



Help keep drivers safe and roads safer

REDUCING YOUR LOSSES THROUGH ALCOHOL AND DRUG TESTING

We all know the dangers involved with impaired driving—and they’re especially a concern in the transportation industry. To eliminate drivers operating equipment while under the influence of drugs and alcohol, the Federal Motor Carrier Safety Administration (FMCSA) created a series of rules (FMCSR Part 40 and Part 382) covering commercial driver testing. We’re here to help you understand those rules.

The following types of drivers and employers are subject to the rules and must be tested for drugs and alcohol:

- Commercial motor vehicle (CMV) owners, lessees, and independent drivers—and those who assign them
- Federal, state, and local governments
- For-hire motor carriers
- Private motor carriers

WHEN TO TEST

Generally, all CDL drivers operating commercial vehicles on public roads are subject to drug and alcohol testing. As an employer, you must test a driver in the following situations:

- **Pre-employment:** You must receive a negative drug test from a driver before allowing them to operate a CMV. You may, but aren’t required, to test for alcohol.

- **Post-accident:** You must test a driver who was involved in an accident where one or more of the following occurred:
 - Someone dies, regardless of fault
 - The driver is issued a citation and someone is hurt and needs immediate medical attention away from the scene
 - The driver is issued a citation and motor vehicles have to be towed away due to disabling damage
- **Reasonable suspicion:** You must test a driver when his or her appearance shows signs of substance abuse.
- **Random checks:** You must test at least 10 percent of all CMV drivers in your fleet for alcohol per year. You must randomly test at least 25 percent of all CMV drivers in your fleet for controlled substances each year.
- **Return-to-duty and follow-up:** If your driver violated drug or alcohol rules, they must complete a treatment

program including at least six unannounced follow up tests within a 12 month period.

DRUG VIOLATIONS

Drug rules prohibit any unauthorized controlled substance use by safety-sensitive drivers on or off duty. Drug tests look for these controlled substances:

- Marijuana/THC metabolite
- Cocaine
- Amphetamines
- Opiates/heroin
- Phencyclidine (PCP)
- Schedule II opioid drugs

The FMCSA also prohibits legally prescribed controlled substance use—like barbiturates, amphetamines, and morphine—by drivers in safety-sensitive situations involved in interstate commerce.



ALCOHOL VIOLATIONS

While alcohol is a legal substance, safety rules also cover alcohol-related conduct. Drivers are prohibited from doing any safety-sensitive work during the following situations:

- While drinking alcohol
- Within four hours after drinking alcohol
- If their alcohol breath test is .04 percent or higher

You must also remove drivers from duty for 24 hours if they have a .02 percent alcohol concentration or higher when tested just before, during, or after performing a safety-sensitive function.

CONSEQUENCES

You must remove drivers who violate the rules from duty and refer them to a substance abuse professional for evaluation. They should receive treatment or rehabilitation in accordance with company policy or labor and management agreements. As an employer, you're not required under FMCSA rules to provide rehabilitation, pay for treatment, or reinstate drivers to their previous positions.

Drivers who violate the alcohol and drug use policy can't return to work until they've:

- Been evaluated by a substance abuse professional
- Complied with recommended rehabilitation
- Received negative results on a return-to-duty test
- Agreed to follow-up testing

EMPLOYEE COMMUNICATION AND SUPERVISOR TRAINING

As an employer, you must provide employees with detailed information about alcohol misuse, company policies, testing requirements, and alcohol abuse treatment. Supervisors must attend at least one hour of training on drug abuse signs and symptoms, in addition to one hour of alcohol misuse training.

CONFIDENTIALITY

You, the testing laboratory, and the medical review officer are all required to keep a driver's drug test results and records strictly confidential. Records cannot be released without the driver's written consent.

You can also learn more about substance testing rules at fmcsa.dot.gov. For assistance with conducting an alcohol or drug test, contact:

Office of the Secretary of Transportation
Office of Drug and Alcohol Program Compliance
1200 New Jersey Ave, SE W62-300
202-366-3784

We're here to help you keep your trucking operation safe and profitable. If you have any questions about drug and alcohol testing, or any other safety concerns, contact your transportation agent or visit [Sentry Connect](#)®.

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