

112TH CONGRESS
2D SESSION

H. R. 6641

To authorize the Secretary of Transportation to establish a pilot program to study the benefits of using hair specimens for preemployment controlled substances tests of commercial motor vehicle operators, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 2012

Mr. RIBBLE (for himself and Mr. FLEISCHMANN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To authorize the Secretary of Transportation to establish a pilot program to study the benefits of using hair specimens for preemployment controlled substances tests of commercial motor vehicle operators, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. USE OF HAIR SPECIMENS FOR PREEMPLOY-**
4 **MENT CONTROLLED SUBSTANCES TESTS OF**
5 **COMMERCIAL MOTOR VEHICLE OPERATORS.**

6 (a) PILOT PROGRAM.—The Secretary of Transpor-
7 tation shall carry out a pilot program to study the benefits

1 of using hair specimens to conduct preemployment con-
2 trolled substances tests of commercial motor vehicle opera-
3 tors under section 31306 of title 49, United States Code.

4 (b) DEADLINES; PROGRAM TERM.—The Secretary
5 shall—

6 (1) develop the pilot program not later than 1
7 year after the date of enactment of this Act;

8 (2) begin implementation of the pilot program
9 not later than 18 months after the date of enact-
10 ment of this Act; and

11 (3) continue implementation of the pilot pro-
12 gram for a period of 1 year.

13 (c) DEVELOPMENT OF GUIDELINES, PROTOCOLS,
14 AND STANDARDS.—Notwithstanding any other provision
15 of law, the Secretary, in consultation with the heads of
16 such other agencies as the Secretary determines appro-
17 priate, shall develop guidelines, protocols, and standards
18 for hair specimen collection and testing under the pilot
19 program.

20 (d) PARTICIPATION BY MOTOR CARRIERS.—The Sec-
21 retary shall solicit motor carriers to participate in the pilot
22 program. Such participation shall be subject to the fol-
23 lowing terms and conditions:

24 (1) All motor carriers participating in the pilot
25 program must continue to follow current Depart-

1 ment of Transportation controlled substances testing
2 procedures, in addition to testing hair specimens
3 under the pilot program.

4 (2) The Secretary shall require all motor car-
5 riers participating in the pilot program to implement
6 adequate safeguards to ensure that hair specimen
7 collection and testing is performed in a manner that
8 protects an individual's right of privacy.

9 (3) The Secretary shall ensure that no indi-
10 vidual is harassed by being treated differently from
11 other individuals under the pilot program.

12 (e) REPORT TO CONGRESS.—

13 (1) IN GENERAL.—Not later than 33 months
14 after the date of enactment of this Act, the Sec-
15 retary shall submit to Congress a comprehensive re-
16 port on the results of the pilot program, including
17 information identifying the potential benefits and
18 costs of testing hair specimens for the purpose of de-
19 tecting and deterring controlled substances use.

20 (2) REQUIRED FINDINGS.—At a minimum, the
21 report shall include findings relating to the fol-
22 lowing:

23 (A) Whether hair specimen testing is more
24 effective than urine specimen testing in identi-

1 fying individuals who have engaged in illegal
2 controlled substances use.

3 (B) Whether hair specimen testing is more
4 effective than urine specimen testing in deter-
5 ring illegal controlled substances use that com-
6 promises highway safety.

7 (C) Whether hair specimen testing is less
8 prone than urine specimen testing to sample
9 substitution and other methods of subversion.

10 (D) The positive test rates of participating
11 carriers on both urine specimen and hair speci-
12 men tests conducted for preemployment and, if
13 applicable, reasonable suspicion, random, or
14 post-accident testing.

15 (E) Data gathered and analysis conducted
16 to address concerns related to potential dis-
17 parate treatment of individuals or groups.

18 (f) USE OF NATIONAL CLEARINGHOUSE.—Records
19 relating to tests conducted under the pilot program shall
20 be deposited in the national clearinghouse established
21 under section 31306a of title 49, United States Code.

22 (g) COMMERCIAL MOTOR VEHICLE DEFINED.—In
23 this section, the term “commercial motor vehicle” has the

- 1 meaning given that term under section 31301 of title 49,
- 2 United States Code.

