

Janet T. Mills
Governor



Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011
Tel; (207) 287-8016; Fax (207) 287-9058
TTY: Dial 711 (Maine Relay)

Jeanne M. Lambrew, Ph.D.
Commissioner

May 15, 2023

Senator Craig Hickman, Chair
Representative Laura Supica, Chair
Members, Joint Standing Committee on Veterans and Legal Affairs
100 State House Station
Augusta, ME 04333-0100

Re: LD 1914, *An Act To Enact the Maine Psilocybin Health Access Act*

Dear Senator Hickman, Representative Supica, and Members of the Joint Standing Committee on Veterans and Legal Affairs:

Maine CDC has several concerns with the proposals in LD 1914, *An Act To Enact the Maine Psilocybin Services Act*, and appreciates the opportunity to provide those to the Committee. The Department has had little time to analyze this bill and the potential impact given its late printing. Without more time prior to a public hearing, the Department is commenting largely on the concept of legalizing and regulating psilocybin. We hope the committee will consider our and other concerns carefully before moving any version of this bill forward and, at minimum, carry this bill over for additional work in the second regular session.

LD 1914 would require the Department of Health and Human Services (DHHS or the Department) to develop and administer a regulatory framework for access to psilocybin products by adults in Maine. In response to the iteration of this bill in the 130th Legislature (LD 1582), Maine CDC expressed concerns that the proposal would establish Psilocybin Service Centers that would function like recreational use facilities rather than medical treatment facilities, put limitations on the Department's ability to regulate safe use, and did not incorporate sufficient behavioral and public health input to the structure. While we believe proponents have sought to address the second and third concerns by putting this program under the authority of DHHS and delegating some discretion to DHHS for the program, there is still not a sufficient body of evidence available to the public, nor does Maine have the necessary capacity or expertise, to justify developing this perhaps promising but early and emerging treatment.

The Department continues to have concerns about the lack of guidance around who can and should use psilocybin therapeutically, and what conditions it can be used to treat. During deliberations for LD 1582, Maine CDC expressed concern over language in the bill expressly prohibiting the Department from setting parameters around the medical conditions that qualify a patient to receive psilocybin. This language is also in LD 1914 (p. 5, Lines 30-31). Without clinical indications or oversight, Psilocybin Service Centers would function more like recreational use facilities.

While recreational use facilities could potentially offer some aspects of harm reduction for the use of substances that can have harmful effects if taken in unsupervised settings, they should not be considered clinical treatment. If this is indeed a clinical treatment, it would be more appropriately administered in a medical office, with appropriate oversight. This bill does not establish a manner in which patients with mental and behavioral health conditions could receive clinical treatment for their health conditions.

With respect to the proposed Maine Psilocybin Advisory Board, the Director of Maine CDC is an ex officio member. While we do not support the bill, were it to move forward we strongly recommend that there also be a position on the Board for someone from the Office of Behavioral Health.

While there may be early evidence for the use of psilocybin to assist in treatment of certain disorders, this research is ongoing and there are not currently clinical practice guidelines or Food and Drug Administration (FDA)-approved treatments to ensure safe and appropriate use of the therapy. That said, there is a growing body of literature on this potential therapy, and we strongly advise that Maine let the FDA approval process run its course before enacting a regulatory structure for its administration and use in Maine.

Sincerely,

A handwritten signature in blue ink that reads "Nancy Beardsley".

Nancy Beardsley
Acting Director
Maine Center for Disease Control and Prevention