

CONTROLLED SUBSTANCES AND ALCOHOL USE TESTING REGULATIONS FOR DRIVERS



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



F M C S A
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Overview

This presentation is designed to educate drivers on FMCSA controlled substance and alcohol testing regulations in order to help prevent accidents and injuries resulting from the misuse of alcohol or the use of controlled substances by Commercial Motor Vehicle (CMV) drivers.



Critical Information

Employers are **REQUIRED** to check your job history. Not properly following the guidelines can result in:

- You not being allowed to work in the U.S.
- Termination of your current employment
- Lessening your chances for future employment

Additional Information

- Attached to each slide of this presentation are specific notes which include where you can view detailed information.
- Your employer should be able to provide you with further information as well.

Applicability

Regulations apply to employers and drivers who operate CMVs in the U.S. and are subject to:

- Commercial driver's license requirements
- Licencia Federal de Conductor requirements
- Commercial driver's license requirements of the Canadian National Safety Code



Prohibitions

- Alcohol Concentration
- On-duty use
- Pre-duty use
- Use following an accident



Use of Controlled Substance

If a controlled substance is used:

- Driver shall not report to or remain on duty
- Employer will not permit driver to perform safety sensitive functions
- Driver may be required to inform the employer of any therapeutic drug use

Controlled Substance Testing

If a driver tests positive for a controlled substance:

- Driver shall **NOT** report to duty, remain on duty or perform safety sensitive functions (including driving)
- Employer shall NOT permit driver to perform safety sensitive functions (including Driving)

Immediate Removal From Duty

- Employer will immediately **remove a driver from duty** after receiving:
 - Positive drug test results
 - Verified adulterated or substituted drug test results
 - Alcohol test **greater than .04**



Temporary Removal

Employer will temporarily remove a driver from duty after receiving:

- Alcohol test between **0.02** and **0.39**
- A diluted specimen
- Invalid drug test requiring 2nd collection under direct observation



Consequences For Substance Use - Related Conduct

No driver with an alcohol concentration **between 0.02 and 0.39** shall drive for at least 24 hours after the test is given.



Required Tests

- Pre-employment
(Controlled Substances Test only)
- Post Accident
- Random
- Reasonable Suspicion
- Return to Duty
- Follow-Up

Refusal To Submit to Test

- No driver shall refuse to submit to a required test
- No employer shall permit a refusing driver to perform safety sensitive functions

Pre-Employment Testing

The driver shall not perform a safety sensitive function, like driving, until a negative controlled substance test result is received.



Pre-Employment Testing

- Your employer **MUST** ask you about pre-employment tests or refusals during the previous two years in which you did not obtain a job
- If you have had any positive tests or refusals, you **MUST** have documented completion of the return-to-duty process

Post-Accident Testing

Each surviving CMV driver shall test for alcohol and controlled substances as soon as possible after an accident in the U.S.



Random Testing

- Every driver shall submit to random alcohol and controlled substance testing.
- All drivers must have an equal chance of being selected by a valid method, such as:
 - Random number table
 - Computer based random number

Reasonable Suspicion Testing

A driver **MUST** submit to an alcohol and/or controlled substances test if there is reasonable suspicion that the prohibitions concerning alcohol and/or controlled substances are violated.



Reasonable Suspicion Testing

Suspicion **MUST** be based on a **Supervisor's** specific observations concerning the driver's:

- Behavior
- Speech
- Body odor (such as marijuana or alcohol)

Return-To-Duty Testing

Before returning to duty after engaging in prohibited conduct, an employer must ensure that:

- Driver's return-to-duty alcohol test indicates an alcohol concentration of less than **0.02**
- Driver's return-to-duty controlled substances test indicates a negative result



Follow-Up Testing

- Substance Abuse Professional will set up follow-up testing plan
- A minimum of 6 tests **MUST** be conducted in the first 12 months
- Driver may be subject to testing for a maximum of 60 months



Controlled Substances

Laboratories **MUST** test for:

- Marijuana
- Cocaine
- Opiates
- Amphetamines
- Phencyclidine (PCP)



Employer Obligations

Your employer shall provide materials explaining the regulation requirements and the company's policies regarding alcohol misuse and controlled substances abuse.

In Conclusion

Remember:

Your employer can't change these rules and **you** must live by them if you want to keep your job.

Thank you for your time and attention.

Need to review