

## DRUG & ALCOHOL TESTING

### Who is tested?

All CDL drivers who operate commercial motor vehicles subject to the CDL requirements on public roads in the U.S. are performing safety-sensitive functions and are subject to DOT drug and alcohol testing (§382.103). This includes all full-time, part-time, intermittent, backup, and international drivers.

### What substances are tested?

DOT drug tests require laboratory testing (49 CFR Part 40 Subpart F) for the following five classes of drugs:

- Marijuana
- Cocaine
- Opiates – opium and codeine derivatives
- Amphetamines and methamphetamines
- Phencyclidine – PCP

Drug cutoff concentrations can be found on the *Substance Abuse and Mental Health Services Administration* Web site.

DOT alcohol tests identify alcohol concentration of 0.02 and greater.

**NOTE REGARDING NON-DOT TESTING:** DOT does not prohibit motor carrier employers from instituting a “company authority” testing program that is in addition to, and distinct from, the required DOT testing program. Under such non-DOT programs, employers could test for other drugs. DOT also does not prohibit employers from using tests of non-urine specimens under a non-DOT program. DOT regulations at §382.601 provide that employer materials supplied to drivers may include information on additional employer policies with respect to the use of alcohol or controlled substances, including any consequences for a driver found to have a specified alcohol or controlled substances level, that are based on the employer's authority independent of this part. Any such additional policies or consequences must be clearly and obviously described as being based on the employer's independent authority.

### When does testing occur and what tests are required?

DOT drug and alcohol tests include:

- Pre-employment – An employer must receive a negative drug test before permitting a CDL driver to operate a CMV. (§382.301).

- Post-accident – Drug and alcohol tests may be required after crashes according to the following chart (§382.303):

Type of Accident Involved	Citation Issued to the CMV Driver	Test Must be Performed by Employer
Human Fatality	Yes	Yes
Human Fatality	No	Yes
Bodily Injury with Immediate Medical Treatment Away from the Scene	Yes	Yes
Bodily Injury with Immediate Medical Treatment Away from the Scene	No	No
Disabling Damage to Any Motor Vehicle Requiring Tow Away	Yes	Yes
Disabling Damage to Any Motor Vehicle Requiring Tow Away	No	No

- Random – CDL drivers must be randomly tested throughout the year (§382.305); an employer who employs only himself/herself as a driver, who is not leased to a motor carrier, shall implement a random testing program of two (2) or more covered employees in the random testing selection pool as a member of a consortium (see §382.305 interpretation 11)
- Reasonable suspicion – Drivers who appear to be under the influence of drugs or alcohol can be immediately tested (§382.307). Employers must train CDL driver supervisors to detect the symptoms of driver impairment (§382.603).
- Return-to-duty – Required for drivers who tested positive, refused, or otherwise violated the prohibitions of 49 CFR Part 382 Subpart B; and who have completed the return-to-duty process with a DOT-qualified substance abuse professional. This test is directly observed, and a negative result is required before resuming driving duties (§382.309 and §40.305).
- Follow-up – Required for drivers who tested positive, refused, or otherwise violated the prohibitions of 49 CFR Part 382 Subpart B; and who have completed the return-to-duty process with a DOT-qualified substance abuse professional, and have

tested negative for a return-to-duty test. This testing is prescribed by the substance abuse professional for a minimum of six (6) directly observed tests in twelve (12) months but can be extended an additional four years (§382.311 and Title 49 Subtitle A Part 40 Subpart O §40.307).

## **Testing Procedures**

The DOT drug and alcohol testing procedures are extensive and can be found in 49 CFR Part 40 Subpart E and Part 40 Subpart L, respectively. It is important for drivers to understand the testing process to ensure proper procedures are followed to protect their own interests. An employee handbook titled What Employees Need to Know about DOT Drug and Alcohol Testing is available on the US DOT Office of Drug and Alcohol Policy and Compliance (ODAPC) website. The employee handbook provides valuable information on how a urine test is administered and how an alcohol test is administered to ensure the validity of the testing as well as to protect the confidentiality of the employee's testing information.

To further facilitate drivers obtaining this knowledge, we recommend reviewing the mock urine collection instructional video offered on the ODAPC web site.

## **Test Failure or Refusal**

You fail a drug or alcohol test by testing positive to a drug test or registering a 0.04 or greater alcohol content. Either of these results requires you to be immediately removed from performing safety-sensitive functions (i.e., driving CMVs) until successful completion of the return-to-duty process with a DOT-qualified substance abuse professional.

Your refusal to submit to a drug or alcohol test is equivalent to testing positive to a drug or alcohol test. You must immediately be removed from performing safety-sensitive functions (i.e., driving CMVs) until successful completion of the return-to-duty process with a DOT-qualified substance abuse professional. The DOT regulations outline refusals to test for drugs and alcohol. Some refusals are determined by medical review officers (49 CFR Part 40 Subpart G) and alcohol technicians (49 CFR Part 40 Subpart N). For others, the determination is the employer's responsibility. Refusals to submit to a drug or alcohol test are defined in §382.107. The employee handbook available on the ODAPC Web site provides examples of conduct that the regulations define as refusing a test (49 CFR Part 40 Subpart I and Subpart N) and what happens if you test positive, refuse a test, or violate FMCSA regulations. It is, therefore, critical to understand the specific circumstances that define a refusal, which can be found in §40.191, §40.261 and §382.107.



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## **Driver Resources and Downloads**

<https://www.fmcsa.dot.gov/regulations/drug-alcohol-testing/driver-resources-and-downloads>

**For questions, please contact the Office of Safe and Orderly Schools, Division of Pupil Transportation at (601) 359-1028.**