

109TH CONGRESS
2D SESSION

H. R. 4910

To prohibit the manufacture, sale, marketing, or distribution of products
or substances designed or intended to defraud a drug test.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2006

Mr. WHITFIELD (for himself and Mr. ENGEL) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To prohibit the manufacture, sale, marketing, or distribution
of products or substances designed or intended to de-
fraud a drug test.

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 “National Drug Testing
5 Integrity Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 Congress finds the following:

8 (1) Approximately 12,000,000 employees are
9 subject to mandatory drug testing under Depart-
10 ment of Transportation regulations because they are

1 in safety-sensitive positions. These employees include
2 truck drivers, bus drivers, pilots, mass transit opera-
3 tors, railroad engineers, pipeline workers, mariners,
4 and related transportation industry safety-sensitive
5 personnel.

6 (2) Millions of additional employers perform
7 drug testing in an effort to increase safety, reduce
8 employee turnover, tardiness, absenteeism, workers'
9 compensation claims, accidents and injuries, and
10 health benefit utilization.

11 (3) The availability of products designed to de-
12 fraud a drug test creates a serious public safety risk
13 when employees in safety-sensitive positions are suc-
14 cessful in defrauding a drug test.

15 (4) More than 400 products designed to de-
16 fraud drug tests are easily obtained, in person and
17 on the Internet.

18 **SEC. 3. CONSUMER PRODUCT BAN.**

19 Not later than 180 days after the date of the enact-
20 ment of this Act, the Consumer Product Safety Commis-
21 sion shall, pursuant to section 9 of the Consumer Product
22 Safety Act (15 U.S.C. 2058) and notwithstanding section
23 8 of such Act (15 U.S.C. 2057), promulgate a rule declar-
24 ing to be a banned hazardous product any instrument,
25 tool, substance, or device designed or intended to falsify,

- 1 alter, or defraud any lawfully administered drug test de-
- 2 signed to detect the presence of chemical substances or
- 3 controlled substances in the body.

