

MAINE STATE LEGISLATURE

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ms
R.S.

L.D. 1361

DATE: 5/19/15

(Filing No. H-428)

LABOR

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 944, L.D. 1361, Bill, "An Act To Enhance Workplace Safety and Health through Substance Abuse Testing and Treatment"

Amend the bill by striking out the title and substituting the following:

'An Act To Refine and Study Substance Abuse Testing Procedures and Treatment'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 26 MRSA §683, sub-§5-A, ¶C is enacted to read:

C. A person who performs a point of collection screening test or a confirmation test may release the results of that test only as follows.

(1) For a point of collection screening test that results in a preliminary positive or negative test result, the person performing the test shall release the test result to the employee who is the subject of the test immediately.

(2) For a point of collection screening test that results in a preliminary positive test result, the person performing the test may not release the test result to the employer until after the result of the confirmation test has been determined.

(3) For a point of collection screening test that results in a preliminary negative test result, the

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person performing the test may not release the test result to the employer until after the result of a confirmation test would have been determined if one had been performed.

(4) For a confirmation test, the person performing the test shall release the result immediately to the employee who is the subject of the test and to the employer.

Sec. 2. Department of Labor to establish task force. The Department of Labor shall establish a task force on substance abuse testing and treatment. The task force shall review the following issues relating to substance abuse testing and treatment in the workplace:

- 1. Substance abuse testing and treatment after workplace accidents or other incidents;
- 2. Point of collection screening testing; and
- 3. Substance abuse treatment as it relates to small businesses.

Sec. 3. Membership; report. The Department of Labor shall include on its task force on substance abuse testing and treatment the following members: one representative of large businesses; one representative of small businesses; one representative of organized labor; one representative of a civil liberties advocacy organization; one representative of the Department of Health and Human Services, Office of Substance Abuse; and the legislative sponsor of Legislative Document 1361 of the 122nd Legislature. The task force shall submit a report detailing its findings to the Joint Standing Committee on Labor by January 1, 2006.'

SUMMARY

This amendment replaces the bill. The amendment specifies that the results of a point of collection substance abuse screening test must be provided to the employee who is the subject of the test immediately, regardless of the preliminary result. The amendment also states that the results of a point of collection screening test may not be released to the employer until after results of a confirmation test have been determined or until after the time it would have taken for results of a confirmation test to be determined if one had been performed. The amendment further specifies that the results of a confirmation

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2 test must be provided immediately to both the employee and
employer.

4 Additionally, the amendment directs the Department of Labor
6 to establish a task force on substance abuse testing and
treatment and details the duties, membership and reporting
obligations of the task force.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



Approved: 05/18/05 *MAC*

122nd MAINE LEGISLATURE

LD 1361

LR 1295(02)

An Act To Enhance Workplace Safety and Health through Substance Abuse Testing and Treatment

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Labor

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Labor to establish the task force on substance abuse testing and treatment can be absorbed within existing budgeted resources. The additional costs to the Department of Health and Human Services can also be absorbed within existing budgeted resources.