

114TH CONGRESS
1ST SESSION

H. R. 1467

To amend section 31306 of title 49, United States Code, to recognize hair as an alternative specimen for preemployment and random controlled substances testing of commercial motor vehicle drivers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2015

Mr. CRAWFORD (for himself, Mr. DUFFY, Mr. RIBBLE, Mr. HILL, Mr. WOMACK, Mr. WESTERMAN, Ms. NORTON, and Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend section 31306 of title 49, United States Code, to recognize hair as an alternative specimen for pre-employment and random controlled substances testing of commercial motor vehicle drivers, 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. SHORT TITLE.**

4 This Act may be cited as the “Drug Free Commercial
5 Driver Act of 2015”.

1 **SEC. 2. AUTHORIZATION OF HAIR TESTING AS AN ACCEPT-**
2 **ABLE PROCEDURE FOR PREEMPLOYMENT**
3 **AND RANDOM CONTROLLED SUBSTANCE**
4 **TESTS.**

5 Section 31306 of title 49, United States Code, is
6 amended—

7 (1) in subsection (b)(1)—

8 (A) by redesignating subparagraph (B) as
9 subparagraph (C);

10 (B) in subparagraph (A), by striking “The
11 regulations shall permit such motor carriers to
12 conduct preemployment testing of such employ-
13 ees for the use of alcohol.”; and

14 (C) by inserting after subparagraph (A)
15 the following:

16 “(B) The regulations prescribed under
17 subparagraph (A) shall permit motor carriers—

18 “(i) to conduct preemployment testing
19 of commercial motor vehicle operators for
20 the use of alcohol;

21 “(ii) to use hair testing as an accept-
22 able alternative to urinalysis—

23 “(I) in conducting preemploy-
24 ment screening for the use of a con-
25 trolled substance; and

1 “(II) in conducting random
2 screening for the use of a controlled
3 substance for operators who were sub-
4 ject to hair testing for preemployment
5 screening.”; and

6 (2) in subsection (c)(2)—

7 (A) in subparagraph (B), by striking
8 “and” at the end;

9 (B) in subparagraph (C), by adding “and”
10 after the semicolon; and

11 (C) by adding at the end the following:

12 “(D) laboratory protocols and cut-off levels
13 for hair testing to detect the use of a controlled
14 substance;”.

15 **SEC. 3. EXEMPTION FROM MANDATORY URINALYSIS.**

16 (a) IN GENERAL.—Any motor carrier that dem-
17 onstrates, to the satisfaction of the Administrator of the
18 Federal Motor Carrier Safety Administration, that it can
19 carry out an applicable hair testing program, consistent
20 with generally accepted industry standards, to detect the
21 use of a controlled substance by commercial motor vehicle
22 operators, may apply to the Administrator for an exemp-
23 tion from the mandatory urinalysis testing requirements
24 set forth in subpart C of part 382 of title 49, Code of
25 Federal Regulations, until a final rule is issued imple-

1 menting the requirements contained in the amendments
2 made by section 2.

3 (b) TESTING REQUIREMENTS.—To be eligible for an
4 exemption under subsection (a), the motor carrier’s test-
5 ing program shall employ procedures and protections simi-
6 lar to a fleet that has carried out hair testing program
7 for at least 12 months. The motor carrier’s program shall
8 use a laboratory—

9 (1) for which hair testing assays have been
10 cleared by the Food and Drug Administration under
11 section 510(k) of the Federal Food, Drug and Cos-
12 metic Act (21 U.S.C. 360(k)); and

13 (2) that has obtained laboratory accreditation
14 for hair testing from the College of American Pa-
15 thologists.

16 (c) REPORTING REQUIREMENT.—Any motor carrier
17 that is granted an exemption under subsection (a) shall
18 submit records to the national clearinghouse established
19 under section 31306a of title 49, United States Code, re-
20 lating to all positive test results and test refusals from
21 the hair testing program described in subsection (a).

22 **SEC. 4. GUIDELINES FOR HAIR TESTING.**

23 Not later than 1 year after the date of enactment
24 of this Act, the Secretary of Health and Human Services
25 shall issue scientific and technical guidelines for hair test-

1 ing as a method of detecting the use of a controlled sub-
2 stance for purposes of section 31306 of title 49, United
3 States Code, as amended by this Act.

4 **SEC. 5. ANNUAL REPORT TO CONGRESS.**

5 The Secretary of Transportation shall submit an an-
6 nual report to Congress that—

7 (1) summarizes the results of preemployment
8 and random drug testing using both hair testing and
9 urinalysis;

10 (2) evaluates the efficacy of each method; and

11 (3) determines which method provides the most
12 accurate means of detecting the use of controlled
13 substances over time.

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