (Fr.) Quel.)
24. Aborted Entoloma - *Entoloma abortivum* (Berk. & M.A.Curtis) Donk
25. Beefsteak polypore - *Fistulina hepatica* (Schaeff.) Wither.
26. Enoki or Winter Mushroom - *Flammulina velutipes* (Curt.) Sing.
27. Chestnut Bolete - *Gyroporus castaneus* (Bull.) Quel.
28. Bluing bolete - *Gyroporus cyanescens* (Bull.) Quel.
29. Chrome-footed bolete - *Harrya chromapes* (Frost) Halling, Nuhn, Osmundson, & M.Binder
30. Yellow scaber stalk - *Hemileccinum subglabripes* ((Pk.) Halling
31. White hedgehog - *Hydnum albidum* Pk. group (subgenus Albi)
32. Sweet tooth - *Hydnum repandum* L. group (subgenus Hydnum)
33. Depressed hedgehog - *Hydnum umbilicatum* Pk. group (sect. Rufescentes)
34. Conifer tuft - *Hypholoma capnoides* (Fr.) P.Kumm.
35. Brick cap - *Hypholoma lateritium* (Schaeff.) P.Kumm.
36. Elm Oyster - *Hypsizygus ulmarius* (Bull.) Redhead
37. Elm Oyster- (*Hypsizygus tessellatus*) (Bull.) Sing.
38. Bay bolete - *Imleria badia* (Fr.) Vizzini
39. Purple-gilled laccaria - *Laccaria ochropurpurea* (Berk.) Pk.
40. Maple milkcap or Burnt-sugar milky - *Lactarius aquifluus* Pk. (= *L. helvus* (Fr.) Fr.)
41. Corrugated-cap milky - *Lactarius corrugis* (Pk.)
42. False saffron milkcap or Orange-latex milky - *Lactarius deterrimus* (Groger)
43. Orange milky - *Lactarius hygrophoroides* Berk. & M.A.Curtis
44. Tawny milky - *Lactarius volemus* (Fr.) Fr.
45. Chicken-of-the-woods or Sulphur shelf - *Laetiporus cincinnatus* (Morgan) Birds., Banik & T.J.Volk, *Laetiporus sulphureus* (Bull.) Murrill
46. Gem-studded puffball - *Lycoperdon perlatum* Pers.
47. Platterful Mushroom - *Megacollybia rodmanii* Petersen, Hughes, & Lickey
48. Black-staining polypore - *Meripilus sumstinei* (Murrill) M.J. Larsen & Lombard
49. Olive Oysterling – *Panellus (Sarcomyxa) serotinus* (Pers.) Kuhn.

50. Old man of the woods - *Strobilomyces* Berk. spp.
51. Dotted-stalk Suillus - *Suillus weaverae* (A.H.Smith & Shaffer) Kretzer & T.D.Bruns (= *granulatus* (L.) Rouss.)
52. Spotted bolete - *Xanthoconium affine* var. *affine* Pk. and var. *maculosus* (Pk.) Sing.

Wild-Harvested Mushroom Foraging Commission

Basic Outline for Certification

Rick Van de Poll, Ph.D.

Purpose: To support the Department of Health and Human Services and the Department of Agriculture in satisfying the FDA Food Safety Code provision 3-210.16(A) to ensure that wild harvested mushrooms (WHM) are safe for public consumption

Reference: Conference for Food Protection WHM2. 2014. "Guidance Document for a Model Wild Harvested Mushroom Program." Food Code Language for Annex 3, duplicated.

Elements of the Model:

1. List of mushroom species for service or sale
 - a. Need: resources, criteria for determining & identifying species
2. Record-keeping and traceability
 - a. Need: basis and extent of record-keeping for WHM sales & services
3. WHM Buyer specifications
 - a. Need:
 - i. Identification of species sold/traded (scientific and common name)
 - ii. Statement that the mushroom was identified in the fresh state
 - iii. Name and contact information of WHM identifier and seller/distributor
 - iv. Statement of qualifications and training of identifier

Definition:

"For the purposes of this guidance document, a Wild-Harvested Mushroom (WHM) means a mushroom that has been picked in the wild and has not been processed (i.e. dried). A Wild-Harvested Mushroom does not include mushrooms that have been packaged in an approved food processing plant or cultivated mushrooms."

WHM Approval

The Guidance Document recommends that the state regulatory authority require that the food establishment that sells WHM obtain a one-time notification letter for approval of sale of WHM prior to use or sale.

Model Elements Described:

1. Resources & Criteria for Selection of Species

- a. WHM that are already in commerce according to foragers, chefs, farmers market vendors, etc.
- b. WHM that are easily identified
- c. WHM that are common to the region
- d. WHM that are low-risk in terms of allergic reactions
- e. WHM that are approved for sale in other, neighboring or nearby states

Proposed List of Tier 1 Wild-Harvested Mushrooms - [See Appendix A]

Proposed List of Tier 1 Wild-Harvested Mushrooms – [See Appendix B]

2. Record-Keeping and Traceability

- a. Regulatory authority should determine appropriate record-keeping by the food establishment that purchases WHM
- b. Records to be attached to the WHM may include:
 - i. Approved identifier name
 - ii. Approved identifier contact information
 - iii. Scientific name of mushroom(s) purchased or obtained
 - iv. Harvest date
 - v. Harvest location
 - vi. Harvest weight
 - vii. Name of forager (if not same as identifier)
- c. Records should be kept for a minimum of 90 days

3. WHM Buyer Specifications

- a. Food establishment should keep written specifications of WHM provider, to include:
 - i. Identification of mushrooms purchased
 - ii. Statement by WHM provider that they were identified in a fresh state
 - iii. Name & contact information of WHM provider
 - iv. Statement of qualifications of WHM provider

Wild-Harvested Mushroom Identifier Course Learning Objectives

1. Identification

- Identifiers should be able to identify and understand the risks associated with consuming all approved species wild mushroom species for sale or service to be made available to the public
 - Mushrooms should be identifiable on the basis of diagnostic keys, photographs and fresh specimens
 - Both common and scientific names should be known by identifier, including all of the names used in common field guides for the region
 - Diagnostic features for each approved mushroom species should be known
 - Mushroom look-alikes for all approved species should be known by name and potential toxic reactions if taken internally
 - Potential allergies or toxic reactions for all approved species should be understood and be able to be communicated to buyers, medical facilities, and regulatory authorities
 - Possible treatments for such allergies must be known by WHM identifiers and be able to be communicated to buyers, medical facilities, and regulatory authorities

2. Harvesting

- WHM Identifiers should understand the basics of proper harvesting of all approved wild-harvest mushrooms
 - Identifiers should know the habitat and seasonality of approved WHM species
 - Identifiers should know the proper harvesting techniques for all approved WHM species
 - Identifiers should understand the differences in the habitat and seasonality of all look-alike species to the approved WHM species
 - Identifiers should understand and consider the ethics of harvesting WHM on land not owned by the identifier, and be conscious of any state or federal laws regulating the harvest of wild mushrooms on such properties

3. Proper Handling Techniques

- **WHM identifiers need to understand the potential for contamination of WHM and ways to ensure proper storage and transport of WHM**
 - Identifiers and their foragers need to demonstrate proper handling, storage, and transport techniques that will minimize the risk of spoilage and contamination of WHM
 - Identifiers and their foragers need to be able to recognize WHM contamination and ways to diagnose potential contamination among collections

- Identifiers and their foragers need to understand the relationship between personal hygiene and potential contamination of WHM
- Identifiers and their foragers need to demonstrate an understanding of the potential risk of contamination of picking WHM in spoiled ground, such as near feces, railroad beds, along roadsides, etc.

Appendix A

Tier 1 Wild Harvested Mushrooms

- 1) Morel – *Morchella* spp. - *M. americana* Clowez & Matherly, *M. angusticeps* Pk., *M. elata* Fr., *M. punctipes* Pk.
- 2) Chanterelle – *Cantharellus* spp. - *Cantharellus cinnabarinus* (Schwein.) Schwein. *C. flavus* Foltz & Volk, *C. lateritius* (Berk.) Singer, *C. minor* Pk., *C. roseocanus* (Redhead, Norvell & Danell) Redhead, Norvell & Moncalvo
- 3) Black Trumpet – *Craterellus cornucopioides* (L.) Pers., *C. fallax* A.H. Smith
- 4) Lion's Mane (Bears Head or Coral Tooth) – *Hericiium* spp. - *H. americanum* Ginns, *H. coralloides* (Scop.) Pers., *H. erinaceus* (Bull.) Pers.
- 5) Oyster Mushroom – *Pleurotus* spp. - *Pleurotus ostreatus* (Jacq.) Kumm., *P. populinus* O. Hilber & O.K. Miller, *P. pulmonarius* (Fr.) Quel.
- 6) King Bolete (Porcini, Cep, Steinpilz) – *Boletus edulis* group (*B. edulis* Bull., *B. atkinsonii* Pk., *B. chippewaensis* A.H. Smith & Thiers, *B. nobilis* Pk., *B. seperans* Pk., *B. subcaerulescens* (E.A. Dick & Snell) Both, Bessette & A.R. Bessette, *B. variipes* Pk.,)
- 7) Matsutake – *Tricholoma magnivelare* (Pk.) Redhead
- 8) Hen-of-the-Woods – *Grifola frondosa* (Dickson) Gray
- 9) Wine Cap – *Stropharia rugosoannulata* Farl. ex Murrill
- 10) Cauliflower Mushroom – *Sparassis* spp. – *S. spathulata* (Schwein.) Fr., *S. americana* R.H. Petersen
- 11) Lobster Mushroom - *Hypomyces lactifluorum* (Schwein.) Tulasne & C. Tulasne

Appendix B

Tier 2 Wild Harvested Mushrooms

12. Caesar's Amanita - *Amanita jacksonii* Pomerleau
13. Pear-shaped puffball - *Lycoperdon pyriforme* Schaeff.
14. Crown-tipped coral - *Artomyces pyxidatus* (Pers.) Julich
15. Russell's bolete - *Aureoboletus russellii* (Frost) G.Wu & Zhu L.Yang
16. Jelly ear - *Auricularia americana* Parmasto & I.Parmasto
17. Pallid Bolete - *Boletus pallidus* Frost
18. Butter bolete - *Butyriboletus brunneus* (Pk.) D. Arora & J. L. Frank
19. Frost's bolete - *Butyriboletus frostii* (J.L.Russell) G.Wu, Kuan Zhao & Zhu L. Yang
20. Pheasant's back or Dryad's Saddle – *Polyporus (Cerioporus) squamosus* (Huds.) Fr.
21. Blewit - *Lepista nuda* (Bull.) Cooke
22. Shaggy Mane - *Coprinus comatus* (O.F.Muller) Pers.
23. Trumpet chanterelles - *Craterellus* spp. Pers. (*Craterellus caeruleofuscus* A.H. Smith, *Craterellus foetidus* A.H. Smith, *Craterellus ignicolor* (R.H.Petersen, Dahlman, Danell & Spatafora, *Craterellus tubaeformis* (Fr.) Quel.)
24. Aborted Entoloma - *Entoloma abortivum* (Berk. & M.A.Curtis) Donk
25. Beefsteak polypore - *Fistulina hepatica* (Schaeff.) Wither.
26. Enoki or Winter Mushroom - *Flammulina velutipes* (Curt.) Sing.
27. Chestnut Bolete - *Gyroporus castaneus* (Bull.) Quel.
28. Bluing bolete - *Gyroporus cyanescens* (Bull.) Quel.
29. Chrome-footed bolete - *Harrya chromapes* (Frost) Halling, Nuhn, Osmundson, & M.Binder
30. Yellow scaber stalk - *Hemileccinum subglabripes* ((Pk.) Halling
31. White hedgehog - *Hydnum albidum* Pk. group (subgenus Albi)
32. Sweet tooth - *Hydnum repandum* L. group (subgenus Hydnum)
33. Depressed hedgehog - *Hydnum umbilicatum* Pk. group (sect. Rufescentes)
34. Conifer tuft - *Hypholoma capnoides* (Fr.) P.Kumm.
35. Brick cap - *Hypholoma lateritium* (Schaeff.) P.Kumm.
36. Elm Oyster - *Hypsizygus ulmarius* (Bull.) Redhead
37. Elm Oyster- (*Hypsizygus tessellatus*) (Bull.) Sing.
38. Bay bolete - *Imleria badia* (Fr.) Vizzini
39. Purple-gilled laccaria - *Laccaria ochropurpurea* (Berk.) Pk.
40. Maple milkcap or Burnt-sugar milky - *Lactarius aquifluus* Pk. (= *L. helvus* (Fr.) Fr.)
41. Corrugated-cap milky - *Lactarius corrugis* (Pk.)
42. False saffron milkcap or Orange-latex milky - *Lactarius deterrimus* (Groger)
43. Orange milky - *Lactarius hygrophoroides* Berk. & M.A.Curtis
44. Tawny milky - *Lactarius volemus* (Fr.) Fr.
45. Chicken-of-the-woods or Sulphur shelf - *Laetiporus cincinnatus* (Morgan) Birds., Banik & T.J.Volk, *Laetiporus sulphureus* (Bull.) Murrill
46. Gem-studded puffball - *Lycoperdon perlatum* Pers.
47. Platterful Mushroom - *Megacollybia rodmanii* Petersen, Hughes, & Lickey

48. Black-staining polypore - *Meripilus sumstinei* (Murrill) M.J. Larsen & Lombard
49. Olive Oysterling – *Panellus (Sarcomyxa) serotinus* (Pers.) Kuhn.
50. Old man of the woods - *Strobilomyces* Berk. *spp.*
51. Dotted-stalk Suillus - *Suillus weaverae* (A.H.Smith & Shaffer) Kretzer & T.D.Bruns (= *granulatus* (L.) Rouss.)
52. Spotted bolete - *Xanthoconium affine* var. *affine* Pk. and var. *maculosus* (Pk.) Sing.

Voting Sheets

**Senate Executive Departments and
Administration Committee
EXECUTIVE SESSION RECORD
2021 Session**

Bill # HB 345

Hearing date: 4-28-21

Executive Session date: 4-28-21

Motion of: OTP Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen Prentiss

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, April 28, 2021

THE COMMITTEE ON Executive Departments and Administration

to which was referred **HB 345**

AN ACT establishing a license for mushroom harvesters.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Suzanne Prentiss
For the Committee

HB 345 establishes a license for wild mushroom identifiers, harvesters, and distributors, allows the Department of Health and Human Services to assess fines to people who distribute wild mushrooms without a license, and requires the Department of Health and Human Services to develop a list of approved mushrooms for distribution as well as an educational curriculum for license applicants. Wild mushrooms can be either a tasty delicacy or a poisonous error and being able to identify the difference is critical to the wellbeing of wild mushroom consumers. HB 345 will ensure compliance with U.S. Food Code regulations as well as protect the health and safety of wild mushroom consumers. Much of the initial work on the regulations in HB 345 has been completed by the Mushroom Foraging Study Commission (Laws of 2019, 35:2). The regulations will not impact home foragers but will ensure that wild mushrooms served at restaurants or sold at grocery stores or farmers markets are identified correctly and are safe for consumption.

Cameron Lapine 271-2104

FOR THE CONSENT CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 345, establishing a license for mushroom harvesters.

Ought to Pass, Vote 5-0.

Senator Suzanne Prentiss for the committee.

HB 345 establishes a license for wild mushroom identifiers, harvesters, and distributors, allows the Department of Health and Human Services to assess fines to people who distribute wild mushrooms without a license, and requires the Department of Health and Human Services to develop a list of approved mushrooms for distribution as well as an educational curriculum for license applicants. Wild mushrooms can be either a tasty delicacy or a poisonous error and being able to identify the difference is critical to the wellbeing of wild mushroom consumers. HB 345 will ensure compliance with U.S. Food Code regulations as well as protect the health and safety of wild mushroom consumers. Much of the initial work on the regulations in HB 345 has been completed by the Mushroom Foraging Study Commission (Laws of 2019, 35:2). The regulations will not impact home foragers but will ensure that wild mushrooms served at restaurants or sold at grocery stores or farmers markets are identified correctly and are safe for consumption.

General Court of New Hampshire - Bill Status System

Docket of HB345

Docket Abbreviations

Bill Title: establishing a license for mushroom harvesters.**Official Docket of HB345.:**

Date	Body	Description
1/9/2021	H	Introduced (in recess of) 01/06/2021 and referred to Executive Departments and Administration HJ 2 P. 44
1/27/2021	H	Public Hearing: 02/04/2021 01:00 pm Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/99659562277 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/16/2021	H	Majority Committee Report: Ought to Pass with Amendment #2021-0239h (Vote 12-7; RC) HC 12 P. 29
2/16/2021	H	Minority Committee Report: Inexpedient to Legislate
2/25/2021	H	Special Order to Regular Calendar of next Session day Without Objection HJ 4 P. 46
4/8/2021	H	Amendment #2021-0239h : AA VV 04/08/2021 HJ 6 P. 67
4/8/2021	H	Ought to Pass with Amendment 2021-0239h: MA RC 194-174 04/08/2021 HJ 6 P. 67
4/13/2021	S	Introduced 04/08/2021 and Referred to Executive Departments and Administration; SJ 12
4/15/2021	S	Remote Hearing : 04/28/2021, 09:15 am; Links to join the hearing can be found in the Senate Calendar; SC 20
4/28/2021	S	Committee Report: Ought to Pass, 05/06/2021; Vote 5-0; CC; SC 22
5/6/2021	S	Ought to Pass : RC 23Y-0N , MA; OT3rdg; 05/06/2021; SJ 14
6/2/2021	S	Enrolled Adopted, VV, (In recess 05/27/2021); SJ 18
6/3/2021	H	Enrolled (in recess of) 06/03/2021
6/14/2021	H	Signed by Governor Sununu 06/10/2021; Chapter 70; Eff: 07/01/2022

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 345

Senate Committee: ED+A

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Cameron M. Japone
Committee Aide

7/20/21
Date

Senate Clerk's Office AK