

Maine Amends Drug Testing Law

On April 13, 2026, Maine [amended](#) the Maine Substance Use Testing Law (MSUTL). The amendments change how employers may conduct and administer drug testing programs. The amendment takes effect **July 15, 2026**.

Background

The MSUTL permits, but does not require, employers to implement substance use testing programs in the workplace, subject to certain requirements. “Substance use test” means any test designed to take and analyze body fluids or materials from the body for the purpose of detecting substances (i.e., any scheduled drug, alcohol or other drug, or any of their metabolites).

Amendment Overview

Some of the key changes under the MSUTL amendments are described below.

Lower Testing Standard

Currently, the MSUTL authorizes “probable cause testing” under which there must be a reasonable ground for belief in the existence of facts that induce a person to believe that an employee may be under the influence of a substance. The amendment will instead authorize “**reasonable suspicion testing**” under which there must be specific and articulable facts that, taken together with rational inferences from those facts, reasonably support the belief that an employee may be under the influence of a substance.

Currently, reasonable suspicion may not be based exclusively on a single work-related incident. Under the amendment, reasonable suspicion may be based on a single event if the employee also exhibits observable behavior indicating impairment at the time of the accident.

Mandatory Medical Review Officer (MRO) Process

Currently, positive tests may be reported directly from the lab to the employer. Under the amended law, all confirmed positives may only be reported to an employer through an MRO. The MRO must contact the employee or applicant (and their physician, if necessary) to review each confirmed positive result or any invalid result to determine whether there is a legitimate medical explanation for the result. The MRO may not disclose unrelated health conditions.

Cannabis and Prescription Drug Use Protections

Under the amendment, lawful cannabis use and use of a controlled substance with a valid prescription are legitimate medical explanations for a positive test.

Highlights

April 13, 2026

Maine passes sweeping changes to its MSUTL.

July 15, 2026

The amendments take effect.

Reduced Rehabilitation Period

Currently, employers are required to provide an employee who receives a confirmed positive test result with an opportunity to participate for up to six months in a rehabilitation program prior to taking an adverse employment action against such employee. The cost of such a program must be equally divided between the employer and the employee if the employer has more than 20 full-time employees. Under the amendment, the rehabilitation program may only last for up to **12 weeks** and must be paid for solely by the employee.

Return-to-Work Testing

Currently, if an employee who has received a confirmed positive result returns to work with the same employer, the employer may require the employee to submit to a subsequent substance use test anytime between 90 days and one year after the date of the employee's prior test. The amendment clarifies that such a test may be unannounced.

Maine Department of Labor (MDOL) Approval for Labor Organizations

Currently, labor organizations with a collective bargaining agreement are not required to obtain approval for their program from the MDOL. Under the amendment, MDOL approval is required.

Federally Mandated Testing

The MSUTL does not apply to employers subject to a federally mandated substance use testing program. The amendment clarifies that, to qualify for this exemption, employers must have at least one employee in the state for whom substance use testing is federally mandated and apply the same federal testing standards to all employees, regardless of whether they are covered by the federal mandate.

Notice of Discontinuation

Employers who intend to discontinue an approved substance use testing policy must notify the MDOL in writing.

Employer Takeaways

Employers that choose to conduct substance use testing should review and update their existing policies and procedures to confirm compliance with the amended law.
