



U.S. Department of Transportation  
Federal Motor Carrier Safety Administration

# DRUG & ALCOHOL TESTING REGULATIONS



## Requirements for CDL Drivers

The U.S. Department of Transportation (USDOT) drug and alcohol testing regulations are contained in [49 CFR Part 40](#); the drug and alcohol testing regulations for entities regulated by the Federal Motor Carrier Safety Administration (FMCSA) are contained in [49 CFR Part 382](#).

This brochure summarizes the regulations as they apply to commercial driver's license (CDL) drivers, and is intended to better inform drivers about their rights and obligations as participants in a USDOT drug and alcohol testing program.

## Testing Procedures

### Notice to Appear

Once notified to report for testing, a CDL driver must report to the collection site immediately, except in cases of a pre-employment test.

### Drug Testing: Urine and Oral Fluid

USDOT regulations permit the collection of urine and oral fluid specimens for drug testing. If problems are identified, a driver may be required to provide a specimen under direct observation. A driver is permitted up to one hour to provide a sufficient oral fluid specimen, and up to 3 hours to provide a sufficient urine specimen. Leaving the collection site before the process has been completed may be declared a “refusal.” In addition, if unable to

provide a sufficient specimen as required, a driver will be required to undergo a medical evaluation, and may be determined to have refused the drug test based upon a review of the results of the evaluation by the medical review officer (MRO).

### Analysis and Results

Once the specimen has been tested, the laboratory will report the analysis to the MRO. If the analysis indicates a positive result, the MRO will contact the driver to determine whether there are circumstances that would explain the positive result. If there are none, the MRO will report a verified positive result to the employer and to the FMCSA Commercial Driver’s License Drug and Alcohol Clearinghouse (Clearinghouse).

## Who Must Be Tested?

All drivers required to possess a CDL to operate commercial motor vehicles (CMVs) (i.e., motor vehicles with a GVWR of 26,001 pounds or more; transport 16 or more passengers, including the driver; or are placarded for transporting hazardous materials) on public roadways must be USDOT drug and alcohol tested.

This applies to any driver employed by Federal, State, and local government agencies; self-employed CDL drivers (often known as owner-operators); and equivalently licensed drivers from foreign countries. Part-time drivers must also be included in an employer’s drug and alcohol testing program. Drivers who are not required to possess a CDL, including drivers who only operate CMVs on private property not open to the public, cannot be required to submit to a USDOT test.



## Controlled Substances

The regulations require **5-panel testing for the following classes of substances:**

- Marijuana (THC)
- Cocaine
- Amphetamines
- Opioids
- Phencyclidine (PCP)

Find more information online:

[https://www.transportation.gov/odapc/DOT\\_5\\_Panel\\_Notice\\_2018](https://www.transportation.gov/odapc/DOT_5_Panel_Notice_2018)

## Required Tests

CDL drivers are subject to each of the following types of tests:



### Pre-Employment

New drivers must be drug tested with a negative result before an employer can permit them to operate a CMV on a public road. Alcohol testing is permitted only if the employer chooses to make it a requirement for all prospective CDL drivers.



### Post-Accident

Drivers must be drug and alcohol tested whenever they are involved in a fatal accident, or receive a traffic citation resulting from an injury or vehicle-disabling accident. The alcohol test must occur within 8 hours of the accident, and the drug test must occur within 32 hours of the accident. (See [49 CFR 382.303](#).)



### Random Testing

Drivers are subject to unannounced random testing. A driver may be directed to take a drug test even when at home in an off-duty status. Random alcohol testing may only occur when the driver is on-duty or immediately before or after performing safety-sensitive functions. Once notified to report for random testing, the driver must immediately report to the testing location. A delayed arrival may be considered a refusal by the employer, which is equivalent to a positive test. (See [49 CFR 40.191](#).)



### Reasonable Suspicion

Trained supervisors can require a driver to be drug or alcohol tested whenever the driver exhibits signs of drug or alcohol use (see [49 CFR 382.603](#)). The decision must be based on current first-hand observations concerning the appearance, behavior, speech, or body odors of the driver.



### Return-to-Duty

After incurring a drug or alcohol program violation, the driver must complete the return-to-duty (RTD) process (see [49 CFR Part 40, Subpart O](#)). The RTD test is only required after an employee has been released by the substance abuse professional (SAP) for the RTD test, before the driver has resumed safety-sensitive functions (i.e., operating CMVs). The RTD test may be used in lieu of a pre-employment test, if both tests are required to be completed at the same time.

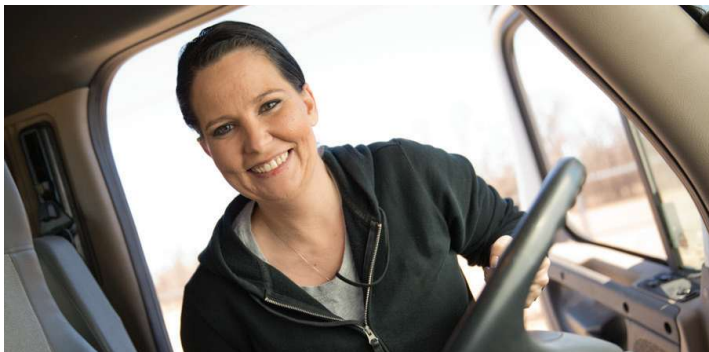


### Follow-Up

Follow-up drug and alcohol tests are required as prescribed by the SAP who evaluates the driver, and determines when they are eligible to be released for the RTD test. Follow-up tests require a minimum of 6 unannounced tests during the first 12 months following the return-to-duty test. The SAP can prescribe additional follow-up tests for up to 5 years following the RTD test. Follow-up tests are required in addition to any other required tests.

## Consequences

- Drivers who engage in conduct prohibited by [Part 382, Subpart B](#) (e.g., positive drug test result, alcohol test of .04 BAC or more, test refusal, or actual knowledge) are required to be immediately removed from operating any CMV on public roadways. The employer must provide the driver with a list of USDOT-qualified SAPs (see [49 CFR 40.281](#)) from which to choose. The driver must select a SAP from this list, or from other means, to begin the RTD process. This process must be completed before a prohibited driver can legally return to operating CMVs for any employer, including as an owner-operator.
- Drivers who incur drug or alcohol violations often experience extended periods of unemployment due to the time necessary to complete the RTD process with a qualified SAP, and the decisions of some employers to not consider drivers with past drug or alcohol violations.
- Even after completing the RTD process and finding employment, the additional follow-up testing requirements often add increased stress and financial strain on the driver.
- USDOT drug and alcohol violations are required to be reported to the Drug and Alcohol Clearinghouse. Employers must query the Clearinghouse prior to hiring a new CDL driver, and at least once annually for every CDL driver they employ. This query ensures that employers are aware of any drug and alcohol violations recorded in the Clearinghouse that prohibit the driver from operating CMVs.
- By November 18, 2024, as part of new Federal regulations, drivers with a “prohibited” status in the Clearinghouse will lose or be denied their State-issued commercial driving privileges until they complete the RTD process (see [49 CFR 383.73](#)) and return to a “not prohibited” status within the Clearinghouse.



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## DRUG & ALCOHOL CLEARINGHOUSE

<https://clearinghouse.fmcsa.dot.gov>

For more information on FMCSA's Drug and Alcohol Testing Regulations visit:

[www.fmcsa.dot.gov/regulations/drug-alcohol-testing/overview-drug-and-alcohol-rules](http://www.fmcsa.dot.gov/regulations/drug-alcohol-testing/overview-drug-and-alcohol-rules)