

H.R. 4320 – Drug and Alcohol Clearinghouse Public Safety Improvement Act

Sponsor: Rep. Rick Crawford (AR-01)

Background:

- Under Public Law 114-94, the *Fixing America's Surface Transportation (FAST) Act of 2015*, recognized hair testing as an acceptable alternative to urine testing, in conducting pre-employment drug testing of commercial motor vehicle operators.
- Congress directed the U.S. Department of Health and Human Services (HHS), to issue, within one year of the Act's enactment, the scientific and technical guidelines for hair drug testing, for purposes of Section 31306 of title 49, United States Code. In more than nine years, the HHS has yet to meet this statutory requirement.
- Notwithstanding HHS's failure to issue technical hair drug test guidelines, and as a matter of corporate policy, several U.S. trucking companies utilize nationally accredited and recognized hair drug test laboratories to screen CDL applicants, in addition to the FMCSA-required urine drug test.

Overview:

- The Drug and Alcohol Clearinghouse Public Safety Improvement Act directs the FMCSA to add positive hair test results to its current definition of an employer's 'actual knowledge' of a truck driver's drug use.
- Limits hair drug test results to **only** commercial truck drivers, as Congress directed in the FAST Act, and not the entire federal workforce, as HHS has proposed.
- Reiterates that U.S. motor carriers continue to administer a pre-employment urine drug test, as required by FMCSA.
- Enables employers to know if a licensed commercial truck driver job applicant has previously failed a hair test for illegal drug use.
- Ensures accuracy and reliability in hair tests results based on the criteria used by qualified laboratories.

Threats to Our Systems

- The Drug and Alcohol Clearinghouse Public Safety Improvement Act will improve safety on the nation's roads by removing known controlled substance users from behind the wheels of commercial motor vehicles
- Without this legislation, motor carriers will continue to be prohibited from submitting actual knowledge of known controlled substance users to the Clearinghouse, and unsafe drivers will continue to operate on the nation's roads, through no fault of the carriers.