

***Dr. Nick Gallagher: Testimony in Favor of LD 1975***  
***An Act to An Act to Implement a Statewide Public Health Response to Substance Use and***  
***Amend the Laws Governing Scheduled Drugs***

January 17th, 2024

Good morning Senator Baldacci, Representative Meyer, and members of the Health and Human Services Committee. My name is Dr. Nick Gallagher. I am here today, on my own accord, as a lifelong Mainer, an addiction medicine doctor, and a person in long term recovery. I come in strong support of LD1975 which provides a compassionate, effective, public health approach to addressing substance use disorder and addiction -by focusing on care instead of punishment.

The defining characteristic of an addiction is the inability to control a behavior, regardless of the extent and seriousness of negative consequences. This has become increasingly evident to me as I have watched patients lose everything they hold dear and with tears in their eyes tell me, "I just can't stop". Yet our drug arrest policies attempt to solve the problems of drug use and addiction by taking away things from people who have already lost everything. Contrary to intent, arresting and incarcerating people for drug use only compounds loss, disrupts treatment and recovery, disconnects people from community support, and sets them up for failure once they return to our communities. There is a better way and it is clearly represented in LD1975.

In healthcare, we address chronic disease through the lens of patient directed, compassionate, consent-based care. When we treat patients at the end stages of COPD who are still smoking, for example, we never stop trying to help the smoker - we give them appropriate treatment and compassion. But when it comes to substance use, we silo and stigmatize people who use drugs and criminalize the chronic disease of addiction, all while simultaneously under-resourcing desperately needed community programs and services. The results of this approach have been both devastating and tragic. Even without the involvement of the criminal legal system, I see the negative impact of people not having their basic needs met on a daily basis. It is an almost insurmountable barrier to recovery.

I do want to stress how destructive and destabilizing even a short stay in jail can be. Some of the most heartbreaking cases I have seen have been my patients who have done everything society has asked. They have worked tremendously hard, sometimes over the course of years to rebuild their lives but have ended up, not unexpectedly, experiencing a relapse, being arrested, and losing all they have struggled to attain.

I say not unexpectedly because experiencing a relapse is incredibly common and occurs in the majority of people in recovery. In fact, at least 40-60% of those in recovery will experience a relapse and too often, this also leads to arrest and incarceration. From a medical perspective - it's important to understand that for people who regularly use drugs, that usable (but illegal) personal amount is the only thing preventing them from becoming very ill. Instead of supporting the

health and well-being of people who use drugs, arrest and incarceration creates a downward spiral, derailing progress in treatment, recovery, mental health, housing, medical care and other related needs, and increases overdose risk.<sup>1</sup> Even a brief incarceration for someone living paycheck to paycheck can lead to homelessness and unemployment upon release, and criminal records hamper attempts to acquire a job or home and compound stresses that can contribute to relapse.

It's simple. We keep trying to punish people for not getting better - and it's not working.

If we are to make real progress, we must be open to changing course when the evidence does not support continuing our current path. LD 1975 provides that alternative.

I grew up in Maine, it is my home and I love it here. Over the last 3 years I have seen incredible progress in terms of how we view substance use disorder and those suffering from it. Drug use and addiction is not a moral failing or a weakness. Nor should it be a crime. The situations and circumstances that lead someone toward a life of substance use are devastating and our current policies and procedures serve only to keep people down, lost in the shuffle of the criminal legal system and struggling to meet their basic survival needs. Instead, LD 1975 focuses our energy and resources on solutions that help rather than punish. It is medically sound, compassionate, and fiscally wise. A rare combination. I urge you to pass LD 1975.

Sincerely,

Dr. Nick Gallagher

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<sup>1</sup>People recently released from incarceration face a risk of opioid overdose 10 times greater than the general public, according to researchers at Oregon Health & Science University, Oregon State University and the Oregon Department of Corrections. See [Fatal and nonfatal opioid overdose risk following release from prison: A retrospective cohort study using linked administrative data - ScienceDirect](#)