Annual Report

Substance Abuse Testing in Maine

Submitted to the Maine Legislature
March, 2013
Substance Abuse Testing Report 2012

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Bureau of Labor Standards
Maine Department of Labor

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This publication is available at:
http://www.maine.gov/labor/labor_stats/publications/substanceabuse/
Scope

The Maine Department of Labor (MDOL) is submitting this report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development in accordance with the Maine Substance Abuse Testing Law, Title 26 M.R.S.A. §690. The Maine Substance Abuse Testing Law is intended to protect the privacy rights of employees, yet allow an employer to administer testing, to ensure proper testing procedures, to ensure that an employee with a substance abuse problem receives an opportunity for rehabilitation and treatment, and to eliminate drug abuse in the workplace.

This report pertains only to employer testing activities under Maine law. It is not a comprehensive study of workplace substance abuse testing because it does not include individuals who are tested under federal testing programs. Federal testing programs are regulated by the federal government and are therefore outside the scope of State testing law.

Practice

Any employer desiring to do substance abuse testing, other than federally regulated testing, must submit a substance abuse testing policy to the Maine Department of Labor. An employer may not commence testing until the MDOL has notified the employer that the policy has been approved and the employer has given proper notice to its employees.

Model policies developed by the Maine Department of Labor help employers develop substance abuse policies for their workplaces and make it easier for the MDOL to review company policies. The model policies are online at: www.maine.gov/labor/labor_laws/substance_abuse_testing.

Each employer with a policy - that has been approved by the Maine Department of Labor - is required to report its testing activities annually in a mandatory survey. Information gathered in the survey includes the number of tests by type (applicant, probable cause or random/arbitrary), the substances tested for, and the number of positive tests for each substance.

The administration of this law is a collaborative effort of the following agencies:

- **Maine Department of Labor, Bureau of Labor Standards (BLS)**
  - Reviews and approves substance abuse testing policies.
  - Collects the annual reports of substance abuse testing.
  - Analyzes testing data and publishes this annual report.

- **Department of Health and Human Services, Health and Environmental Testing Laboratory**
  Responsible for the licensing of laboratories that Maine employers can use for testing of controlled substances. For a list of approved testing laboratories, contact the Maine Department of Labor.

- **Department of Health and Human Services, Office of Substance Abuse**
  Any employer with more than 20 full-time employees must have a functioning Employee Assistance Program (EAP) prior to testing their employees, as stated in Title 26 M.R.S.A. §683, 1. The EAP must be certified by the Department of Health and Human Services and certification must be renewed every two years.
Results by Type of Test

**Applicant Testing**
Applicant testing is reserved for individuals who have been offered employment with a company or placed on a roster of eligibility for employment. Testing is conducted before the individual is hired.

**Probable Cause**
Probable cause testing is conducted where reasonable grounds exist to believe that an existing employee may be under the influence of a substance of abuse.

**Random/Arbitrary Testing**
Random testing is a method of selection in which all employees have an equal potential of selection by random chance. Arbitrary testing is based on criteria unrelated to substance abuse, such as the anniversary of hire date.

Table 1: Results by Test Type, Maine, 2012

<table>
<thead>
<tr>
<th></th>
<th>Applicant Tests</th>
<th>Applicant Percent Positive</th>
<th>Probable Cause Tests</th>
<th>Probable Cause Percent Positive</th>
<th>Random/Arbitrary Tests</th>
<th>Random/Arbitrary Percent Positive</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Tests</strong></td>
<td>15,938</td>
<td></td>
<td>20</td>
<td></td>
<td>1271</td>
<td>0.0%</td>
</tr>
<tr>
<td><strong>Total Invalid Tests</strong></td>
<td>8</td>
<td>0.1%</td>
<td>0</td>
<td>0%</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td><strong>Total Positive Results</strong></td>
<td>602</td>
<td>3.8%</td>
<td>3</td>
<td>15.0%</td>
<td>30</td>
<td>2.4%</td>
</tr>
<tr>
<td>Cannabinoids</td>
<td>537</td>
<td>3.4%</td>
<td>2</td>
<td>10.0%</td>
<td>24</td>
<td>1.9%</td>
</tr>
<tr>
<td>Cocaine</td>
<td>12</td>
<td>0.1%</td>
<td>0</td>
<td>0.0%</td>
<td>1</td>
<td>0.1%</td>
</tr>
<tr>
<td>Amphetamines</td>
<td>23</td>
<td>0.2%</td>
<td>0</td>
<td>0.0%</td>
<td>2</td>
<td>0.2%</td>
</tr>
<tr>
<td>Opiates</td>
<td>9</td>
<td>0.1%</td>
<td>1</td>
<td>5.0%</td>
<td>2</td>
<td>0.2%</td>
</tr>
<tr>
<td>Methadone</td>
<td>6</td>
<td>0.0%</td>
<td>0</td>
<td>0.0%</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Phencyclidine</td>
<td>0</td>
<td>0.0%</td>
<td>0</td>
<td>0.0%</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Benzodiazepines</td>
<td>1</td>
<td>0.0%</td>
<td>0</td>
<td>0.0%</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Alcohol</td>
<td>9</td>
<td>0.1%</td>
<td>1</td>
<td>0.0%</td>
<td>1</td>
<td>0.1%</td>
</tr>
<tr>
<td>Barbiturates</td>
<td>2</td>
<td>0.0%</td>
<td>0</td>
<td>0.0%</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Methaqualone</td>
<td>0</td>
<td>0.0%</td>
<td>0</td>
<td>0.0%</td>
<td>0</td>
<td>0.0%</td>
</tr>
</tbody>
</table>
Results by Industry

Every company in the State of Maine is assigned an industry code based on the North American Industrial Classification System (NAICS). Table 2 shows testing results for each industry, based on the NAICS of the employer. The services industry conducted the most tests in 2012. The Manufacturing industry had the highest percentage of positive results.

Table 2: Results of All Tests by Industry, Maine, 2012

<table>
<thead>
<tr>
<th>Industry</th>
<th>Policies</th>
<th>Test</th>
<th>Positives</th>
<th>Percent Positive</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Industry</td>
<td>452</td>
<td>16,975</td>
<td>628</td>
<td>3.7%</td>
</tr>
<tr>
<td>Construction</td>
<td>60</td>
<td>1,791</td>
<td>67</td>
<td>3.7%</td>
</tr>
<tr>
<td>Heavy Construction</td>
<td>14</td>
<td>1,133</td>
<td>31</td>
<td>2.7%</td>
</tr>
<tr>
<td>Other Construction</td>
<td>46</td>
<td>658</td>
<td>36</td>
<td>5.5%</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>112</td>
<td>3140</td>
<td>127</td>
<td>4.0%</td>
</tr>
<tr>
<td>Electronic/Electrical Equipment</td>
<td>8</td>
<td>170</td>
<td>15</td>
<td>3.0%</td>
</tr>
<tr>
<td>Plastics and Rubber</td>
<td>9</td>
<td>134</td>
<td>4</td>
<td>8.8%</td>
</tr>
<tr>
<td>Food Products</td>
<td>9</td>
<td>182</td>
<td>8</td>
<td>4.4%</td>
</tr>
<tr>
<td>Paper Products</td>
<td>17</td>
<td>814</td>
<td>22</td>
<td>2.7%</td>
</tr>
<tr>
<td>Wood Products</td>
<td>23</td>
<td>206</td>
<td>17</td>
<td>8.3%</td>
</tr>
<tr>
<td>Other Manufacturing</td>
<td>46</td>
<td>1,634</td>
<td>61</td>
<td>3.7%</td>
</tr>
<tr>
<td>Other</td>
<td>6</td>
<td>213</td>
<td>16</td>
<td>7.5%</td>
</tr>
<tr>
<td>Other</td>
<td>6</td>
<td>213</td>
<td>16</td>
<td>7.5%</td>
</tr>
<tr>
<td>Services</td>
<td>158</td>
<td>7,517</td>
<td>218</td>
<td>2.9%</td>
</tr>
<tr>
<td>Health Care and Social Assistance</td>
<td>26</td>
<td>2,654</td>
<td>16</td>
<td>0.6%</td>
</tr>
<tr>
<td>Professional/Scient/Tech Svcs</td>
<td>26</td>
<td>283</td>
<td>7</td>
<td>2.5%</td>
</tr>
<tr>
<td>Other Services</td>
<td>106</td>
<td>4,580</td>
<td>195</td>
<td>4.3%</td>
</tr>
<tr>
<td>Trade</td>
<td>88</td>
<td>3,823</td>
<td>191</td>
<td>5.0%</td>
</tr>
<tr>
<td>Retail</td>
<td>41</td>
<td>3,186</td>
<td>156</td>
<td>4.9%</td>
</tr>
<tr>
<td>Wholesale</td>
<td>47</td>
<td>637</td>
<td>35</td>
<td>5.5%</td>
</tr>
<tr>
<td>Transportation and Public Utilities</td>
<td>28</td>
<td>491</td>
<td>9</td>
<td>1.8%</td>
</tr>
<tr>
<td>Transportation and Public Utilities</td>
<td>28</td>
<td>491</td>
<td>9</td>
<td>1.8%</td>
</tr>
</tbody>
</table>
Results by Substance

Table 3 shows the results of testing in 2012 by substance. Many employers use a common five-panel test including Cannabinoids, Amphetamines, Cocaine, Opiates, and Phencyclidine. In 2012 tests, 3.4 percent of tests had a positive result. Cannabinoids accounted for 87.7 percent of all positive test results.

Table 3: Results of All Tests by Substance, Maine, 2012

<table>
<thead>
<tr>
<th>Substance</th>
<th>Employers Testing</th>
<th>Total</th>
<th>Total Positive</th>
<th>Percent Positive</th>
<th>Percent of Positives</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Substances</td>
<td>304</td>
<td>17,229</td>
<td>634</td>
<td>3.7%</td>
<td></td>
</tr>
<tr>
<td>Cannabinoids</td>
<td>303</td>
<td>17,121</td>
<td>500</td>
<td>3.3%</td>
<td>88.8%</td>
</tr>
<tr>
<td>Amphetamines</td>
<td>300</td>
<td>17,105</td>
<td>25</td>
<td>0.1%</td>
<td>3.9%</td>
</tr>
<tr>
<td>Opiates</td>
<td>299</td>
<td>17,074</td>
<td>12</td>
<td>0.1%</td>
<td>1.9%</td>
</tr>
<tr>
<td>Cocaine</td>
<td>297</td>
<td>17,035</td>
<td>12</td>
<td>0.1%</td>
<td>2.1%</td>
</tr>
<tr>
<td>Phencyclidine</td>
<td>293</td>
<td>16,142</td>
<td>0</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Benzodiazepines</td>
<td>168</td>
<td>10,620</td>
<td>1</td>
<td>0.0%</td>
<td>0.2%</td>
</tr>
<tr>
<td>Barbiturates</td>
<td>165</td>
<td>9,793</td>
<td>2</td>
<td>0.0%</td>
<td>0.3%</td>
</tr>
<tr>
<td>Methadone</td>
<td>153</td>
<td>9,175</td>
<td>6</td>
<td>0.1%</td>
<td>0.9%</td>
</tr>
<tr>
<td>Methaqualone</td>
<td>139</td>
<td>8,549</td>
<td>0</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Alcohol</td>
<td>41</td>
<td>2,374</td>
<td>10</td>
<td>0.4%</td>
<td>1.6%</td>
</tr>
</tbody>
</table>

Controlled Substances and Drug Names:

Cannabinoids:
- Hashish*
- Marijuana*
- Tetrahydrocannabinol (THC)*

Depressants:
- Barbiturates*
- Benzodiazepines*
- Glutethimide
- Methaqualone*

Hallucinogens:
- Amphetamine Variants*
- LSD
- Mescaline and Peyote
- Phencyclidine (PCP, angel dust)*
- Phencyclidine Analogs

Narcotics:
- Codeine
- Heroin*
- Hydromorphone
- Meperidine (Pethidine)
- Methadone*
- Morphine*
- Opium*

Stimulants:
- Amphetamines*
- Cocaine*
- Methylphenidate
- Phenmetrazine

* Substances currently approved for drug testing under Maine law.
Year-by-Year Results

Regulation of testing for use of controlled substances has been in effect under Maine law since September 30, 1989. Since then results have been collected every year. The number of employers with approved policies has increased steadily since that time. The highest percentage of positive tests was 4.9 percent, occurring in 2007 and 2002. The lowest percent positive was 2.0 percent, occurring in 1993.

Table 4: Yearly Totals, 1990-2012

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Employers w/ Policies</th>
<th>Total Tests</th>
<th>Total Positives</th>
<th>Total Percent Positive</th>
<th>Applicant Tests</th>
<th>Applicant Positives</th>
<th>Applicant Percent Positive</th>
<th>Probable Cause Tests</th>
<th>Probable Cause Positives</th>
<th>Probable Percent Positive</th>
<th>Random Tests</th>
<th>Random Positives</th>
<th>Random Percent Positive</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>452</td>
<td>17,229</td>
<td>634</td>
<td>3.7</td>
<td>15,938</td>
<td>602</td>
<td>3.8</td>
<td>20</td>
<td>3</td>
<td>15.0</td>
<td>1,271</td>
<td>30</td>
<td>2.4</td>
</tr>
<tr>
<td>2011</td>
<td>433</td>
<td>16,439</td>
<td>545</td>
<td>3.4</td>
<td>15,580</td>
<td>532</td>
<td>3.4</td>
<td>12</td>
<td>3</td>
<td>25.0</td>
<td>847</td>
<td>16</td>
<td>1.9</td>
</tr>
<tr>
<td>2010</td>
<td>433</td>
<td>21,388</td>
<td>931</td>
<td>4.4</td>
<td>20,267</td>
<td>897</td>
<td>4.4</td>
<td>39</td>
<td>6</td>
<td>16.2</td>
<td>1,082</td>
<td>28</td>
<td>2.6</td>
</tr>
<tr>
<td>2009</td>
<td>412</td>
<td>17,399</td>
<td>666</td>
<td>3.8</td>
<td>16,719</td>
<td>631</td>
<td>3.8</td>
<td>16</td>
<td>6</td>
<td>37.5</td>
<td>664</td>
<td>29</td>
<td>4.4</td>
</tr>
<tr>
<td>2008</td>
<td>384</td>
<td>23,437</td>
<td>1,086</td>
<td>4.7</td>
<td>22,477</td>
<td>1,045</td>
<td>4.7</td>
<td>13</td>
<td>2</td>
<td>15.4</td>
<td>947</td>
<td>37</td>
<td>3.9</td>
</tr>
<tr>
<td>2007</td>
<td>350</td>
<td>22,641</td>
<td>1,110</td>
<td>4.9</td>
<td>21,700</td>
<td>1,076</td>
<td>5.0</td>
<td>5</td>
<td>4</td>
<td>80.0</td>
<td>936</td>
<td>30</td>
<td>3.2</td>
</tr>
<tr>
<td>2006</td>
<td>325</td>
<td>18,112</td>
<td>853</td>
<td>4.7</td>
<td>17,364</td>
<td>824</td>
<td>4.7</td>
<td>18</td>
<td>2</td>
<td>11.1</td>
<td>730</td>
<td>27</td>
<td>3.7</td>
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<tr>
<td>2005</td>
<td>310</td>
<td>17,742</td>
<td>749</td>
<td>4.2</td>
<td>16,876</td>
<td>706</td>
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<td>18</td>
<td>9</td>
<td>50.0</td>
<td>863</td>
<td>34</td>
<td>3.9</td>
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<tr>
<td>2004</td>
<td>287</td>
<td>17,428</td>
<td>826</td>
<td>4.7</td>
<td>16,702</td>
<td>803</td>
<td>4.8</td>
<td>6</td>
<td>1</td>
<td>16.7</td>
<td>720</td>
<td>22</td>
<td>3.1</td>
</tr>
<tr>
<td>2003</td>
<td>271</td>
<td>16,129</td>
<td>761</td>
<td>4.7</td>
<td>15,345</td>
<td>727</td>
<td>4.7</td>
<td>29</td>
<td>7</td>
<td>24.1</td>
<td>755</td>
<td>27</td>
<td>3.6</td>
</tr>
<tr>
<td>2002</td>
<td>252</td>
<td>13,128</td>
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<td>12,595</td>
<td>624</td>
<td>5.0</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>523</td>
<td>18</td>
<td>3.4</td>
</tr>
<tr>
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<td>239</td>
<td>16,492</td>
<td>730</td>
<td>4.4</td>
<td>15,947</td>
<td>716</td>
<td>4.5</td>
<td>8</td>
<td>1</td>
<td>12.5</td>
<td>537</td>
<td>13</td>
<td>2.4</td>
</tr>
<tr>
<td>2000</td>
<td>226</td>
<td>18,827</td>
<td>765</td>
<td>4.1</td>
<td>18,164</td>
<td>748</td>
<td>4.1</td>
<td>12</td>
<td>1</td>
<td>8.3</td>
<td>651</td>
<td>16</td>
<td>2.5</td>
</tr>
<tr>
<td>1999</td>
<td>200</td>
<td>20,725</td>
<td>691</td>
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<td>20,118</td>
<td>660</td>
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<td>9</td>
<td>4</td>
<td>44.4</td>
<td>598</td>
<td>27</td>
<td>4.5</td>
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<tr>
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<td>425</td>
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<td>12,616</td>
<td>375</td>
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<td>7</td>
<td>1</td>
<td>14.3</td>
<td>474</td>
<td>16</td>
<td>3.4</td>
</tr>
<tr>
<td>1996</td>
<td>134</td>
<td>10,854</td>
<td>346</td>
<td>3.2</td>
<td>10,493</td>
<td>330</td>
<td>3.1</td>
<td>7</td>
<td>3</td>
<td>42.9</td>
<td>354</td>
<td>13</td>
<td>3.7</td>
</tr>
<tr>
<td>1995</td>
<td>116</td>
<td>9,708</td>
<td>236</td>
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<td>9,484</td>
<td>231</td>
<td>2.4</td>
<td>11</td>
<td>3</td>
<td>27.3</td>
<td>213</td>
<td>2</td>
<td>0.9</td>
</tr>
<tr>
<td>1994</td>
<td>112</td>
<td>7,035</td>
<td>211</td>
<td>3.0</td>
<td>6,818</td>
<td>202</td>
<td>3.0</td>
<td>4</td>
<td>1</td>
<td>25.0</td>
<td>213</td>
<td>8</td>
<td>3.8</td>
</tr>
<tr>
<td>1993</td>
<td>107</td>
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<td>109</td>
<td>2.0</td>
<td>5,278</td>
<td>101</td>
<td>1.9</td>
<td>3</td>
<td>1</td>
<td>33.3</td>
<td>221</td>
<td>7</td>
<td>3.2</td>
</tr>
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# Appendix 1 – Employers with approved substance abuse testing policies

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## Appendix 1 – Employers with approved substance abuse testing policies

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## Appendix 1 – Employers with approved substance abuse testing policies

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## Appendix 1 – Employers with approved substance abuse testing policies

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## Appendix 1 – Employers with approved substance abuse testing policies

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