

# Senate Judiciary Committee

*Pete Mulvey 271-4063*

**HB 528-FN**, amending the penalties for the possession and use of psilocybin for persons 18 years of age or older.

**Hearing Date:** April 15, 2025

**Time Opened:** 3:09 p.m.

**Time Closed:** 3:39 p.m.

**Members of the Committee Present:** Senators Gannon, Abbas, McConkey, Altschiller and Reardon

**Members of the Committee Absent :** None

**Bill Analysis:** This bill modifies the penalties for a person 18 years of age or older to obtain, purchase, transport, possess, or use psilocybin.

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**Sponsors:**  
Rep. Verville

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**Who supports the bill:** 15 individuals signed in support of HB 528-FN. Contact [peter.mulvey@gc.nh.gov](mailto:peter.mulvey@gc.nh.gov) for further details.

**Who opposes the bill:** 6 individuals signed in opposition to HB 528-FN. Contact [peter.mulvey@gc.nh.gov](mailto:peter.mulvey@gc.nh.gov) for further details.

**Who is neutral on the bill:** N/A

## Summary of testimony:

### Representative Kevin Verville Rockingham-District 2

- HB 528-FN is a bill relative to amending the penalties for the possession and use of psilocybin for persons 18 years of age or older.
- Representative Verville stated that the bill's history is a long story.
  - Last year he filed a bill to legalize three psychedelic substances: psilocybin, mescaline, and LSD.
  - It was clearly a bridge too far for the House Criminal Justice Committee.
- He explained that he brought forth a more limited bill which legalized psilocybin in NH.
  - It also turned out to be a bridge too far for the committee and was entirely replaced with HB 528-FN.
- Representative Verville noted that it is often referred to as a decriminalization bill, which he does not fully agree with as it still makes it a crime to possess or use psilocybin.
- He explained that during the 1960s many drugs were bunched together and labeled as schedule one psychedelic substances by the feds.

- Representative Verville argued that psychedelic substances were used for medical purposes throughout the 1940s and into the 1960s until the federal government slammed the door shut.
- He contended that making an individual a felon for a first-time offense is wrong.
  - To make someone a felon is to put them into a special class of people which is a burden they will carry for the rest of their lives.
- Representative Verville noted that he was able to work in conjunction with the House Criminal Justice committee to come up with a solution that was passed unanimously.
  - He explained it is four strikes you're out type of situation.
  - The first offense is a violation, the second offense is a class B misdemeanor with up to a \$500 fine, the third offense is a class B misdemeanor with up to a \$1000 fine, and a fourth offense is a felony.
- He allowed that there are dangerous drugs on the market that need to be regulated, but argued that psilocybin is not one of them.
- Representative Verville stated that many drugs flood dopamine which leads to addiction, but that psychedelics in general work on serotonin receptors and are non-addicting, non-habit-forming substances.
- He noted that serotonin receptors in the brain need time to go back to stasis before they can be stimulated again.
  - They have a time-out system built in.
- Representative Verville stated that he is merely looking for common sense reform.
- He explained that psilocybin is a schedule 1 drug, but that it is a safety mechanism to protect against federal action.
  - As a schedule 1 drug, state law is automatically overridden by federal law.
- Representative Verville noted that the bill is a little unique because it is age 18 rather than the standard age of 21, but he argued that people reach the age of maturity at age 18.
- He further contended that people on psychedelic experiences are not typically driving around and operating motor vehicles.
- He stated that there is a roadside sobriety test for intoxication and if failed, you can be arrested for driving under the influence and kept from driving again.
- Representative Verville explained that arguments against the bill seek prima facie evidence for intoxication; however, that is not a reason to hold the bill up.
- He stated that the original bill was replaced with the four strikes bill to prevent making otherwise legal, law-abiding citizens felons.
- He encouraged the committee to lookup drug safety stats.
  - He argued that psilocybin is actually safer than cannabis and cannabis is safer than alcohol.
  - Accordingly, Representative Verville noted that it is virtually impossible to overdose on psilocybin.
- Representative Verville recommended that the committee vote to pass the bill just as the House did.
- Senator Gannon asked if there were convictions every year for the use of psilocybin.
- Representative Verville explained that last year the lieutenant from the State Police in charge of narcotic investigations said he couldn't remember the last arrest for psilocybin.
  - He did allow that they were being consumed by NH citizens, however.
- Representative Verville referenced a case where a legal mushroom grower in NH was running an illicit psychedelic mushroom operation out of the back of his location that was busted by the feds.
- He reiterated that if an individual chooses to partake in psilocybin use and are caught doing so, they are automatically placed in the felon category.
- Senator Gannon asked where people find the substance.
- Representative Verville explained that psilocybin grows naturally in all 50 states and it has been around forever.
  - Psilocybin mushrooms like marginal soils.
- He noted that in the 1960s the general preference was for LSD and the feds have done a good job controlling precursors which could lead to its manufacture.

## **Major Bill Bright**

### **New Hampshire Department of Safety**

- Major Bright noted that he was speaking in opposition to the bill.
- He explained that psilocybin is a schedule 1 psychedelic drug and the highs that people get from its consumption are unpredictable and dangerous.
- He suggested that decriminalization would send a message that we are moving in that direction in the state of NH.
- Major Bright argued that impaired driving would be an issue with legalization in addition to increased use by youth.
- He noted that medical use of psilocybin is not approved by the FDA.
  - People who use it for medical concerns are not under the care of a qualified physician.
- Major Bright suggested that psilocybin is a dangerous drug as it alters reality in addition to many other potential issues.
- He noted that Representative Verville was most likely referring to him in his testimony.
  - Major Bright explained that he stated he was not aware of any arrests, but had not been on patrol since 2011 and the data would need to be analyzed.

## **Sue Homola**

### **Smart Approaches to Marijuana**

- Ms. Homola noted that psilocybin is a federally illegal, psychedelic, schedule 1 substance.
  - HB 528-FN would reduce down the penalty for psilocybin to a violation with not more than a \$100 fine.
  - She argued that it would be the first step to attain legalization through the reduction of penalties.
- She suggested this would be an attempt to allow individuals to self-medicate with a federally illegal substance of which the medical application is unknown.
- Ms. Homola noted that the American Psychological Association has admitted that more studies are needed to fully understand the risks.
- She stated that with psilocybin usage there is often lasting psychiatric symptoms.
- She argued that it is irresponsible for any state legislature to lower the penalty for use without a proper understanding of the risks.
- Ms. Homola noted that even the often-drug friendly voters of Massachusetts said no to legalization of psilocybin.
- She suggested that there has been a very apathetic approach to drug legislation in the House with many representatives seeing how far they can push the bar.
- Ms. Homola argued that state-owned drug sales are also being used as a tactic to raise revenue for the budget.
- She noted that she finds the House's lack of robust regulation appalling and a form of legislative malpractice.

## **Dr. Joe Hannon**

- Dr. Hannon explained that schedule 1 drugs have to have no accepted medical usages and a high potential for abuse; neither of which is the case with psychedelic drugs.
  - They are not physically addictive.
- He pointed to a study that showed there was only a small number of cases in which users sought medical treatment for abuse of psilocybin.
  - Many patients were released from the hospital within 24 hours with no significant lasting effects.
  - Most of the patients seeking treatment were younger individuals.
- He further explained that there were only 3 attributable deaths to psilocybin use and the amount necessary for a legal dose was over 20 pounds of mushrooms.
- Dr. Hannon noted that psilocybin has been clinically used for treating substance use and sobriety prior to being federally illegal.

- He also noted that studies have shown psilocybin to be used effectively to treat major depressive disorder and PTSD.
- Dr. Hannon suggested that psilocybin can be used as a tool to help with sobriety or depressive disorders and it is short sighted to place users in the felon category.
- He urged the committee to pass the bill.

**Detective Mathew Nocella  
Manchester Police Department**

- Detective Nocella stated he was there to testify in opposition to HB 528-FN on behalf of the New Hampshire Association of Chiefs of Police.
- He explained it is hard to project the effects of psilocybin on differing individuals and when mental health issues are factored in, they can trigger dangerous psychological episodes.
  - He argued hallucinations are known to have unpredictable effects on the brain.
- Detective Nocella noted that there are currently no safeguards to prevent at-risk individuals from harm.
  - Without the safeguards, the results would be increasingly dangerous.
- HB 528-FN, according to Detective Nocella, does not provide any guidelines or standards for the safe use of psilocybin and there are no established dosages, no instructions for usage, and no protocols to ensure the purity of the substance.
  - Tainted substances would have the potential of flooding the market and putting consumers at greater risk.
- He explained that the lack of guidance on the amount of psilocybin a person can possess is also of concern.
- Detective Nocella suggested that HB 528-FN would only make the job of law enforcement more difficult in combatting the illicit drug trade.
- He closed by asking the committee to find the bill inexpedient to legislate.

PM  
Date Hearing Report completed: April 22, 2025