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Date: (Filing No. S-)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
SENATE
126TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 664, L.D. 1669, Bill, “An Act To Standardize and Simplify the Process for Employers To Provide a Drug-free Workplace”

Amend the bill in Part A in section 4 in subsection 2 in the 2nd line (page 1, line 28 in L.D.) by inserting after the following: "establish" the following: 'by rule pursuant to subsection 11'

Amend the bill in Part A by inserting after section 7 the following:

'Sec. A-8. 26 MRSA §683, sub-§11, as enacted by PL 1989, c. 536, §§1 and 2 and affected by c. 604, §§2 and 3 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

11. Rules. The Department of Health and Human Services shall adopt any rules under section 687 regulating substance abuse testing procedures that it finds necessary or desirable to ensure accurate and reliable substance abuse testing and to protect the privacy rights of employees and applicants. The Commissioner of Labor shall establish the model policy pursuant to subsection 2 by major substantive rule pursuant to Title 5, chapter 375, subchapter 2-A. Subsequent rules governing the model policy may be adopted jointly by the Department of Labor and the Department of Health and Human Services; those subsequent rules are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.'

Amend the bill in Part B by striking out all of section 1 and inserting the following:

'Sec. B-1. Model policy established; major substantive rule. The Commissioner of Labor shall establish a statewide drug-free workplace model policy, as required by the Maine Revised Statutes, Title 26, section 683, subsection 2 and as developed by the task force pursuant to section 2 of this Part, by major substantive rule pursuant to Title 5, chapter 375, subchapter 2-A by July 1, 2015.

Sec. B-2. Task force established. The Drug-free Workplace Model Policy Task Force is established to develop a statewide drug-free workplace model policy to be established in rule by the Commissioner of Labor pursuant to section 1 of this Part. This policy must be developed through consensus-based rulemaking pursuant to the Maine

COMMITTEE AMENDMENT

1 Revised Statutes, Title 5, section 8051-B. The task force is composed of the
2 Commissioner of Health and Human Services or the commissioner's designee, a
3 representative from the Department of Labor, a representative from the Department of
4 Health and Human Services and the following members, appointed by the Commissioner
5 of Labor:

6 1. One representative from a statewide business organization, such as the
7 Manufacturers Association of Maine or the Maine State Chamber of Commerce;

8 2. One representative from organized labor;

9 3. One representative from a business with a drug-testing policy;

10 4. One representative from a workers' compensation insurance provider;

11 5. One representative from the Maine Hospital Association;

12 6. One human resources professional or one representative from a human resources
13 organization in the State; and

14 7. One representative from a drug-testing laboratory in the State.'

15 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
16 section number to read consecutively.

17 **SUMMARY**

18 This amendment, which is the minority report of the Joint Standing Committee on
19 Labor, Commerce, Research and Economic Development, changes the bill by creating a
20 task force to develop a statewide drug-free workplace model policy. The model policy
21 developed by the task force must be established by the Commissioner of Labor by major
22 substantive rule by July 1, 2015, with the Department of Labor and the Department of
23 Health and Human Services subsequently permitted to jointly adopt further routine
24 technical rules.