

MAINE STATE LEGISLATURE

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Date: 3/25/22

(Filing No. S-464)

MINORITY

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

130TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 496, L.D. 1582, "An Act To Enact the
Maine Psilocybin Services Act"

Amend the bill by striking out the title and substituting the following:

'An Act To Establish the Maine Psychedelic Advisory Board'

Amend the bill by striking out everything after the enacting clause and inserting the
following:

'Sec. 1. 5 MRSA §12004-I, sub-§47-J is enacted to read:

47-J.

<u>Human</u>	<u>Maine Psychedelic Advisory Board</u>	<u>Expenses Plus</u>	<u>22 MRSA</u>
<u>Services</u>		<u>\$50/Day</u>	<u>§2357</u>

Sec. 2. 22 MRSA c. 556-B is enacted to read:

CHAPTER 556-B

MAINE PSYCHEDELIC ADVISORY BOARD

§2357. Maine Psychedelic Advisory Board

1. Establishment. The Maine Psychedelic Advisory Board, established in Title 5,
section 12004-I, subsection 47-J and referred to in this chapter as "the board," is created
within the department for the purposes of advising and making recommendations to the
Legislature regarding the therapeutic uses of psychedelic drugs.

2. Membership. The board consists of 19 members as follows:

A. Three ex officio, nonvoting members:

- 1 (1) The Director of the Maine Center for Disease Control and Prevention within
- 2 the department or the director's designee;
- 3 (2) The State Health Officer or the officer's designee, unless the officer is also the
- 4 Director of the Maine Center for Disease Control and Prevention, in which case, a
- 5 designee of the director. The member of the board under this subparagraph must
- 6 be a physician licensed under Title 32, chapter 36 or 48; and
- 7 (3) The chair of the Statewide Coordinating Council for Public Health, established
- 8 in Title 5, section 12004-G, subsection 14-G;
- 9 B. The Attorney General or the Attorney General's designee, who serves as an ex
- 10 officio, voting member; and
- 11 C. Fifteen voting members appointed by the Governor as follows:
- 12 (1) Four members who meet any of the requirements of this subparagraph:
- 13 (a) A state employee who has technical expertise in the field of public health;
- 14 (b) A representative from a district coordinating council for public health,
- 15 established pursuant to section 412, subsection 4;
- 16 (c) A representative of a federally recognized Indian tribe in the State;
- 17 (d) A member of the Substance Use Disorder Services Commission,
- 18 established in Title 5, section 12004-G, subsection 13-C;
- 19 (e) A member of the Permanent Commission on the Status of Racial,
- 20 Indigenous and Tribal Populations, established in Title 5, section 12004-J,
- 21 subsection 19;
- 22 (f) A member of the Palliative Care and Quality of Life Interdisciplinary
- 23 Advisory Council, established in Title 5, section 12004-I, subsection 47-I; or
- 24 (g) An individual who represents individuals who provide public health
- 25 services directly to the public;
- 26 (2) A psychologist licensed under Title 32, chapter 56 who has professional
- 27 experience providing behavioral health services;
- 28 (3) A physician licensed under Title 32, chapter 48;
- 29 (4) A naturopathic doctor licensed under Title 32, chapter 113-B;
- 30 (5) A member with expertise in the field of public health who has a background
- 31 in academia;
- 32 (6) Three members who meet any of the requirements of this subparagraph:
- 33 (a) A person with professional expertise conducting scientific research
- 34 regarding the use of psychedelic compounds in clinical therapy;
- 35 (b) A person who has experience in the field of mycology;
- 36 (c) A person who has experience in the field of ethnobotany;
- 37 (d) A person who has experience in the field of psychopharmacology; or
- 38 (e) A person who has experience in the field of psilocybin harm reduction;

1 (7) A member representing the Department of Administrative and Financial
2 Services who has expertise working with the system developed and maintained by
3 that department for tracking marijuana in accordance with section 2430-G,
4 subsection 1, paragraph B or Title 28-B, section 105; and

5 (8) Three at-large members.

6 3. Terms; vacancies. Except for ex officio members, members of the board serve
7 4-year terms and may be reappointed. Before the expiration of the term of a member, the
8 Governor shall appoint a successor for a term beginning on January 1st of the next calendar
9 year. Board members are not subject to legislative confirmation. If there is a vacancy under
10 subsection 2, paragraph C, the Governor shall immediately appoint a successor to serve for
11 the remainder of the unexpired term.

12 4. Chair. The board shall annually elect one of its voting members to serve as chair.

13 5. Meeting frequency. The board shall meet at least 4 times each year at regular
14 intervals at a time and place determined by the chair or at least 8 voting members of the
15 board. The board may meet at other times and places by the call of the chair or 8 voting
16 members of the board.

17 6. Quorum. At least 8 of the board's voting members constitutes a quorum.

18 7. Establishment of subcommittees. The board may establish subcommittees
19 necessary for the operation of the board.

20 8. Expenses; reimbursement. Board members are entitled to compensation for
21 service on the board and reimbursement for travel and board-related expenses in
22 accordance with Title 5, section 12004-I, subsection 47-J.

23 9. Duties. The board shall:

24 A. Develop and maintain a long-term strategic plan for ensuring that psychedelic
25 drugs, including but not limited to psilocybin and
26 3,4-methylenedioxyamphetamine, MDMA, become and remain a safe, accessible
27 and affordable therapeutic option for persons who are 21 years of age or older and for
28 whom psychedelic drugs may be appropriate;

29 B. Review the scientific literature regarding the therapeutic use of psychedelic drugs,
30 including but not limited to psilocybin and 3,4-methylenedioxyamphetamine,
31 MDMA;

32 C. Study efforts by other states to adopt a legal framework for the therapeutic use of
33 psychedelic drugs, including but not limited to psilocybin and
34 3,4-methylenedioxyamphetamine, MDMA;

35 D. Monitor and study federal laws, regulations and policies regarding psychedelic
36 drugs, including but not limited to psilocybin and
37 3,4-methylenedioxyamphetamine, MDMA;

38 E. Determine the steps the State would need to take in order to establish and maintain
39 a legal framework for the therapeutic use of psychedelic drugs, including but not
40 limited to psilocybin and 3,4-methylenedioxyamphetamine, MDMA, in the State;
41 and

1 F. Advise and make recommendations to the Legislature regarding a legal framework
2 for the therapeutic use of psychedelic drugs, including but not limited to psilocybin and
3 3,4-methylenedioxymethamphetamine, MDMA. Any recommendations by the board
4 require the approval of 8 of the board's voting members.

5 10. Report. By February 1st of each year, the board shall submit a report to the joint
6 standing committee of the Legislature having jurisdiction over health and human services
7 matters that includes information related to its strategic plan pursuant to subsection 9,
8 paragraph A.

9 **Sec. 3. Initial terms.** Notwithstanding the Maine Revised Statutes, Title 22, section
10 2357, subsection 3, for the original appointments of 15 members by the Governor to the
11 Maine Psychedelic Advisory Board, 7 members serve initial terms of 2 years and 8
12 members serve initial terms of 4 years.

13 **Sec. 4. Initial report.** By February 1, 2023, the Maine Psychedelic Advisory Board
14 shall submit a report pursuant to the Maine Revised Statutes, Title 22, section 2357,
15 subsection 10 to the joint standing committee of the Legislature having jurisdiction over
16 health and human services matters that includes an update on its progress and any
17 recommendations for legislation. The committee may report out legislation related to the
18 report to the 131st Legislature in 2023.

19 **Sec. 5. Appropriations and allocations.** The following appropriations and
20 allocations are made.

21 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

22 **Department of Health and Human Services Central Operations 0142**

23 Initiative: Provides funding for the per diem and other expenses of members of the Maine
24 Psychedelic Advisory Board.

25 GENERAL FUND	2021-22	2022-23
26 All Other	\$0	\$4,000
27		
28 GENERAL FUND TOTAL	\$0	\$4,000

29
30 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
31 number to read consecutively.

32 **SUMMARY**

33 This amendment replaces the bill and changes the title. It establishes the Maine
34 Psychedelic Advisory Board within the Department of Health and Human Services, and
35 the board is composed of 19 members. It tasks the board with developing and maintaining
36 a long-term strategic plan for ensuring that psychedelic drugs, including but not limited to
37 psilocybin and 3,4-methylenedioxymethamphetamine, MDMA, become and remain a safe,
38 accessible and affordable therapeutic option for persons who are 21 years of age or older
39 and for whom psychedelic drugs may be appropriate; reviewing scientific literature;
40 studying similar efforts in other states; determining steps necessary to establish and
41 maintain a legal framework for the therapeutic use of psychedelic drugs; advising and
42 making recommendations to the Legislature; and monitoring federal laws and policies. It

ROS

COMMITTEE AMENDMENT "A" to S.P. 496, L.D. 1582 (S-464)

1 requires the board to submit a report on its strategic plan to the joint standing committee of
2 the Legislature having jurisdiction over health and human services matters by February 1,
3 2023, and annually thereafter, and allows the committee to report out legislation.

4 The amendment also adds an appropriations and allocations section.

5 **FISCAL NOTE REQUIRED**

6 (See attached)

COMMITTEE AMENDMENT



130th MAINE LEGISLATURE

LD 1582

LR 211(02)

An Act To Enact the Maine Psilocybin Services Act

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-464)

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$0	\$4,000	\$4,000	\$4,000
Appropriations/Allocations				
General Fund	\$0	\$4,000	\$4,000	\$4,000

Fiscal Detail and Notes

This bill includes General Fund appropriations to the Department of Health and Human Services of \$4,000 beginning in fiscal year 2022-23 for the per diem and other expenses of members of the Maine Psychedelic Advisory Board. Additional costs for the Office of the Attorney General to participate in the work of the board are assumed to be minor and can be absorbed within existing budgeted resources.