

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4910

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

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## 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

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## 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.

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