

**TESTIMONY OF
Brian Parke
L.D. 1881, “An Act To Clarify the
Laws Related to the Use of Medical
Marijuana and Workers'
Compensation”**



Good morning, Senator Daughtry, Representative Sylvester, and members of the Committee on Labor and Housing. My name is Brian Parke and I am the President and CEO of the Maine Motor Transport Association and a resident of Brunswick. The Association is comprised of more than 1,700 member companies, whose employees make up a large portion of the over 33,000 people who make their living in the trucking industry in Maine.

After talking with the bill's sponsor, we are submitting written comments today neither for nor against this bill, but to provide additional information as you deliberate this policy issue.

Our understanding is that this issue was brought to the forefront due to a tragic example of someone who wanted to manage the pain from their work-related injury through the use of medicinal marijuana in order to avoid the potential problems associated with opioids.

We thought it was important to point out to the committee that, while both medicinal marijuana and opioids are both used to treat pain, the Federal Motor Carrier Safety Administration treats them very differently. Which is important in the context of knowing what the federal regulations say is permissible in order to avoid unintended consequences for industries who are federally regulated should a version of this bill pass.

Workplace drug and alcohol programs are in place to strengthen safety – in our industry's case, we are regulated in this regard to maximize the safety of our highways. When it comes to marijuana use, because it is not federally-recognized, the federal motor carrier safety regulations we must follow prohibit its use. Period. A commercial driver is not qualified to drive in commerce if they are prescribed or use marijuana. And any marijuana found in their system during a drug screen or medical card exam also disqualifies them from operating a commercial truck until they go through the required remediation process.

Opioids, on the other hand, *may* be permissible if the prescribing physician documents their clinical view that the driver is safe to operate a commercial truck when they use the medication as prescribed.

So while LD 1881 looks to exclude medical marijuana use for injured employees when they are not in the workplace, one unintended consequence will likely be that some injured employees will find themselves disqualified to return to work when they are released by their physician – especially if they are in a safety-sensitive and federally-regulated job like truck drivers.

Thank you for your consideration and for allowing me to submit written testimony. I would be happy to answer any questions the committee may have at the Work Session.