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Testimony of Senator Eric Brakey

Speaking In Support of L.D. 1914, "An Act to Enact the Maine Psilocybin Health Access Act"

Before the Veterans and Legal Affairs Committee

Monday, May 15, 2023

Senator Hickman, Representative Supica, and members of the Veterans and Legal Affairs Committee, I am Eric Brakey, Senator from Androscoggin, representing the people of Auburn, New Gloucester, Poland, and Durham. I am here today to speak in favor of L.D. 1914, "An Act to Enact the Maine Psilocybin Health Access Act."

First, I will note that my support today is for the broad concept of legal access to psilocybin for medical purposes, not necessarily every proposed detail in this legislation. With thirty-five pages of proposed statutes to consider, I imagine members of this committee interested in the policy will want to take the time to carefully review and make revisions. That being the case, I thank the bill sponsor for bringing forward this historic piece of legislation for consideration.

Psilocybin is a naturally occurring psychedelic compound produced by more than 200 species of fungi, which has been with us for a long time. Imagery found on cave paintings and rock art of modern-day Spain and Algeria suggests that human usage of psilocybin mushrooms predates recorded history.

Use of psilocybin is currently illegal under federal law, however, under which it is listed as a Schedule I drug. The success of Maine's medical cannabis program, however, has demonstrated that, should state policy makers believe legal access would benefit the health and well-being of the Maine people, we need not be bound by federal law on these matters.

Constitutionally, there is no provision in the U.S. Constitution granting Congress the authority to prohibit plants and fungi. As such, the Tenth Amendment protects our authority as Maine lawmakers to determine these policies within our borders.

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

Amendment X, U.S. Constitution

Regardless of federal law, recent studies are demonstrating that the therapeutic-use of psilocybin can be an effective treatment for a range of mental health conditions and addictions, including major depression disorder (MDD). The Johns Hopkins Center for Psychedelic and Consciousness Research recently reported results worth sharing:

“For this study, the researchers recruited 27 participants with a long-term history of depression... Eighty-eight percent of the participants had previously been treated with standard antidepressant medications, and 58% reported using antidepressants in their current depressive episodes.

“After screening, participants were randomized into one of two groups in which they received the intervention either immediately, or after an eight-week waiting period. At the time of treatment, all participants were provided with six to eight hours of preparatory meetings with two treatment facilitators. Following preparation, participants received two doses of psilocybin, given approximately two weeks apart between August 2017 and April 2019 at the Behavioral Biology Research Center at Johns Hopkins Bayview Medical Center. Participants returned for follow-up one day and one week after each

session, and then at one, three, six and 12 months following the second session; 24 participants completed both psilocybin sessions and all follow-up assessment visits.

“The researchers reported that psilocybin treatment in both groups produced large decreases in depression, and that depression severity remained low one, three, six and 12 months after treatment... Participants had stable rates of response to the treatment and remission of symptoms throughout the follow-up period, with 75% response and 58% remission at 12 months.

“Psilocybin not only produces significant and immediate effects, it also has a long duration, which suggests that it may be a uniquely useful new treatment for depression,” says Roland Griffiths, founding director of the Johns Hopkins Center for Psychedelic and Consciousness Research. “Compared to standard antidepressants, which must be taken for long stretches of time, psilocybin has the potential to enduringly relieve the symptoms of depression with one or two treatments.”

While it is wonderful that we are now learning much through research about the medical applications of psilocybin, it is disappointing to know how much time has been lost and suffering has been inflicted due to the federal government's war on drugs.

Other jurisdictions, including Oregon, have nullified the federal prohibition on psilocybin, just as this legislation proposed for Maine. I hope the committee will seriously consider the proposal.