



STATE OF MAINE
DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS



NOTICE TO EMPLOYERS REGARDING SUBSTANCE USE TESTING LAW REVISIONS

Maine's Substance Use Testing Law, Title 26 MRS §§ 681-690, has recently been revised. Please read below about changes that may affect your company's substance use testing policy. The following section of the law has been repealed as of June 2025.

26 MRS § 683 (1)(B) formerly read:

B. The employee assistance program must be certified by the Department of Human Services under rules adopted pursuant to section 687. The rules shall ensure that the employee assistance programs have the necessary personnel, facilities and procedures to meet minimum standards of professionalism and effectiveness in assisting employees.

Due to this section being repealed, employers will no longer be required to have their Employee Assistance Program (EAP) certified by the DHHS Division of Licensing & Certification (DLC) prior to obtaining approval to test employees.

While the requirement to have the EAP certified has been repealed, employers will still be required to have a functioning EAP under the following circumstances:

1. They employ more than 20 full-time employees working in Maine, AND
2. They currently have or are applying for approval to conduct substance use testing on current employees working in Maine

All employers who have existing certifications will also be receiving a notification from the Division of Licensing & Certification to explain they will no longer need to renew those certifications every two years.