

To all clients under DOT regulations for drug and alcohol testing:

New DOT Interim Final Rule - Effective June 13, 2008

** In response to member requests for information on current state laws regarding reporting of drug testing results for CDL holders, this information can be page on page 54 of the GAO report entitled "Improvements to Drug Testing Programs Could Better Identify Illegal Drug Users and Keep Them off the Road". The report can be found at <http://www.datia.org/eNews/2008/GAO.pdf>)

The Department of Transportation Office of Drug and Alcohol Policy and Compliance issued an important interim final rule.

The interim final rule, effective June 13, 2008, authorizes employers to disclose to State commercial driver licensing (CDL) authorities the drug and alcohol violations of employees who hold CDLs and operate commercial motor vehicles (CMVs), when a State law requires such reporting. This rule also permits third-party administrators (TPAs) to provide the same information to State CDL licensing authorities where State law requires the TPAs to do so for owner-operator CMV drivers with CDLs.

This amendment is not a mandate to employers or TPAs for owner-operators to send information to State authorities. It simply authorizes them to comply with the specifics of State information collection requirements. For example, if State A requires only positive drug tests to be transmitted to its Department of Motor Vehicles, an employer or TPA could provide only records of the employee's positive drug test without written employee consent. The employer or TPA could not provide ``blanket'' information about refusals or alcohol tests to State A without written employee consent, since this was not required by State law. The DOT notes that enforcement of State laws that apply to a given employer or TPA would remain a State responsibility.

The rule, which DATIA believes has been fast-tracked due to issues highlighted during a Congressional hearing last November and the recent GAO report on improving drug testing implementation (<http://www.datia.org/eNews/2008/GAO.pdf>), is effective June 13, 2008.

Comments to this interim final rule should be submitted by August 12, 2008. View <http://edocket.access.gpo.gov/2008/E8-13377.htm> to see the full interim rule text.

Sincerely,

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