



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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February 3, 2025

Senator Anne Beebe-Center, Chair
Representative Tavis Hasenfus, Chair
Committee on Criminal Justice and Public Safety
5 State House Station, Room 436
Augusta, ME 04333

RE: LD 59: An Act to Ban the Drug Tianeptine

Dear Senator Beebe-Center, Representative Hasenfus, and Members of the
Committee on Criminal Justice and Public Safety:

MACDL **opposes** LD 59.

LD 59 seeks to add Tianeptine to the list of “Schedule W Drugs” in Chapter 45 of Title 17-A. Maine’s Schedule W closely mirrors the Schedule I Drugs at the federal level, which are categorized as “drugs with no currently accepted medical use and a high potential for abuse.” 21 CFR 1300, *et al.* Tianeptine is widely used for medicinal purposes and does not have a high potential for abuse, such as Schedule W/Schedule I substances like cocaine, heroin, fentanyl, and methamphetamine.

The Centers for Disease Control and Prevention (“CDC”) recognizes that Tianeptine is an antidepressant approved for use in European, Asian, and Latin American countries. “Characteristics of Tianeptine Exposures Reported to the National Poison Data System 2000-2017,” CDC, <https://www.cdc.gov/mmwr/volumes/67/wr/mm6730a2.htm>. The CDC analyzed poison control center calls for Tianeptine exposure for a 17-year period and reported only “moderate outcome” requiring medical treatment and zero deaths. *Id.* Tianeptine is clearly not like fentanyl or methamphetamine.

Tianeptine likewise is not illegal in many states meaning that someone could leave New Hampshire in possession of a seemingly legal “supplement” only to arrive in Maine and learn that the supplement is a drug no different than heroin.

Tianeptine clearly presents health risks when abused at high and unintended dosages. Maine should take steps to eliminate its sale and use in forms susceptible

to abuse. The criminalization of its possession, however, merely extends the long shadow of the losing “war on drugs.”

For these reasons, MACDL opposes LD 59.

Sincerely,

/s/ Matthew D. Morgan
Matthew D. Morgan, Esq.
MACDL President Elect