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April 11, 2025

Senator Henry Ingwersen, Chair
Representative Michele Meyer, Chair
Members, Joint Standing Committee on Health and Human Services
100 State House Station
Augusta, ME 04333-0100

Re: LD 1277 – *An Act Regarding Controlled Substances Prescription Monitoring Activities*

Senator Ingwersen, Representative Meyer and members of the Joint Standing Committee on Health and Human Services, thank you for the opportunity to provide information as you consider LD 1277, *An Act Regarding Controlled Substances Prescription Monitoring Activities*.

The Office of Behavioral Health (OBH) would also like to thank the sponsors and cosponsors for their continued advocacy regarding the protection of personal medical information. As drafted, this bill would exempt testosterone from the definition of “controlled substance” in the state laws governing controlled substances prescription monitoring. Further requiring a purge of all records containing dispensations of testosterone from the Maine Prescription Monitoring Program (PMP) immediately upon the effective date of this bill. We support the intent of this legislation, and would like to provide some information for consideration before passing it as drafted.

The Maine PMP statutes require reporting of all substances classified as controlled substances in schedules II through V as outlined in the Controlled Substances Act¹. Federally, testosterone and other anabolic steroids are classified as Schedule III substances under the Controlled Substances Act and the Anabolic Steroids Control Act (ASCA) of 1990. While testosterone is by far the most frequently prescribed anabolic steroid, OBH recommends considering replacing “testosterone” with “anabolic steroids” if the bill proceeds, to identify the class of medications as opposed to its primary member. Removing anabolic steroids from PMP reporting requirements seeks to ensure that all hormone and endocrine medications are treated the same way.

As written, the bill would require us to create and maintain a technology solution allowing for the removal of any anabolic steroid or testosterone dispensations from the pharmacy submission clearinghouse would cost \$62,000 annually. Additionally, a one-time targeted, retrospective purge would incur a cost of \$15,000.

An alternative option is to filter the information from the front end of the system which would make the information available only to Maine PMP administrators and not viewable by end

¹ 21 U.S.C., Section 821 and 21 C.F.R., Section 1308.

users, even via interstate data sharing. However, as those records are still maintained within the PMP database, they would still be subject to disclosure under a subpoena².

Either option would take roughly one year for the vendor to build and implement, as such, the PMP is not capable of implementing the change immediately and would request an amendment to reflect that.

The PMP remains steadfast in its commitment to monitoring prescription data for highly addictive, divertible, and dangerous medications.

Please feel free to contact me if you have any questions during your deliberation of this bill.

Sincerely,

A handwritten signature in black ink that reads "Sarah Squirrell". The script is cursive and fluid.

Sarah Squirrell

Director

Office of Behavioral Health

Maine Department of Health and Human Services

² The Drug Enforcement Agency operates under the Federal Controlled Substances Act and its related laws and provisions, including subpoena authority.