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## **OLR Bill Analysis**

### **sHB 5396**

#### ***AN ACT INCREASING ACCESS TO MENTAL HEALTH MEDICATION.***

#### **SUMMARY**

This bill establishes a Psychedelic-Assisted Therapy Pilot Program within the Department of Mental Health and Addiction Services (DMHAS) to provide qualified patients with funding needed to receive MDMA (i.e., “Molly” or “ecstasy”) -assisted or psilocybin-assisted therapy (hereafter “psychedelic-assisted therapy”) as part of a U.S. Food and Drug Administration (FDA)-approved expanded access program. The pilot program ends when the U.S. Drug Enforcement Agency (DEA) approves MDMA and psilocybin for medical use. (MDMA is a synthetic psychoactive drug and psilocybin occurs naturally in some mushrooms. Both act as serotonin receptor agonists and MDMA also acts as a reuptake inhibitor of serotonin and dopamine.)

Under the bill, “qualified patients” include Connecticut residents who (1) are veterans, retired first responders, direct health care workers, or from a historically underserved community and (2) have serious or life-threatening mental or behavioral health disorders and lack access to effective mental or behavioral health medication.

Additionally, the bill:

1. establishes a Qualified Patients for Approved Treatment Sites Fund (PAT Fund) administered by DMHAS to give grants to certain qualified providers to provide psychedelic-assisted therapy under the pilot program;
2. establishes an 11-member Connecticut Psychedelic Treatment Advisory Board within DMHAS to advise the department on various issues related to psychedelic-assisted therapy;

3. requires the Department of Consumer Protection (DCP) to adopt DEA's controlled substances schedule for MDMA and psilocybin if DEA approves them for medical use and either reclassifies or un-schedules them;
4. requires DCP to consider adopting nonbinding federal guidelines on psychedelic-assisted therapy and allow for written comments from the advisory board and the public; and
5. appropriates \$3 million to DMHAS from the General Fund in FY 23 for deposit into the PAT Fund.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2022

## **PAT FUND**

### ***Fund Use***

Starting FY 23, the bill permits (1) any federal block grant funds allocated to DMHAS to be deposited in the PAT Fund and (2) DMHAS to accept public or private contributions to the fund.

The bill requires DMHAS to use PAT funds to provide grants to qualified applicants to provide psychedelic-assisted therapy to qualified patients under the pilot program.

Under the bill, "qualified applicants" are mental or behavioral health services providers approved by the FDA as an approved treatment site with an expanded access protocol that allows the provider to access an investigational drug for treatment use, including emergency use.

### ***Applications for Approved Treatment Sites***

The bill requires DMHAS to (1) create an application form for qualified applicants by October 31, 2022, and post it on the DMHAS website; (2) start accepting applications by November 29, 2022; and (3) select up to three applicants as approved treatment sites by December 28, 2022.

### ***Fund Distributions***

The bill requires DMHAS to distribute \$1.5 million from the PAT Fund equally among the approved treatment sites.

DMHAS must also distribute an additional \$1.5 million equally among approved treatment sites that, before March 31, 2023, provide proof that they received a \$1.5 million matching grant from a private foundation to treat qualified patients.

If no approved treatment site provides this proof, the bill requires DMHAS to then distribute the additional \$1.5 million from the PAT Fund equally among the approved treatment sites by March 31, 2024.

***Data Collection***

The bill requires approved treatment sites to collect and submit the following data to DMHAS:

1. their protocols for providing psychedelic-assisted therapy,
2. training on facilitating the treatment,
3. implementing facility standards, and
4. strategies for patient protection and to reduce the transfer of legally prescribed drugs from a prescription recipient to another person for illicit use.

The bill also requires approved treatment sites to follow applicable patient privacy laws when collecting and submitting the data.

**CONNECTICUT PSYCHEDELIC TREATMENT ADVISORY BOARD**

***Duties***

The bill establishes a 11-member Connecticut Psychedelic Treatment Advisory Board to advise DMHAS on the design and development of the necessary regulations and infrastructure to safely allow for therapeutic access to psychedelic-assisted therapy if MDMA, psilocybin, and any other psychedelic compounds are legalized.

Specifically, the advisory board must:

1. review and consider data from the psychedelic-assisted therapy pilot program to inform the development of the regulations;
2. advise DMHAS on necessary education, training, licensing, and credentialing of therapists and facilitators; patient safety and harm reduction; establishing equity measures in clinical and therapeutic settings; cost and insurance reimbursement considerations; and treatment facility standards;
3. advise DMHAS on using group therapy and other therapy options to reduce cost and maximize public health benefits from psychedelic treatments;
4. monitor updated federal regulations and guidelines for referral and consideration by the state agencies of cognizance for implementing them;
5. develop a long-term strategic plan to improve mental health care through psychedelic treatment;
6. recommend equity measures for clinical subject recruitment and facilitator training recruitment; and
7. help develop public awareness and education campaigns.

### ***Membership***

Under the bill, advisory board members include:

1. two members each appointed by the Senate president pro tempore and House speaker;
2. one member each appointed by the House and Senate minority leaders;
3. two members appointed by the governor; and
4. one member each appointed by the consumer protection, mental health and addiction services, and public health commissioners.

The bill requires the advisory board to include members with

experience or expertise in psychedelic research, psychedelic-assisted therapy, public health, access to mental and behavioral health care in underserved communities, veterans' mental and behavioral health care, harm reduction, and sacramental use of psychedelics.

**Leadership and Administrative Staff**

The bill requires the Senate president pro tempore and House speaker to select the advisory board chairpersons from among its members. The chairpersons must oversee establishing and making recommendations on the board's voting procedures.

The bill allows the board to have committees and subcommittees if they are needed for its operation.

Under the bill, the General Law Committee administrative staff serve as the advisory board's administrative staff, with assistance from the Office of Legislative Research and Office of Fiscal Analysis, if needed.

**FEDERAL GUIDELINES ON PSYCHEDELIC-ASSISTED THERAPY**

The bill requires DCP to consider adopting any nonbinding U.S. Department of Health and Human Services guidelines on the practice of psychedelic-assisted therapy.

It permits the Connecticut Psychedelic Treatment Advisory Board and the public to submit written comments to DCP during a notice and comment period the department establishes on (1) adopting the guidelines and (2) any suggested changes to them to better meet state residents' needs.

The bill requires DCP to post the procedures and deadline to submit written comments during the notice and comment period on its website.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable  
Yea 31    Nay 0    (03/18/2022)