

FAV
SB 1009
Task Force on Responsible Use of Natural Psychedelic Substances

Statement to Senate Finance Committee
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I am an educator and attorney, born and raised in Baltimore, and a 1989 honors graduate of the University of Maryland School of Law. I am a longtime UM faculty member and adjunct, most recently teaching Cannabis Law and Policy for the School of Pharmacy Cannabis MS program. I am among the founding cohort of the Psychedelic Bar Association, and in an individual capacity, engage with *Marylanders for Beneficial Psychedelics*, a grass-roots coalition that has formed around the idea of accessible and affordable psychedelics for all Marylanders.

I am in **support** of **HB 0548**. My statement seeks to offer detail about the current legal and practical context, specifically with respect to what is happening at the federal level and in other states, and seeks to answer threshold questions;

- why any state should move to regulate psychedelics;
- why Maryland should move forward during this legislative session; and
- why the task force approach found in SB 1009 is appropriate.

IT IS APPROPRIATE FOR MARYLAND TO REGULATE PSYCHEDELICS

Maryland's experience with regulating Cannabis already has provided a picture of the overwhelming societal costs from misguided drug prohibition. Epitomized in the schedules found in the Controlled Substances Act of 1970 ("CSA"), decades of misinformation and stigma has left us with laws that do not accurately reflect the potential therapeutic benefits or harms of various substances, and policies that do not reflect a modern understanding of drug use and harm.

Not until late 2023 – *thirty-seven years* after California voters approved the first state medical marijuana program and months after Kentucky had become the 37th state to legalize medical marijuana – did the U.S. Department of Health and Human Services finally acknowledge that marijuana has generally accepted medical value.

Like Cannabis, psychedelics have been swept up in this misguided war on drugs, entirely prohibited and classified under the CSA as having no accepted medical use.¹

Despite this federal prohibition, the Food and Drug Administration has designated psilocybin a “breakthrough therapy” for major depressive disorder and treatment-resistant depression, and earlier this year, the Agency extended priority review to a new drug application ("NDA") for

¹ HHS recommendation to Reschedule Marijuana, Congressional Research Service, September 13, 2023.

MDMA² administered in tandem with talk therapy, setting the stage for the first psychedelic to be available via prescription later this year.³

Only state action can cure this deep misalignment between science and federal law. If all Marylanders are to have options for legally access psychedelics – it is incumbent Maryland lawmakers move forward.

IT IS APPROPRIATE FOR MARYLAND TO MOVE FORWARD ON PSYCHEDELICS THIS SESSION

If the pace at which psychedelics are being rehabilitated in the public sphere seems dizzying, that's because it is.

Only 11 state legislatures – just 20% – have never taken up a proposal related to psychedelics.

That same number of states – 11 – have in just the past three years appropriated funds to support research on psychedelic-assisted therapies, including as this Committee is aware, Maryland's 2022 Alternative Therapies Fund to study the effectiveness of using psychedelics to treat post-traumatic stress disorder and traumatic brain injury.

Beyond Oregon and Colorado where legal and regulated access to certain psychedelics is available or underway, two other states, Minnesota and Nevada, have authorized task forces akin to the one called for in SB 1009; both will deliver recommendations to their respective legislatures by December 2024.

So far this session, five state legislatures are considering bills to explore and regulate psychedelics that pattern the working group/task force model employed in SB 1009.⁴

THE TASK FORCE APPROACH IS UNIQUELY SUITED TO REGULATING PSYCHEDELICS

While task forces are often derided for being inefficient and ineffective, especially if there is no plan for implementation of its work, a task force is precisely what is called for here – which of course is why they are proving so successful and continue to be modeled.

Even in OR where the legal access covers just one psychedelic substance - psilocybin - the licensing and use rules were developed over a two-year, collaborative advisory board process with widespread representation.

² 3,4-methylenedioxymethamphetamine; AKA ecstasy, molly

³ "FDA Accepts, Grants Priority Review of NDA for MDMA-Assisted Therapy for PTSD," Psychiatric Times, February 5, 2024.

⁴ In addition to Maryland, bills in Alaska, New Mexico, Massachusetts and Hawaii contemplate processes that use task forces or advisory boards to advise the legislature and make recommendations. For more information about recent bills, see [my personal psychedelic legislation tracker](#); see also [Psychedelic Alpha](#) which includes a state-by-state history of legislative activity regarding psychedelics.

Regulating psychedelics is about more than licensing sales, collecting taxes and expunging criminal records.

Psychedelics is a paradigm shift, and tackling any novel, complex issue demands a collaborative process.

In the case of psychedelics which depends on access to up-to-date research and insights on emerging scientific developments, a task force offers an ideal platform for the development of evidence-based policymaking.

I look forward to further supporting a task force to study and make recommendations on how all Marylanders can access the benefits of psychedelic substances, and respectfully urge the Committee to vote favorably on SB 1009.

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