

STATEMENT OF
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SUBMITTED TO
THE MARYLAND SENATE
FINANCE COMMITTEE
SENATOR PAMELA BEIDLE, CHAIR
SENATOR KATHERINE KLAUSMEIER, VICE CHAIR
MARCH 14, 2024

**IN SUPPORT WITH AMENDMENTS OF
SB 1009**
Concerning
Task Force on Responsible Use of Psychedelic Substances

Chair Beidle, Vice Chair Klausmeier, and Senators, thank you for scheduling this hearing on SB 1009 and reading my statement in support of the bill. I commend Senator Brian Feldman for his foresight and wisdom in developing and introducing this bill.

The Task Force (hereafter, T.F.) 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. Before I set forth my argument in favor of the bill, I will spell out the important need for a definitional amendment.

The definition in SB 1009 of "natural psychedelic substances" should be changed.

The definition confuses policy matters with the definition, and is illogical and counterproductive. As drafted it could limit the scope of appropriate research by the Task Force as it carries out its responsibilities and frustrate the goal of protecting indigenous use of peyote growing in the wild.

- (1) The term, "natural psychedelic substances" mistakenly begins by referring to "naturally-derived" compounds. **What the bill actually intends to cover are "naturally occurring" compounds** – i.e. compounds that occur in nature and are found in various plants or fungi.

In the plainest sense, "naturally derived" means that when an organism ingests the plant or fungi which contains the naturally occurring compound, the digestive system of the organism "derives" the compound and introduces it to the bloodstream. As defined in the bill, a *laboratory process* that chemically or mechanically *derives* (i.e., extracts) the compound from the plant or fungi is not a "natural derivation." The definition facially excludes laboratory-extracted compounds which, presumably, are the intended source of these materials, and, certainly excludes the laboratory synthesis of these compounds. **Permitting the laboratory synthesis of these compounds is critically important in order to protect the natural sources of these compounds, especially peyote.**

- (2) The exclusion of peyote from the term “natural psychedelic substances” awkwardly, inappropriately, and counter-productively puts an important policy matter into the definition. Peyote contains mescaline. Peyote is the sacrament of the Native American Church of North America and the Wixarika people of Mexico (also known as the Huichol people). The Wixarika have been using peyote in their worship at least since the 16th century, and one of their central rituals is the annual pilgrimage across the desert in Mexico to harvest peyote from its historic wild sites of growth for use in worship. However, the use of peyote in the United States became popularized after the 1969 publication of the book by Carlos Castaneda, *The Teachings of Don Juan: A Yaqui Way of Knowledge* (much of which has been debunked as fraudulent by C. Jay Fikes, Ph.D, *Carlos Castaneda, Academic Opportunism, and the Psychedelic Sixties* (1993)).
- (3) The use of peyote (a Schedule I controlled dangerous substance) by Native Americans in their worship was specifically protected by Congress in the American Indian Religious Freedom Act Amendments of 1994 (P.L. 103-344, Oct 6, 1994, 108 Stat. 3125, (42 U.S.C. 1996a)).

The key point is that traditional peyote growth sites are being devastated by poachers to obtain peyote for non-sacramental use by persons outside the religious groups whose use is protected by law. The objective in this bill of excluding peyote from the term “natural psychedelic substances” is to prohibit the T.F. from recommending any policies that would further endanger the traditional sources of sacramental peyote. I support that objective, but this is a policy restriction on the T.F. recommendation power, not a definitional issue. The current definition is counter-productive in that it could prevent the T.F. from recommending penalties under Maryland law for the distribution of peyote that was plundered from the traditional sites of peyote growth that the sponsors desire to protect.

I emphatically support the importance of preventing the T.F. from recommending that natural peyote be any source of mescaline for any legal purpose in Maryland. Peyote takes decades to grow before it can be harvested. Any program that would encourage the further despoilation of peyote sources would be wrong.

Arguments for the Task Force -- 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 couple of months 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 full impact of political, legal and financial obstructions to such research due to 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 **LSD is not a “natural psychedelic substance.”**
- (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.

HB 548, as reported by the Health and Government Operations Committee, somewhat amended the definition. It is something of an improvement. I urge the Finance Committee adopt 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, and organized peyote worship in Greenbelt Park under the auspices of the National Park Service and the Native American Church of North America. 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.

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.