



Drug and Alcohol Clearinghouse

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By now, you may have heard that the Federal Motor Carrier Administration (FMCSA) has established the Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse. This new database contains information pertaining to violations of the U.S. Department of Transportation (DOT) drug and alcohol testing program for holders of CDLs.

The Clearinghouse rule requires FMCSA-regulated employers, medical review officers (MROs), substance abuse professionals (SAPs), consortia/third party administrators (C/TPAs), and other service agents to report to the Clearinghouse information related to violations of the drug and alcohol regulations in 49 Code of Federal Regulations, Parts 40 and 382 by current and prospective employees:

- Employers must query the Clearinghouse for current and prospective employees' drug and alcohol violations before permitting those employees to operate a commercial motor vehicle (CMV) on public roads.
- Employers must annually query the Clearinghouse for each driver they currently employ.

The intent is to identify drivers who are prohibited from operating a CMV based on DOT drug and alcohol program violations and ensure that such drivers receive the required evaluation and treatment before operating a CMV on public roads. Specifically, information maintained in the Clearinghouse enables employers to identify drivers who commit a drug or alcohol program violation while working for one employer, but who fail to subsequently inform another employer (as required by current regulations). Records of drug and alcohol program violations will remain in the Clearinghouse for five years, or until the driver has completed the return-to-duty process, whichever is later.

DOT drug tests require laboratory testing (49 CFR Part 40 Subpart F) for the following five classes of drugs:

- Marijuana
- Cocaine
- Opiates – opium and codeine derivatives
- Amphetamines and methamphetamines
- Phencyclidine – PCP

DOT alcohol tests identify alcohol concentration of 0.02 and greater.

FMCSA allows motor carrier employers to test for other drugs and to use tests of non-urine specimens under a non-DOT program.

DOT drug and alcohol tests include:

- Pre-employment – An employer must receive a negative drug test result before permitting a CDL driver to operate a CMV. ([§382.301](#)).
- Post-accident – Drug and alcohol tests may be required after crashes according to the following chart ([§382.303](#)):

Type of Accident Involved	Citation Issued to the CMV Driver	Test Must Be Performed by Employer
Human Fatality	Yes	Yes
Human Fatality	No	Yes
Bodily Injury With Immediate Medical Treatment Away From the Scene	Yes	Yes
Bodily Injury With Immediate Medical Treatment Away From the Scene	No	No
Disabling Damage to Any Motor Vehicle Requiring Tow Away	Yes	Yes
Disabling Damage to Any Motor Vehicle Requiring Tow Away	No	No

- Random – CDL drivers must be randomly tested throughout the year ([§382.305](#)); an employer who employs only himself/herself as a driver, who is not leased to a motor carrier, shall implement a random testing program of two or more covered employees in the random testing selection pool as a member of a consortium (see [§382.305](#) interpretation 11)
- Reasonable suspicion – Drivers who appear to be under the influence of drugs or alcohol can be immediately tested ([§382.307](#)). Employers must train CDL driver supervisors to detect the symptoms of driver impairment ([§382.603](#)).
- Return-to-duty – Required for drivers who tested positive, refused, or otherwise violated the prohibitions of [49 CFR Part 382](#) Subpart B; and who have completed the return-to-duty process with a DOT-qualified substance abuse professional. This test is directly observed, and a negative result is required before resuming driving duties ([§382.309](#) and [§40.305](#)).
- Follow-up – Required for drivers who tested positive, refused, or otherwise violated the prohibitions of [49 CFR Part 382](#) Subpart B; and who have completed the return-to-duty process with a DOT-qualified substance abuse professional, and have tested negative for a return-to-duty test. This testing is prescribed by the substance abuse professional for a minimum of 6 directly observed tests in 12 months, but can be extended an additional four years ([§382.311](#) and [§40.307](#)).

The DOT drug and alcohol testing procedures are extensive and can be found in 49 CFR Part 40 Subpart E and Part 40 Subpart L, respectively. It is important for you to understand the testing process in order to ensure proper procedures are followed to protect your own interests.

For more information, please visit <https://clearinghouse.fmcsa.dot.gov/>.