

MAR 10 2023

SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A MEDICINAL
PSYCHEDELICS RIGHT-TO-TRY TASK FORCE TO EXPLORE THE
DEVELOPMENT OF A PROGRAM FOR QUALIFYING TERMINALLY ILL
PATIENTS.

1 WHEREAS, the United States Food and Drug Administration's
2 (FDA) approval process for investigational drugs and biological
3 products protects patients in the United States from premature,
4 ineffective, and unsafe medications and treatments, however, the
5 approval process takes many years from start to final approval;
6 and

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8 WHEREAS, potentially beneficial treatments that have not
9 been granted FDA approval can be unavailable to patients who
10 have been diagnosed with a terminal illness thereby severely
11 restricting their care options; and

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13 WHEREAS, recognizing that terminally ill patients often do
14 not have the time to wait for a potentially lifesaving
15 investigational drug or biological product to obtain final FDA
16 approval, the federal government and forty-one states have
17 enacted "Right-to-Try" legislation that makes available
18 experimental drugs that have not obtained FDA approval to
19 terminally ill patients with no other medication or treatment
20 options; and

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22 WHEREAS, Hawaii has a shortage of mental health
23 professionals and should actively consider nontraditional,
24 innovative, and safe solutions to treat its residents; and

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26 WHEREAS, studies conducted by nationally and
27 internationally recognized medical institutions indicate that
28 psilocybin and psilocin have shown efficacy, tolerability, and
29 safety in the treatment of a variety of mental health
30 conditions, including addiction, depression, anxiety disorders,
31 and end-of-life psychological distress; and

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33 WHEREAS, the FDA has determined that preliminary clinical
34 evidence indicates that psilocybin and psilocin may demonstrate



1 substantial improvement over available therapies for major
2 depressive disorder and severe treatment-resistant depression
3 and has designated psilocybin therapy a breakthrough therapy,
4 which is meant to accelerate the typically sluggish process of
5 drug development and review; and

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7 WHEREAS, it is essential for the Legislature to have
8 information to make an informed decision as to whether the State
9 should enact its own "Right-to-Try" legislation that grants
10 qualifying terminally ill patients access to experimental
11 psychedelic drugs, including psilocybin and psilocin, that have
12 not received final approval from the FDA; now, therefore,

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14 BE IT RESOLVED by the Senate of the Thirty-second
15 Legislature of the State of Hawaii, Regular Session of 2023,
16 that the Department of Health is requested to convene a
17 Medicinal Psychedelics Right-to-Try Task Force to explore
18 development of a program that grants qualifying terminally ill
19 patients access to psychedelic drugs, including psilocybin and
20 psilocin, prior to their receiving final approval from the FDA;
21 and

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23 BE IT FURTHER RESOLVED that the Medicinal Psychedelics
24 Right-to-Try Task Force is requested to examine various issues
25 pertaining to allowing qualifying terminally ill patients access
26 to non-FDA-approved psychedelic drugs, including:

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28 (1) Relevant federal and state laws and regulations;
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30 (2) The types of non-FDA-approved psychedelic drugs that
31 may be offered to a qualifying terminally ill patient
32 in this State, including psilocybin and psilocin;
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34 (3) Conditions under which a terminally ill patient may
35 qualify to be granted access to the non-FDA-approved
36 psychedelic drugs, including whether a prescription
37 from a health care provider should be necessary;
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39 (4) Methods by which the non-FDA-approved psychedelic
40 drugs may be distributed to a qualifying terminally
41 ill patient in the State;
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- 1 (5) Costs of the non-FDA-approved psychedelic drugs to be
- 2 incurred by the qualifying terminally ill patient;
- 3
- 4 (6) Health insurance coverage for non-FDA-approved
- 5 psychedelic drugs; and
- 6
- 7 (7) Statutory protections that need to be granted to
- 8 qualifying terminally ill patients who are granted
- 9 access to non-FDA-approved psychedelic drugs and
- 10 persons who engage or assist in providing qualifying
- 11 terminally ill patients access to the non-FDA-approved
- 12 psychedelic drugs, including health care providers,
- 13 manufacturers, dispensaries, and persons who transport
- 14 the drugs, if any; and
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16 BE IT FURTHER RESOLVED that the following individuals, or
 17 their respective designees, are requested to serve as members of
 18 the Medicinal Psychedelics Right-to-Try Task Force:

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- 20 (1) The Director of Health, who is requested to serve as
- 21 chairperson of the task force;
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- 23 (2) The Attorney General;
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- 25 (3) Faculty members from the University of Hawaii System
- 26 with relevant scientific expertise;
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- 28 (4) The chairpersons of the Senate and House of
- 29 Representatives Standing Committees whose subject
- 30 matter purviews include health and the Judiciary;
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- 32 (5) A clinical practitioner licensed to prescribe
- 33 psychotropic medication in the State to be invited by
- 34 the chairperson of the task force;
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- 36 (6) A representative of the Drug Policy Forum of Hawaii,
- 37 to be invited by the chairperson of the task force;
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- 39 (7) A representative of the Clarity Project, to be invited
- 40 by the chairperson of the task force;
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1 (8) A representative of the Hawaii Psychiatric Medical
2 Association, to be invited by the chairperson of the
3 task force; and
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5 (9) A representative of the public with
6 psychedelics-related industry experience, to be invited
7 by the chairperson of the task force; and
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9 BE IT FURTHER RESOLVED that the chairperson of the
10 Medicinal Psychedelics Right-to-Try Task Force may invite other
11 interested parties with relevant experience to join the task
12 force, provided that the task force does not exceed fifteen
13 members; and
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15 BE IT FURTHER RESOLVED that the Medicinal Psychedelics
16 Right-to-Try Task Force is requested to submit a preliminary
17 report of its findings and recommendations to the Legislature no
18 later than twenty days prior to the convening of the Regular
19 Session of 2024, and a final report of its findings and
20 recommendations, including any proposed legislation, to the
21 Legislature no later than twenty days prior to the convening of
22 the Regular Session of 2025; and
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24 BE IT FURTHER RESOLVED that the Medicinal Psychedelics
25 Right-to-Try Task Force is requested to dissolve on July 1,
26 2025; and
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28 BE IT FURTHER RESOLVED that certified copies of this
29 Resolution be transmitted to the Director of Health, who in turn
30 shall notify the non-governmental organizations represented in
31 the working group; Attorney General; and President of the
32 University of Hawaii.
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OFFERED BY:



