

HB 1772-FN-A - AS INTRODUCED

2026 SESSION

26-2533

05/09

HOUSE BILL **1772-FN-A**

AN ACT relative to the state's participation in a multistate consortium to conduct clinical trials using ibogaine as an investigational new drug for the treatment of substance use disorder and other neurological or mental health conditions, and making an appropriation therefor.

SPONSORS: Rep. Moffett, Merr. 4; Rep. Ammon, Hills. 42; Rep. Edwards, Rock. 31; Rep. Foss, Hills. 41; Rep. Freeman, Belk. 8; Rep. Roy, Rock. 31; Sen. McGough, Dist 11; Sen. Pearl, Dist 17

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill allows for state participation in a multistate consortium to conduct clinical trials using ibogaine as an investigational new drug for the treatment of substance use disorder and any other neurological or mental health conditions for which ibogaine demonstrates efficacy through a grant program established in the department of health and human services. The bill makes a \$1 appropriation to the department for this purpose.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the state’s participation in a multistate consortium to conduct clinical trials using ibogaine as an investigational new drug for the treatment of substance use disorder and other neurological or mental health conditions, and making an appropriation therefor.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Chapter; State Participation in Ibogaine Clinical Research Trials Consortium. Amend
2 RSA by inserting after chapter 126-Z the following new chapter:

3 CHAPTER 126-ZZ

4 STATE PARTICIPATION IN IBOGAINE CLINICAL RESEARCH TRIALS CONSORTIUM

5 126-ZZ:1 Definitions. In this chapter:

6 I. “Consortium” means a group created by law in another state of the United States for the
7 purpose of conducting drug development clinical trials with ibogaine.

8 II. “Department” means the department of health and human services.

9 III. "Ibogaine" means ibogaine and ibogaine-based therapeutics, including ibogaine analogs.

10 126-ZZ:2 Participation In Multistate Ibogaine Clinical Research Trials Consortium.

11 I. The department of health and human services shall establish and administer a grant
12 program to conduct a certified clinical drug development trial overseen by the United States Food
13 and Drug Administration on the use of ibogaine for the treatment of opioid use disorder, co-occurring
14 substance use disorder, or any other neurological or mental health condition for which bogan
15 demonstrates efficacy.

16 II. The department may award grants only to an entity that satisfies all of the following:

17 (a) Is located within the state.

18 (b) Has a history of proven research and treatment of neurological diseases and
19 expertise in substance dependence, emotional, and physical/neurological trauma.

20 (c) Has a neurosurgery program with the requisite clinical and research facilities and
21 that is:

22 (1) Staffed by professionals having expertise in the most challenging neurological
23 and neurosurgical conditions; and

24 (2) Capable of providing the necessary infrastructure and expertise to deliver cardiac
25 intensive care services.

26 (d) Has the ability to facilitate pioneering research and innovation in diagnosis and
27 treatment of neurological conditions.

28 (e) Has demonstrated to the department that the entity has a commitment for matching
29 moneys of gifts, grants, and donations from sources other than this state in the amount of specified

HB 1772-FN-A - AS INTRODUCED
- Page 2 -

1 by the department to conduct the certified clinical research study on the use of ibogaine for the
2 treatment of neurological diseases.

3 (f) Has signed an agreement with a consortium established by the government of
4 another state within the United States of America, whether acting directly or through an agent or
5 joint venture, that satisfies all of the following:

6 (1) Has submitted an investigational new drug (IND) application to the United
7 States Food and Drug Administration in accordance with 21 C.F.R. part 312; and

8 (2) Has requested a breakthrough therapy designation for ibogaine from the United
9 States Food and Drug Administration under 21 U.S.C. section 356.

10 II. The department shall not disburse the grant funding awarded under this section until
11 the applicant receives and the department verifies the receipt of matching funds from sources other
12 than the state.

13 126-ZZ:3 Reporting Requirements.

14 I. An applicant selected to conduct ibogaine drug development clinical trials shall quarterly
15 prepare and submit to the department:

16 (a) A report on the progress of the drug development clinical trials conducted under this
17 chapter; and

18 (b) A financial status report, including information to verify expenditures of state funds
19 and required matching funds.

20 II. The department shall submit a report to the legislature on the progress of the drug
21 development clinical trials and their related financial status conducted under this chapter not later
22 than December 1 of each year. The report shall be submitted to the speaker of the house of
23 representatives, the senate president, the house clerk, and the senate clerk.

24 126-ZZ:4 Ibogaine Clinical Research Trial Fund. There is established in the state treasury the
25 ibogaine clinical research trial fund, which shall be kept separate and distinct from all other funds.
26 The fund shall be nonlapsing and continually appropriated to the department for purposes of
27 administering the ibogaine clinical research trial grant program established under this chapter. The
28 department is authorized to accept funds from any source, including state appropriations, federal
29 funds, gifts, grants, and donations, for the purpose of administering the grant program and
30 participating in the multistate ibogaine clinical research trials consortium.

31 126-ZZ:5 Ibogaine Intellectual Property Fund.

32 I. There is established in the state treasury the ibogaine intellectual property fund, which
33 shall be kept separate and distinct from all other funds and into which all revenue attributable to all
34 intellectual property rights and other commercial rights that may arise from drug development
35 clinical trials conducted by a multistate consortium under this chapter during the period for which
36 the trials are funded and any following period of commercialization shall be deposited.

1 II. The fund shall be nonlapsing and the revenues accruing thereto shall not be spent, except
2 that the earnings on its principal shall be distributed quarterly to programs that assist veterans or
3 other at-risk populations in this state. The fund shall be continually appropriated to the department
4 for this purpose.

5 III. The treasurer shall manage the fund and may invest its principal in high-grade
6 securities. Examples of eligible investments include obligations issued or guaranteed by the United
7 States, bonds or other evidences of indebtedness of this state or its political subdivisions, commercial
8 paper from entities with investment-grade ratings, banker's acceptances, negotiable certificates of
9 deposit, and certain bonds or debentures denominated in United States dollars with investment-
10 grade ratings.

11 IV. For purposes of this section, intellectual property rights and other commercial rights
12 arising from the drug development clinical trials conducted under this chapter include any of the
13 following as related to the trials:

- 14 (a) Intellectual property, technology, and inventions;
- 15 (b) Patents, trademarks, and licenses;
- 16 (c) Proprietary and confidential information;
- 17 (d) Trade secrets, data, and databases;
- 18 (e) Tools, methods, and processes;
- 19 (f) Treatment models or techniques;
- 20 (g) Administration protocols; and
- 21 (h) Works of authorship.

22 126-ZZ:6 Ibogaine Treatment Administration.

23 I. This section applies only if ibogaine is approved by the United States Food and Drug
24 Administration to treat a medical condition.

25 II.(a) A physician licensed under RSA 329 shall prescribe ibogaine for a patient; and

26 (b) A physician licensed under RSA 329 shall supervise the administration of ibogaine at
27 a hospital or other licensed health care facility to ensure the patient's safety while the patient is
28 under the influence of ibogaine.

29 III. This chapter shall not preclude a physician from administering ibogaine in accordance
30 with federal law.

31 126-ZZ:7 Applicability; Waiver Request Prior to Implementation.

32 I. If before implementing any provision of this chapter, the department determines that a
33 waiver or authorization from a federal agency is necessary for implementation of that provision, the
34 department shall request the waiver or authorization and may delay implementing that provision
35 until the waiver or authorization is granted.

36 II. The department shall begin accepting proposals under this chapter not later than the
37 sixtieth day after the effective date of this chapter.

HB 1772-FN-A - AS INTRODUCED

- Page 4 -

1 2 New Subparagraph; Dedicated Funds. Amend RSA 6:12, I(b) by inserting after subparagraph
2 (410) the following new subparagraph:

3 (411) Moneys deposited in the ibogaine clinical research trial fund, under RSA 126-
4 ZZ:4, and the ibogaine intellectual property fund, under RSA 126-ZZ:5.

5 3 Appropriation; Department of Health and Human Services; Ibogaine Clinical Research Trials
6 Consortium. The sum of \$1 for the fiscal year ending June 30, 2027, is appropriated to the
7 department of health and human services for the purpose of state participation in the ibogaine
8 clinical research trials consortium and implementation of section 1 of this act. The governor is
9 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
10 appropriated.

11 4 Effective Date.

12 I. Section 3 of this act shall take effect July 1, 2026.

13 II. The remainder of this act shall take effect 60 days after its passage.

HB 1772-FN-A- FISCAL NOTE
 AS INTRODUCED

AN ACT relative to the state’s participation in a multistate consortium to conduct clinical trials using ibogaine as an investigational new drug for the treatment of substance use disorder and other neurological or mental health conditions, and making an appropriation therefor.

FISCAL IMPACT: This bill does not authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	\$450,000	\$558,000	\$584,000
<i>Funding Source(s)</i>	General funds; miscellaneous other sources if available			
Appropriations*	\$0	\$1	\$0	\$0
<i>Funding Source(s)</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill authorizes the Department of Health and Human Services to establish and administer a grant program for participation in a multistate consortium conducting Food and Drug Administration (FDA) certified clinical trials on the use of Ibogaine for treating substance use disorder and other neurological or mental health conditions. It creates two non-lapsing, continually appropriated funds:

- The Ibogaine Clinical Research Trial Fund (to receive state, federal, and private funds for grants and administration); and
- The Ibogaine Intellectual Property (IP) Fund (to hold revenues from IP/commercial rights arising from trials; principal not spendable, earnings distributed to programs serving veterans and at risk populations).

The bill requires quarterly grantee reports, an annual report to the Legislature, and sets conditions for grant eligibility. It also includes provisions for physician administration if Ibogaine is FDA approved and allows the Department to seek federal waivers before implementation.

The Department assumes it will incur administrative costs to establish and manage the grant program, verify matching funds, oversee compliance, and produce required reports. Costs include staffing, potential legal/policy support, and financial management for two new funds. No fees or fines are created by the proposed bill. The bill explicitly authorizes the Department to accept federal funds, gifts, grants, and donations for the grant program and consortium participation, however the Department is not aware of any such funding sources for this purpose. The bill does appropriate \$1 of general funds for the fiscal year ending June 30, 2027 (FY 2027).

Estimated staffing needs to oversee grant program and consortium coordination, manage applications, compliance, and matching fund verification, track fund transactions, compile quarterly and annual reports, review federal breakthrough therapy requirements and IP issues are as follows:

	FY27	FY28	FY29
1.0 FTE Program Manager	\$ 87,000.00	\$ 108,000.00	\$ 113,000.00
1.0 FTE Clinical Trials SME/Oversight Lead	\$ 87,000.00	\$ 108,000.00	\$ 113,000.00
0.25 FTE Program Director	\$ 23,250.00	\$ 29,000.00	\$ 30,250.00
1.0 FTE Grants Contracts Specialist	\$ 87,000.00	\$ 108,000.00	\$ 113,000.00
0.75 FTE Data Analyst	\$ 54,750.00	\$ 67,500.00	\$ 70,500.00
0.5 FTE Regulatory	\$ 40,000.00	\$ 49,500.00	\$ 51,500.00
0.5 FTE Finance	\$ 40,000.00	\$ 49,500.00	\$ 51,500.00
0.5 FTE Legal and Policy Support	\$ 31,000.00	\$ 38,500.00	\$ 40,500.00
Total Position Cost Estimate	\$ 450,000.00	\$ 558,000.00	\$ 583,250.00

AGENCIES CONTACTED:

Department of Health and Human Services