



## Media Advisory

- Right to Try and psychedelics subject matter experts are available for interviews or quotes about the Ninth Circuit Court of Appeals case, Aggarwal v. Drug Enforcement Agency (DEA).
- The case seeks federal court review of the DEA's denial of a petition to reschedule psilocybin (commonly called magic mushrooms) from a highly restricted Schedule I drug to a less restricted Schedule II so that it can be accessed by physicians and other providers to help those with terminal and other life-threatening conditions.
- This case focuses on DEA's long history of applying an inaccurate test to rescheduling petitions. The outcome of this case could have implications for other emerging and promising therapies.
- A live stream of the argument will be available October 20, 2023 at 9:00 a.m. MST at <https://www.ca9.uscourts.gov/media/live-oral-arguments/>

## Available for Comment

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## Additional Background

On Friday, October 20, 2023, at 9:00 AM MST in Phoenix, Arizona, the Ninth Circuit Court of Appeals will hear arguments in Aggarwal v Drug Enforcement Agency (DEA) (No. 22-1718; AIMS III).

The case seeks federal court review of the DEA's denial of a petition to reschedule psilocybin from a highly restricted Schedule I drug to a less restricted Schedule II category.

Dr. Sunil Aggarwal, a Seattle palliative care physician and co-founder of the Advanced Integrative Medical Science Institute (AIMS), and several of his patients with advanced cancer sought access to psilocybin, an investigational drug shown to offer remarkable relief from anxiety and depression in terminally ill patients.

As a Schedule I drug, Psilocybin can only be accessed with the DEA's permission. Initially, Dr. Aggarwal sought permission under state and federal Right to Try (RTT) laws, which



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legislatures enacted to facilitate access to promising investigational drugs to patients with life-threatening conditions.

During a lawsuit related to RTT (AIMS I), the DEA suggested that Dr. Aggarwal file a rescheduling petition. He did so, filing a nine-page petition. DEA denied the Petition with four sentences.

The Court will consider whether the DEA's denial was unlawful and may order the DEA to refer the petition to Health and Human Services (FDA) for further medical and scientific evaluation.

### **About the National Psychedelics Foundation**

The NPA Foundation is a registered 501(c)(3) non-profit organization dedicated to educating and supporting those providing Psychedelic Assisted Care. Our mission is to guide providers through the opportunities, risks, and legal complexities inherent in the field. We focus on three core pillars: Accessibility, Affordability, and Availability.

We engage in various activities and programs to achieve our mission, including legal and regulatory guidance, financial empowerment and support, and community engagement. We collaborate with research institutions, policymakers, and the community to advocate for evidence-based policies and practices in Psychedelic Assisted Care.

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