

## Controlled Substances

The regulations require 5-panel testing for the following classes of substances:

- ✗ Marijuana
- ✗ Cocaine
- ✗ Opiates — opium and codeine derivatives
- ✗ Amphetamines and methamphetamines
- ✗ Phencyclidine — PCP

For more information, visit  
[www.usdoj.gov/dea/concern](http://www.usdoj.gov/dea/concern)



## Consequences

- ☑ A positive test result or a refusal requires the driver to be immediately removed from operating any CMVs on the public roadways. The employer must provide you with a list of acceptable SAPs from which to choose to begin the “return-to-duty” process. This process must be completed before a positive or refusal driver can legally return to driving CMVs for any employer, including himself.
- ☑ The impact of testing positive, or refusing to test, for a driver and his family is often devastating. In addition to damaging the driver’s reputation, it often results in extended periods of unemployment, due to the “return-to-duty” process and the tendency of employers not to hire drivers with drug or alcohol histories.
- ☑ Even after completing the “return-to-duty” process, and finding employment, the additional return-to-duty and follow-up testing often adds increased stress and financial strain on the driver.

**Remember: Never Refuse to Test.**

For additional research and reading on the Federal Motor Carrier Safety Administration’s Drug and Alcohol Testing Regulations, please visit our web site at:

[www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)

# Be a Driver In the Know...



FEDERAL

# Drug & Alcohol Testing REGULATIONS



U.S. Department of Transportation  
Federal Motor Carrier Safety Administration

The DOT drug and alcohol testing regulations for commercial driver licensed (CDL) employees can be found at 49 CFR Part 382, and 49 CFR Part 40. These regulations can be found at:

[www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)

This brochure summarizes the regulations as they apply to CDL drivers, and is intended to better educate drivers about their rights and obligations as participants in a DOT drug & alcohol testing program.

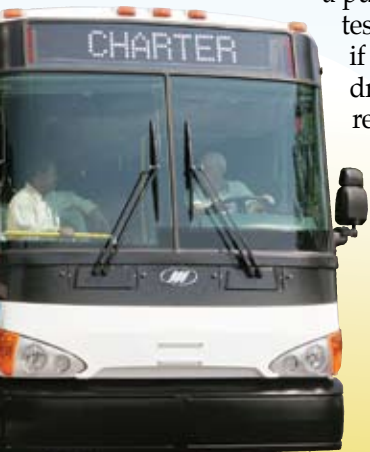
## Who Must Be Tested?

All CDL drivers operating commercial motor vehicles (CMVs) (greater than 26,000 CGVWR, or transporting more than 16 passengers, or placarded hazardous materials) on the public roadways must be DOT drug and alcohol tested. This means any driver required to possess a CDL, including those employed by Federal, State, and local government agencies, owner operators, and equivalently licensed drivers from foreign countries. Part-time drivers must also be included in an employer's drug testing program. Drivers who only operate CMVs on private property not open to the public do not require testing.

## Required Tests

CDL drivers are subject to each of the following types of tests:

**Pre-Employment** – A new driver must be drug tested with a negative result before an employer can permit him to operate a CMV on a public road. Alcohol testing is permitted only if it applies to all CDL drivers. If a driver is removed from a random testing pool for more than 30-days, he must again be pre-employment tested.

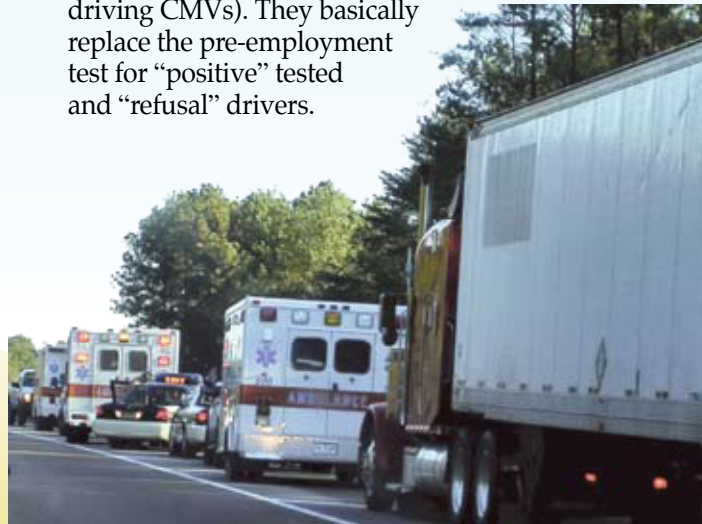


**Post-Accident** – CDL drivers must be drug and alcohol tested whenever they are involved in a fatal accident, or receive a traffic citation resulting from an injury or vehicle-disabling accident. The alcohol test must occur within 8 hours, and the drug test must occur within 32 hours.

**Random Testing** – CDL drivers are subject to unannounced random testing throughout the year. A driver may be directed to take a **drug** test even when at home in an off-duty status. Random alcohol tests occur while on duty or immediately before or after. Once notified to report for random testing drivers must immediately report to the testing location. Delaying your arrival can be considered a refusal. **Never Refuse to Test.** Driver refusals are equivalent to testing "positive" and are defined in 49 CFR 40.191.

**Reasonable Suspicion** – DOT-trained supervisors can direct you to be drug or alcohol tested whenever you exhibit signs of drug or alcohol abuse. The decision must be based on observations concerning the appearance, behavior, speech, or body odors of the driver.

**Return-to-Duty** – Return-to-duty tests require "direct observation" as prescribed in 49 CFR 40.191(a)(9). They are only required after an employee has completed the "return-to-duty" process, and wants to return to work in a safety sensitive function (i.e., driving CMVs). They basically replace the pre-employment test for "positive" tested and "refusal" drivers.



**Follow-Up** – Follow-up drug and alcohol tests are required as prescribed by the substance abuse professional (SAP) who signs the return-to-duty report. They consist of a minimum of at least six unannounced directly observed tests conducted during the first 12 months following the return-to-duty test. The SAP can prescribe follow-up testing for a maximum of 5 years for drivers who have tested "positive" or "refused to test." Follow-up testing is in addition to any selections for random testing.



## Testing Procedures

- Once notified to report for testing, a CDL driver must report to the collection site immediately. (To familiarize yourself with the collection process and any of the other aspects of the DOT drug and alcohol testing program, please refer to: [www.dot.gov/ost/dapc](http://www.dot.gov/ost/dapc))
- The DOT drug testing program tests for 5-panels of controlled substances covering the following classes – Marijuana, Cocaine, Opiates (Opium and codeine derivatives), Amphetamines and Methamphetamines, and Phencyclidine (PCP).
- Once tested, the laboratory will report the analysis to a medical review officer (MRO). If the analysis indicates a positive result, the MRO will contact the driver to determine whether there are circumstances that would explain the positive result. If there are none, the MRO will report a positive result to the employer.