

113TH CONGRESS
1ST SESSION

S. 1625

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 SENATE OF THE UNITED STATES

OCTOBER 30, 2013

Mr. PRYOR (for himself and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

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.

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 2013”.

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); and

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 inserting the
14 following:

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

17 “(i) to conduct preemployment testing of com-
18 mercial motor vehicle operators for the use of alco-
19 hol;

20 “(ii) to use hair testing as an acceptable alter-
21 native to urinalysis—

22 “(I) in conducting preemployment screen-
23 ing for the use of a controlled substance; and

24 “(II) in conducting random screening for
25 the use of a controlled substance if such method
26 is also used for preemployment screening.”; and

1 (2) in subsection (c)(2)—

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

4 (B) in subparagraph (C), by inserting
5 “and” after the semicolon; and

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

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

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

11 (a) IN GENERAL.—Any motor carrier that dem-
12 onstrates, to the satisfaction of the Administrator of the
13 Federal Motor Carrier Safety Administration, that it has
14 consistently carried out a generally applicable hair testing
15 program to detect the use of a controlled substance by
16 commercial motor vehicle operators during the most recent
17 1-year period, may apply to the Administrator for an ex-
18 emption from the mandatory urinalysis testing require-
19 ments set forth in subpart C of part 382 of title 49, Code
20 of Federal Regulations until a final rule is issued imple-
21 menting the amendments made by section 2.

22 (b) REPORTING REQUIREMENT.—Any motor carrier
23 that is granted an exemption under subsection (a) shall
24 submit records to the national clearinghouse established
25 under section 31306a of title 49, United States Code, re-

1 lating to all positive test results and test refusals from
2 the hair testing program described in that subsection.

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

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

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

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

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

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