

STATEMENT OF  
**ERIC E. STERLING, J.D.<sup>1</sup>**  
SUBMITTED TO  
THE MARYLAND SENATE  
FINANCE COMMITTEE  
SENATOR PAMELA BEIDLE, CHAIR  
SENATOR ANTONIO HAYES, VICE CHAIR  
FEBRUARY 11, 2026

**IN SUPPORT WITH AMENDMENTS OF  
SB 336**

Concerning

**Task Force on Responsible Use of Natural Psychedelic Substances -- Extension**

Chair Beidle, Vice Chair Hayes, and Honorable Senators, thank you for scheduling this hearing on SB 336. I wholeheartedly support the enactment of SB 336 but respectfully suggest two small but important amendments to the definition of natural psychedelic substances that I discuss below.

I commend Senator Brian Feldman and Delegate Pam Guzzone for their outstanding leadership in support of this legislation and the Task Force.

Governor Wes Moore and his team did an outstanding job in selecting their appointees to the Task Force. I have served on countless boards, councils, commissions, and committees at the federal, state, local and non-profit level for over fifty years. The Governor's appointees to the Task Force are among the most conscientious, organized and hard-working of any group that I have had the honor to work with. **It must be stressed that the members of the Task Force are volunteers and receive no compensation for their service.** I am grateful to the Governor for appointing me to serve.

The chair of the Task Force who the Governor selected, Dr. Andrew Coop, has been an extraordinarily capable leader. He is scrupulous to maximize the transparency and accessibility of the Task Force's work to the public. Dr. Coop has selected and empowered excellent committee chairs and encouraged everyone to produce their best work. His encouragement has inspired all of us to bring as much of our positive energy as we can to this effort and to produce two substantial reports in a very short time. In addition, we are very fortunate to have had excellent support from the staff of the Medical Cannabis Administration.

Last fall, the Task Force recommended that the State enact a comprehensive program to license the controlled production, distribution and administration of psilocybin. Our approach is for a phased development of a program to make materials with a high margin of safety available under legal control. Our report noted the legal and policy challenges that need to be addressed. Our report did not address the details of the regulatory structure. This is a job that the all-volunteer Task Force is eager to undertake for Maryland. Developing a new program like this will require continued expert consultation – a job the task force is well-prepared to undertake. If the General Assembly enacts a program in 2027, the experience of patients, practitioners, producers and

dispensers will be important to refine the initial program. The Task Force would be well positioned to gather and analyze that experience. Thus, this bill makes a great deal of sense by extending the life of the Task Force to the end of 2027 and directing it to further study the issues and prepare a report later this year.

### SUGGESTED AMENDMENTS

**Peyote:** I suggest that the exclusion of peyote from the defined term, “natural psychedelic substances” be deleted. On page 1, delete line 18 and delete in line 15, “(1)”.

Peyote is a paradigm natural psychedelic substance. It has been used continuously in religious practice for at least one thousand years in the Western Hemisphere. The use of peyote by Native Americans in their worship was specifically protected by Congress in the American Indian Religious Freedom Act Amendments of 1994, notwithstanding that peyote is a Schedule I controlled dangerous substance under Federal and most state laws. (P.L. 103-344, Oct 6, 1994, 108 Stat. 3125, (42 U.S.C. 1996a)). I was involved in supporting that legislation.

**A key issue with peyote is that traditional peyote growth sites are being devastated by poachers to obtain peyote for use by persons outside the religious groups whose use is protected by law.** I presume that the intention of the sponsors of the 2024 legislation by excluding peyote from the term “natural psychedelic substances” was to prevent the Task Force from recommending any policies that would further endanger the traditional sources of sacramental peyote. I wholly support that objective. *But the Task Force should be trusted to be sensitive to this issue.* The exclusion of peyote could be counter productive. The exclusion could be interpreted as a bar to the Task Force to recommend penalties under Maryland law for any distribution of peyote that was plundered from the traditional sites of peyote growth or that interferes with the use of peyote for legally protected worship.

**Naturally derived:** On page 1, lines 15 and 16, substitute “naturally occurring” for “naturally derived.”

In this legislation, to define "natural psychedelic substances" as “naturally derived” is a subtle but important mistake. **What the bill intends to cover are “naturally occurring” compounds** – i.e. compounds that occur in nature and are found in various plants or fungi.

Adopting this amendment is critically important if you want to protect peyote but eventually allow the use of mescaline in medicine. The current definition plainly excludes any laboratory synthesis of these compounds in a pure form. **Permitting the laboratory synthesis of mescaline is the ONLY WAY to protect peyote, if there is going to be any medical use of mescaline.** Furthermore, any product of *a process* that chemically or mechanically *derives* (i.e., extracts) a natural psychedelic substance from the plant or fungi is not a "natural derivation," it is a *laboratory process*. The definition excludes laboratory-extracted compounds which are going to be the primary sources of the chemical compounds identified as natural psychedelic substances.

To derive something is to obtain it from a source. Literally, "naturally derived" means that when an organism ingests a plant or fungi containing the naturally occurring compound, the digestive system of the organism "derives" the compound and introduces it to the bloodstream -- naturally.

Almost any other way that the compounds are “derived” from their sources are on their face, not natural. Plainly, this is not what the General Assembly intends!

I urge a favorable report of SB 336 with these two little but significant amendments.

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<sup>1</sup> Eric E. Sterling has lived in Maryland 34 years and in the 18<sup>th</sup> legislative district over 27 years. He 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 a principal author in 2015 of the regulations creating the medical cannabis industry in Maryland. 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 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). He organized peyote worship in Greenbelt Park under the auspices of the U.S. National Park Service and the Native American Church of North America, September 29-30, 1990. He participated in the Pacific Symposia on Psychedelic Drugs at the Esalen Institute (which led to his cameo appearance in the motion picture about psilocybin mushrooms, *Fantastic Fungi* (2019), streaming on *Netflix*). 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.