

STATEMENT OF
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SUBMITTED TO
THE MARYLAND HOUSE OF DELEGATES
HEALTH AND GOVERNMENT OPERATIONS COMMITTEE
HON. JOSELINE A. PENA-MELNYK, CHAIR
HON. BONNIE CULLISON, VICE CHAIR
FEBRUARY 21, 2024

**IN SUPPORT WITH AMENDMENTS OF
HB 0548**
Concerning
Task Force on Responsible Use of Psychedelic Substances

Chair Pena-Melnyk, Vice Chair Cullison, and Honorable Delegates, thank you for scheduling this hearing on HB 548 reading my statement in support of the bill.

The task force authorized by this bill would advance Maryland's ability to research and use the relatively safe but powerful psychedelic compounds that occur in nature. Research in the past 20 years has increasingly demonstrated the value in mental health of these compounds, and builds upon a body of research, much of which was conducted in Maryland in the 1960s and 1970s supported by State and Federal grants. On page 4, below, I suggest the definition be amended.

Mental Health:

The nation's crisis in mental health services and the epidemic-like spread of suicide and suicide-attempts calls for **expansion of the treatment capacity of the mental health community**. Most of the valuable medications for mental health only alleviate symptoms of conditions such as depression, anxiety, obsessive-compulsive disorder, post-traumatic stress disorder, etc. Sadly, the conditions frequently endure for years, decades or lifetimes resulting in long-term treatment regimens involving hundreds of hours of treatment for a single individual.

- (1) **Psychedelic medications have the potential to accelerate treatment of many conditions and thus expand the nation's mental health treatment capacity.** It is not an exaggeration that many persons who have received treatment with psychedelic medications are considered by themselves and their therapists to be "cured." **Expansion of the availability of psychedelic medication could thus result in profound cost savings in health expenditures by the public and private sector, and individuals.**
- (2) **Psychedelic medications also have the capacity to prevent suicide and are forecast to save thousands or tens of thousands lives per year.** There are now about 50,000 suicides per year. In 2021, an estimated 1.7 million persons made a suicide attempt, according to the CDC.²

- (3) This is an extremely important issue for the nation’s military veterans. **“In 2021, 6,392 Veterans died by suicide. . . When looking at increases in rates from 2020 to 2021, the age- and sex-adjusted suicide rate among Veterans increased by 11.6%, while the age- and sex-adjusted suicide rate among non-Veteran U.S. adults increased by 4.5%.”**³
- (4) Just a few weeks ago, the U.S. Department of Veterans Affairs announced it is undertaking research on the use of psychedelic medication. U.S. Veterans Affairs Secretary Denis McDonough said the move represents **“an important step to explore the efficacy of a potential new set of promising treatments that could improve the health and quality of life for veterans.”**⁴

Maryland’s long history supporting research with psychedelic medication:

- (1) In the 1960s and 70s psychedelic materials were widely considered a promising potential modality to treat mental illness. Maryland’s Spring Grove State Hospital was the home of the Maryland Psychedelic Research Center, the most important of the very few institutions where research into the therapeutic research use of psilocybin was conducted for the treatment of substance use disorders, schizophrenia, anxiety and other severe personality disorders, under the auspices of the U.S. National Institute of Mental Health. The results of that research were being published in the most prestigious journals such as *JAMA* and the *Archives of General Psychiatry*. The research continued for many years. The last legal administration of psilocybin for research purposes in the United States -- before the political, legal and financial obstructions of the “war on drugs” -- were at the Maryland Psychedelic Research Center in the Spring of 1977.⁵
- (2) The story of this important research has been lost due to the extravagance of the “noise and glare” created by notorious LSD-popularizer Dr. Timothy Leary. Leary, once a Harvard University psychologist, became a “Pied Piper” of psychedelics, and fueled a media and political circus that popularized casual, recreational and “political” use of LSD and similar psychedelics that obliterated the record of the serious scientific research.⁶
- (3) Beginning in 1999, researchers at Johns Hopkins University resumed research with psilocybin focusing on its potential for mystical and spiritual experiences. This research was published in 2006 in the journal *Psychopharmacology*.⁷ A wide variety of other research continues at Johns Hopkins Center for Psychedelic and Consciousness Research (<https://www.hopkinsmedicine.org/psychiatry/research/psychedelics-research>) in the treatment of addiction (e.g. nicotine and tobacco), anxiety and depression and other matters.

The legislation:

The definition in HB 548 of “natural psychedelic substances” should be changed. As drafted it could limit the scope of research that the task force should be able to evaluate as it carries out its responsibilities. The term, "natural psychedelic substances" is used in HB 0548 in every aspect of the proposed Task Force's (T.F.) responsibilities in the more than two-pages in subsection (h) including studying existing laws, evaluating the available data, considering the opportunities to mitigate potential risks of access and use, etc. The definition is important.

The narrower the definition of this key term, the less flexibility the Task Force has in carrying out the work the General Assembly would want it to do.

A member of the T.F. could block even discussion of research that used mushrooms (rather than pure psilocybin), for example, as outside the powers of the T.F. to consider. Even if a majority of the T.F. wanted to include such research, I think the objector, if they appealed to the Attorney General for guidance, would get a response that would say the T.F. is limited to research solely using the specific substances in the definition.

Since this bill only authorizes a T.F. study and is not regulating the conduct of the general public nor authorizing the production, distribution or use of the substances, **there is no due process requirement for a strictly limiting definition.** Indeed, because the bill authorizes a study, the better policy would be a broader definition of the relevant materials to maximize the research base and to consider broader policy implications.

For example, inclusion of mescaline and exclusion of peyote would potentially limit any public health data regarding the use of peyote that would really be relevant for considering the safety of mescaline. Excluding peyote means that concerns of Indian tribes about protecting the religious use of peyote under Maryland law or protecting the sources of peyote that are endangered in Texas and Mexico would be outside the legitimate range of discussion. If such an issue were on the agenda of a meeting or began to be discussed, the issue could be stopped by a member of the T.F. making the point of order that such discussion is outside the authorized range of topics the T.F. is authorized to consider.

Secondly, I don't think we know enough about the sources of the listed substances to be confident that all the extensive, relevant research and studies have only been conducted with substances that were derived exclusively from plant or fungi material. I suspect that there are respectable ways to synthesize these molecules and that there are legitimate sources of pure material that were not only prepared by extraction from plant and fungi material (but I am only surmising this). We don't want a situation in which consideration of research is blocked because the T.F. cannot ascertain that the material used in the research was plant or fungi sourced.

What does "naturally derived psilocybin" mean? In the plainest sense, "naturally derived" would mean that the organism ingests the plant and the digestive system of the organism "extracts" the psilocybin and introduces it to the bloodstream. A laboratory process that chemically extracts psilocybin from mushrooms is not a "natural derivation" of the psilocybin.

It is the case that the four named compounds all exist in nature and can be extracted from plant material. But the T.F.'s study does not need to require that research or their recommendations are limited only to plant derived or extracted compounds.

The natural source language is putting the recommendations and sourcing issues into the research arena and that is wholly unnecessary. (This distinction seems somewhat like the debate arguing that a generic version of a patented drug is inferior to the patent holder's original brand name version. Those issues are summarized here: <https://www.healthline.com/health/drugs/generic-vs-brand>.)

Some may be concerned about the “purity” of the compounds in a sense like the distinction between "organic" and non-organic foods and other products. However, here the substances identified are discrete compounds, not produce that can be grown with (or without) pesticides and chemical fertilizers.

I suggest this substitute definition: **“In this section, 'natural psychedelic substances' means psilocybin, psilocin, dimethyltryptamine, and mescaline, and other compounds that exist in fungi or plants that contain any one of these four substances.”**

I urge a favorable report with amendments.

¹ Eric E. Sterling has lived in Maryland 31 years and in the 18th legislative district over 26 years. He most recently has served on the Advisory Commission on Policing of Montgomery County (2020-2024, Chair 2022-2024). In 2013, he was appointed by Governor Martin O’Malley to a four-year term on the Maryland Medical Cannabis Commission where, as chair of the Policy Committee, he was the principal author in 2015 of the regulations creating the medical cannabis industry in Maryland ([COMAR Title 10, Subtitle 62](#)). He was Executive Director of the Criminal Justice Policy Foundation (1989-2020). From 1979 to 1989 he was Assistant Counsel, U.S. House of Representatives Committee on the Judiciary responsible for drug abuse matters among many other issues. In Montgomery County, he has also served for 10 years on the Alcohol and Other Drug Abuse Advisory Council including three years as chair. He graduated from Haverford College with a B.A. in Religion in 1973 and received a J.D. from Villanova University Law School in 1976. In 1990, he was a key adviser of Reuben Snake and the Native American Religious Freedom Project that helped enact the American Indian Religious Freedom Act Amendments of 1994, P.L.103-344 (Oct. 6, 1994) regarding use of peyote. He attended the Pacific Symposium on Psychedelic Drugs at the Esalen Institute. He is the author of “Law Enforcement Against Entheogens: Is it Religious Persecution?” in Robert Forte (ed.), *Entheogens and the Future of Religion*, Council on Spiritual Practices, San Francisco, 1997.

² Centers for Disease Control and Prevention, “Suicide Data and Statistics,” <https://www.cdc.gov/suicide/suicide-data-statistics.html>, accessed Feb. 19, 2024.

³ U.S. Department of Veterans Affairs, “2023 National Veteran Suicide Prevention Annual Report,” <https://www.mentalhealth.va.gov/docs/data-sheets/2023/2023-National-Veteran-Suicide-Prevention-Annual-Report-FINAL-508.pdf> at p. 5, accessed Feb. 19, 2024.

⁴ Leo Shane, III, “VA plans research on using psychedelics to treat PTSD, depression,” *Military Times*, Jan. 5, 2024, accessed Feb. 19, 2024. <https://www.militarytimes.com/veterans/2024/01/05/va-plans-research-on-using-psychedelics-to-treat-ptsd-depression/>

⁵ Michael Pollan, *How to Change Your Mind*, Penguin Press, 2018, p. 52-58.

⁶ President Richard Nixon in 1971 called Timothy Leary “the most dangerous man in America.” Id. 58.

⁷ Griffiths, R.R., W.A. Richards, U. McCann, and R. Jesse, “Psilocybin can Occasion Mystical-Type Experiences Having Substantial and Sustained Personal Meaning and Spiritual Significance.” *Psychopharmacology* 187, no. 3 (2006) 268-83. doi:10.1007/s00213-006-0457-5. <https://pubmed.ncbi.nlm.nih.gov/16826400/> accessed Feb. 19, 2024.