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”.

SEC. 2. AUTHORIZATION OF HAIR TESTING AS AN ACCEPTABLE PROCEDURE FOR PREEMPLOYMENT AND RANDOM CONTROLLED SUBSTANCE TESTS.

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

(1) in subsection (b)(1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) in subparagraph (A), by striking “The regulations shall permit such motor carriers to conduct preemployment testing of such employees for the use of alcohol.” and inserting the following:

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

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

“(ii) to use hair testing as an acceptable alternative to urinalysis—

“(I) in conducting preemployment screening for the use of a controlled substance; and

“(II) in conducting random screening for the use of a controlled substance if such method is also used for preemployment screening.”; and
(2) in subsection (c)(2)—

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

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

(C) by adding at the end the following:

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

SEC. 3. EXEMPTION FROM MANDATORY URINALYSIS.

(a) In General.—Any motor carrier that demonstrates, to the satisfaction of the Administrator of the Federal Motor Carrier Safety Administration, that it has consistently carried out a generally applicable hair testing program to detect the use of a controlled substance by commercial motor vehicle operators during the most recent 1-year period, may apply to the Administrator for an exemption from the mandatory urinalysis testing requirements set forth in subpart C of part 382 of title 49, Code of Federal Regulations until a final rule is issued implementing the amendments made by section 2.

(b) Reporting Requirement.—Any motor carrier that is granted an exemption under subsection (a) shall submit records to the national clearinghouse established under section 31306a of title 49, United States Code, re-
Section 4. Annual Report to Congress.

The Secretary of Transportation shall submit an annual report to Congress that—

1. summarizes the results of preemployment and random drug testing using both hair testing and urinalysis;
2. evaluates the efficacy of each method; and
3. determines which method provides the most accurate means of detecting the use of controlled substances over time.