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March 31, 2025

Senator Beebe-Center, Chair  
Representative Hasenfus, Chair  
Members, Joint Standing Committee on Criminal Justice and Public Safety  
100 State House Station  
Augusta, ME 04333-0100

Re: LD 1034 – *An Act to Decriminalize Personal Possession of Therapeutic Amounts of Psilocybin for Adults*

Senator Beebe-Center, Representative Hasenfus and members of the Joint Standing Committee on Criminal Justice and Public Safety, thank you for the opportunity to provide information neither for nor against LD 1034, *An Act to Decriminalize Personal Possession of Therapeutic Amounts of Psilocybin for Adults*.

This bill amends the Criminal Code by decriminalizing the possession of one ounce or less of psilocybin for persons 21 years of age or older. Psilocybin is listed in the Maine Criminal Code, Chapter 45: Drugs as a schedule X drug along with a list of other hallucinogenic drugs carrying a possible Class D crime for a violation.

Maine CDC has concerns about enacting legislation that decriminalizes possession and use of a hallucinogenic drug without an appropriate framework to safeguard health and safety. The title of the bill suggests that the intent is to decriminalize *therapeutic amounts* of psilocybin. Psilocybin is a chemical that comes from certain types of mushrooms and, currently, there are no clinical practice guidelines or FDA approved treatments to ensure safe and appropriate use. LD 1034 provides no guidance or parameters for obtaining or using psilocybin, meaning that, as written, any adult may have up to one ounce (fresh or dried) on their person for use at will without regard for where or from whom the drug was sourced.

While limited research suggests that psilocybin, under carefully controlled conditions, is a promising treatment option for certain mental health conditions, several concerns have been raised about the safety of psilocybin outside of the controlled environment. The effects of taking psilocybin are unpredictable and can vary widely person to person. It affects how the brain processes serotonin and can change people's moods, thoughts, and perceptions. Where psilocybin therapy is permitted, this typically is regulated to be administered in a controlled setting where participants spend several hours in a supportive environment after ingestion to address the condition the patient is facing with trained supports. In these cases, psilocybin can only be accessed and consumed at the licensed facility - off-site possession and consumption are prohibited.

In the U.S., psychedelic-assisted therapy is still in the clinical trial stage. At present, psilocybin is a Schedule 1 controlled substance, which is a drug that has been determined to lack safety even

under medical supervision, has no currently accepted medical use, and has a high potential for abuse. By allowing possession of a limited amount of psilocybin, Maine will be assuming a “therapeutic amount” with no therapeutic framework and will become one of the few states in the US to deprioritize or decriminalize psilocybin ahead of changes at the federal level.

Research is ongoing and more studies are needed to fully understand the efficacy and safety of psilocybin. The designation of psilocybin as a Schedule I Substance by the U.S. Drug Enforcement Agency makes it illegal at the federal level. Maine CDC disagrees with decriminalizing any possession of a substance for therapeutic purposes without the appropriate level of focus on patient safety. While there is a lack of practical guidance for healthcare providers and the general public, Maine CDC respectfully recommends that the committee consider the experience of other states as well as Maine’s experience with loosening regulations within the Criminal Code and the potential ramifications for the general public and the future of the State.

Please feel free to contact me if you have any questions during your deliberation of this bill.

Sincerely,



Puthiery Va  
Director  
Maine Center for Disease Control  
Maine Department of Health and Human Services