

CLAC MEMORANDUM/TESTIMONY NFNA  
LD 59, An Act to Ban the Drug Tianeptine

TO: Senator Anne Beebe-Center  
Representative Tavis Hasenpus  
Joint Standing Committee on Criminal Justice and Public Safety

FR: Criminal Law Advisory Commission (CLAC)  
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RE: LD 59, An Act to Ban the Drug Tianeptine

DA: February 3, 2025

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The Criminal Law Advisory Commission (CLAC)\* respectfully submits the following testimony neither for nor against LD 59.

CLAC members have not encountered the drug tianeptine in their practices. Our understanding is that it has not been approved for medicinal use in the United States. <https://www.fda.gov/consumers/health-fraud-scams/tianeptine> Classification of tianeptine as a Schedule W drug, as proposed in the bill, would make possession a Class D crime pursuant to 17-A M.R.S. § 1107-A(1)(C).

CLAC members do not have sufficient information regarding the scientific properties of the drug to recommend an appropriate Schedule (X, Y or Z) should the Legislature choose to make possession subject to criminal penalties.

\*CLAC is an advisory body established by the Legislature. 17-A M.R.S. §§ 1351-1357. It consists of 9 members appointed by the Attorney General. Our current members include defense attorneys, prosecutors, Maine Bar Counsel, and a retired practitioner with experience as defense counsel, prosecutor and in court administration. In addition, three sitting judges and one retired practitioner, appointed by the Chief Justice of the Supreme Judicial Court, and, by statute, the Co-Chairs of the Legislature's Committee on Criminal Justice and Public Safety, serve as consultants. The Supreme Judicial Court's Criminal Process Manager serves as liaison from the Court to CLAC. CLAC advises the Legislature on matters relating to crimes in the Criminal Code and in other Titles, the Bail and Juvenile Codes, and with respect to other statutes related to criminal justice processes.