

**FMCSA has softened the Drug and Alcohol testing requirements as a result of drivers reporting difficulties obtaining timely testing as provided below.**

### **Pre-Employment Testing:**

There is an exception that allows for a prospective new employee to be allowed to perform DOT safety-sensitive functions without having a DOT pre-employment drug and or alcohol test. This includes driving a commercial vehicle.

**Exception:** If a pre-employment controlled substances test is unable to be conducted, a prospective employee cannot be allowed to perform DOT safety-sensitive functions until a negative pre-employment test result is received, **unless the exception in 49 CFR 382.301(b) applies. That exception applies to drivers who have participated in a controlled substances testing program that meets the requirements of the regulation within the previous 30 days; was tested for controlled substances within the past six months from the date of application with the employer; participated in the random controlled substances testing program for the previous 12 months from the date of application (and with the employer); and when the employer ensures that no prior employer of the driver of whom the employer has knowledge has records of a violation of this part or the controlled substances use rule of another DOT agency within the previous six months.**

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### **Random Testing:**

During an emergency, if, due to disruptions caused by the COVID-19 national emergency, carriers are unable to perform random selections and tests sufficient to meet the random testing rate for a given testing period in order to achieve the required 50% rate for drug testing, and 10% for alcohol testing, **they should make up the tests by the end of the year. They must also document in writing the specific reasons for their being unable to conduct tests on drivers randomly selected, and list any actions taken to locate an alternative collection site or other testing resources.**

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## Post-Accident Testing:

Carriers are required to test each driver for alcohol and controlled substances as soon as practicable following an accident. **However, if they are unable to administer an alcohol test within eight hours following the accident, or a controlled substance test within 32 hours following the accident due to disruptions caused by the COVID-19 national emergency, they must document in writing the specific reasons why the test could not be conducted.**

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## Return to Duty Testing:

For return-to-duty testing, carriers must not allow a driver to perform any safety-sensitive functions, as defined in federal regulation 49 CFR 382.107, until the return-to-duty test is conducted and there is a negative result.

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## Reasonable suspicion testing and follow-up testing:

Employers should document in writing the specific reasons why the testing could not be conducted as in accordance with federal requirements.

# ***TeamCME®***

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### **Hours of Operation:**

Monday-Thursday 8am to 5pm

Friday 8am to 12pm



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