

113TH CONGRESS
1ST SESSION

H. R. 3403

To amend title 49, United States Code, to allow motor carriers to use hair testing as a method of detecting the use of controlled substances by operators of commercial motor vehicles, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 2013

Mr. CRAWFORD (for himself, Mr. RIBBLE, Mr. GRIFFIN of Arkansas, Mr. WOMACK, and Mr. COTTON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to allow motor carriers to use hair testing as a method of detecting the use of controlled substances by operators of commercial motor vehicles, 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. HAIR TESTING AS METHOD OF DETECTING USE OF**
2 **CONTROLLED SUBSTANCES.**

3 (a) IN GENERAL.—Section 31306 of title 49, United
4 States Code, is amended—

5 (1) by redesignating subsections (d) through (j)
6 as subsections (e) through (k), respectively; and

7 (2) by inserting after subsection (e) the fol-
8 lowing new subsection:

9 “(d) INCLUSION OF HAIR TESTING AS A METHOD OF
10 TESTING FOR CONTROLLED SUBSTANCES.—

11 “(1) IN GENERAL.—The Secretary of Transpor-
12 tation shall modify regulations issued under sub-
13 section (b) to allow a motor carrier to use hair test-
14 ing as a method of detecting the use of a controlled
15 substance by an operator of a commercial motor ve-
16 hicle.

17 “(2) LIMITATIONS ON USE OF HAIR TESTING.—

18 “(A) PREEMPLOYMENT AND RANDOM
19 TESTING.—Regulations issued under paragraph
20 (1) shall limit the use of hair testing as a meth-
21 od of detecting the use of a controlled substance
22 to—

23 “(i) preemployment testing; and

24 “(ii) subject to subparagraph (B),
25 random testing.

1 “(B) LIMITATION ON USE FOR RANDOM
2 TESTING.—A motor carrier may not use hair
3 testing as a method of detecting the use of a
4 controlled substance by an operator of a com-
5 mercial motor vehicle for random testing unless
6 the motor carrier tested such operator at pre-
7 employment using the same method.

8 “(3) APPLICABILITY OF GENERAL TESTING
9 GUIDELINES.—A motor carrier using hair testing as
10 a method of detecting the use of a controlled sub-
11 stance by an operator of a commercial motor vehicle
12 shall be subject to—

13 “(A) privacy and other testing and labora-
14 tory requirements under subsection (c); and

15 “(B) clearinghouse requirements under
16 section 1306a.”.

17 (b) EFFECTIVE DATE.—The regulations required by
18 section 31306 of title 49, United States Code, as added
19 by subsection (a), shall be issued not later than 1 year
20 after the date of enactment of this Act.

21 **SEC. 3. GUIDELINES FOR HAIR TESTING.**

22 Not later than 1 year after the date of enactment
23 of this Act, the Secretary of Health and Human Services
24 shall issue scientific and technical guidelines for hair test-
25 ing as a method of detecting the use of a controlled sub-

1 stance for purposes of section 31306 of title 49, United
2 States Code, as amended by this Act.

3 **SEC. 4. EXEMPTION DURING RULEMAKING PROCESS.**

4 (a) IN GENERAL.—The Secretary of Transportation
5 shall develop procedures to allow a motor carrier to apply
6 for an exemption under section 31306 of title 49, United
7 States Code, to use hair testing as a method of detecting
8 the use of a controlled substance by an operator of a com-
9 mercial motor vehicle instead of other methods of pre-
10 employment and random testing. The procedures shall re-
11 main in effect until the procedures required under the
12 amendment made by section 2 have been implemented.

13 (b) LIMITATIONS ON EXEMPTION.—A motor carrier
14 shall be eligible to apply for an exemption under para-
15 graph (1) only if—

16 (1) the motor carrier demonstrates to the Sec-
17 retary that the carrier has used hair testing as a
18 method of detecting the use of a controlled sub-
19 stance by an operator of a commercial motor vehicle
20 for at least 1 year before the date of enactment of
21 this Act; and

22 (2) the motor carrier uses a hair testing labora-
23 tory that—

24 (A) has obtained laboratory accreditation
25 from the College of American Pathologists; and

1 (B) uses a testing method that has been
2 cleared by the Food and Drug Administration
3 under section 510(k) of the Federal Food,
4 Drug, and Cosmetic Act (21 U.S.C. 360(k)).

5 (c) APPLICABILITY OF GENERAL TESTING GUIDE-
6 LINES.—A motor carrier using hair testing as a method
7 of detecting the use of a controlled substance by an oper-
8 ator of a commercial motor vehicle shall be subject to—
9 (1) privacy and other testing and laboratory re-
10 quirements under subsection (c); and
11 (2) clearinghouse requirements under section
12 1306a of such title.

13 **SEC. 5. REPORT.**

14 Not later than 1 year after the date of implementa-
15 tion of the regulations issued under section 31306(d) of
16 title 49, United States Code (as amended by this Act),
17 and annually thereafter, the Secretary shall submit to
18 Congress a report containing an analysis of the efficacy
19 of hair testing and urinalysis as methods of detecting the
20 use of controlled substances.

21 **SEC. 6. DEFINITIONS.**

22 In this Act, the following definitions apply:

23 (1) COMMERCIAL MOTOR VEHICLE.—The term
24 “commercial motor vehicle” has the meaning given

1 the term in section 31301 of title 49, United States
2 Code.

3 (2) CONTROLLED SUBSTANCE.—The term
4 “controlled substance” means any substance under
5 section 102 of the Comprehensive Drug Abuse Pre-
6 vention and Control Act of 1970 (21 U.S.C. 802)
7 specified by the Secretary of Transportation.

8 (3) MOTOR CARRIER.—The term “motor car-
9 rier” has the meaning given the term in section
10 13102 of title 49, United States Code.

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