



MAINE MEDICAL ASSOCIATION

Jo E. Linder, MD *President* • Nancy M. Cummings, MD *President-Elect* • Kenneth Christian, MD *Chair, Executive Committee*
Gordon H. Smith, Esq. *Executive Vice President* • Andrew B. MacLean, Esq. *Deputy Executive Vice President*

**TESTIMONY OF KRISTIN MURRAY-JAMES, CNM, ON BEHALF OF THE MAINE MEDICAL ASSOCIATION, IN
SUPPORT OF L.D. 887, AN ACT TO INCLUDE MEDICINAL MARIJUANA PATIENTS IN THE CONTROLLED
SUBSTANCES PRESCRIPTION MONITORING PROGRAM AND IN OPPOSITION TO L.D. 1296, AN ACT TO AMEND
THE MAINE MEDICAL USE OF MARIJUANA ACT TO PROTECT PATIENT PRIVACY, BEFORE THE JOINT STANDING
COMMITTEE ON HEALTH AND HUMAN SERVICES, APRIL 25, 2011**

Senator McCormick, Representative Strang Burgess and members of the Committee, I am Kristin Murray-James, a resident of Wayne and I am testifying today on behalf of the Maine Medical Association where I have spent the last three months serving an externship as part of my course requirements as a second year student at the University of Maine School of Law. I am also a health professional, having practiced as a certified nurse midwife for several years in the central Maine area. The Maine Medical Association, representing the interests of over 3400 members in the state, supports L.D. 887 and opposes some of the provisions in L.D. 1296.

L.D. 887, as presented by Rep. Haskell, would require the names of medical marijuana certificate holders to be included in the confidential database maintained by the Prescription Monitoring Program. If a physician or other prescriber is considering prescribing controlled substances to a patient, it would be important for them to know whether the patient is also using marijuana. Hopefully the patient would disclose this, but if patients were always honest with their treating health professionals, there would be no need for the monitoring program. But we know from the statistics that there is widespread abuse of opioid substances in the state with tragic consequences. Data from the Office of Substance Abuse shows that over 150 persons are dying each year in the state from accidental overdoses of both prescription drugs and illegal drugs, but some amount of prescription medication is used in 93% of these tragic cases. But perhaps the most sobering statistic, and one that I feel most acutely as a nurse midwife, involves the births of well over 400 babies born in Maine each year with evidence of being in withdrawal from opioid substances. The difficulty of treating these newborns in Maine was highlighted recently in a front page article in the New York Times. I have attached a copy of the article to my written testimony.

The Maine Medical Association, the Office of Substance Abuse, the Maine Drug Enforcement Agency and many other organizations in the state are dedicating resources to address the problem and the Prescription Monitoring Program is perhaps the most important tool in this fight. While I am certain that you will hear from opponents that the inclusion of medical marijuana certificate holders in the confidential database would be an invasion of privacy, I would point out that the information already resides at HHS and that the five year experience with the confidentiality protections in the PMP has been excellent. To our knowledge there has not been a single breach of confidentiality within the Program. As Rep. Haskell has stated, one wishes that all patients would fully disclose to their treating health professionals the other medications and substances they are using, but this does not always occur. Assisting the medical community by making the information in the PMP more inclusive would be one step this legislature could take to support the efforts that are already in place to combat prescription drug abuse.



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Turning my attention now to L.D. 1296, a bill that proposes forty (40) different changes to the medical marijuana law. In the interest of time, I am going to focus on only one section, section 4., which would greatly expand the number of conditions, diseases and illnesses that a medical certificate could be prepared for. In fact, it would allow a physician to prepare a certificate for ANY MEDICAL CONDITION OR TREATMENT, in effect simply eliminating the list of qualifying conditions in the law supported by Maine voters and amended last session by the 124th Legislature. The Maine Medical Association opposes this provision that would, in effect, allow for off label use. Supporters of this change have analogized to off-label use of FDA approved medication, but there is a world of difference between off-label use of a drug approved by the FDA and off-label use of marijuana which remains a schedule I drug under federal law.

As Maine's medicinal marijuana law is still quite new, and with the dispensaries just about to open, we believe that a conservative approach is warranted and that the broad list of conditions in the law now is sufficient to assist most patients who may be in need of marijuana for medical purposes.

The Association's lobbyists Mr. MacLean and Mr. Smith will be available for your work sessions on these bills but were unable to be present today. Thank you for the opportunity to present this information on behalf of the Association and I would be happy to answer any questions you may have.