

Testimony of Daniel Oppenheim, MD

IN SUPPORT OF LD 967

**An Act to Make Possession of Scheduled Drugs for
Personal Use a Civil Penalty**

**Before the Criminal Justice Committee, April 30,
2021**

Senator Deschambault, Representative Warren and Members of the Criminal Justice and Public Safety Committee, my name is Daniel Oppenheim. I live in Falmouth, Maine and I have been a practicing physician in the Portland area for over 30 years. I currently serve as Co-chair of the Public Health Committee of the Maine Medical Association (MMA) and am here on behalf of the MMA in support of LD 967.

I am not an expert in addiction medicine. But I do know that opioid addiction is both an epidemic and a public health crisis, every bit as much an illness as cancer, diabetes or alcoholism. But instead of receiving treatment and support for their illness, patients affected by substance use disorders often find themselves treated as criminals instead of patients. I also know that all too often, opioid addiction begins with

prescriptions written by doctors, often for legitimate control of severe and disabling pain. The physiology of addiction is well known, and the challenge of defeating this illness is enormous. This means that the medical community has a particular responsibility to help people who suffer from substance use disorders. But we are faced with centuries of the public view that these conditions are not illnesses but rather the fault of the sufferer. This view has led to criminalization rather than medicalization of this disorder, leaving too many in our state without a pathway to treatment.

There is no doubt that those who profit from the perpetuation of addiction by the sale and distribution of illegal drugs should be held to account. However there is a big difference between possession for personal use and possession of large quantities destined for profit-motivated sale.

Treatment and prevention are the pathways to defeating this problem, not stigmatizing its victims with felony convictions which will follow them for the rest of their lives, affecting their ability to find jobs, health insurance, housing, family support, and often leading to relapse into the very addiction that produced the conviction in the first place. In addition, there is a clear disparity in the investigation, prosecution and conviction rates under the current law leading to a disproportionate incarceration rate of poor, marginalized and people of color, even here in Maine.

By making possession of illegal drugs for personal use a civil infraction rather than a crime, LD 967 is an important step in the effort to take medical control of the opioid epidemic. The additional provision of referring those who cannot afford to pay a fine for professional assessment means that a greater number of ill people are likely to become patients in need of treatment rather than criminals suffering from an illness. It is clearly in the interest of Maine to move those suffering from substance use disorder out of the criminal justice system and into a system which might offer some hope of cure. I urge you all to vote this bill "ought to pass". Thank you for this opportunity.