

4 **SEC. 5402. DRUG-FREE COMMERCIAL DRIVERS.**

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

7 (1) in subsection (b)(1)—

8 (A) by redesignating subparagraph (B) as
9 subparagraph (C);

10 (B) in subparagraph (A) by striking “The
11 regulations shall permit such motor carriers to
12 conduct preemployment testing of such employ-
13 ees for the use of alcohol.”; and

14 (C) by inserting after subparagraph (A)
15 the following:

16 “(B) The regulations prescribed under subparagraph
17 (A) shall permit motor carriers—

18 “(i) to conduct preemployment testing of com-
19 mercial motor vehicle operators for the use of alco-
20 hol; and

21 “(ii) to use hair testing as an acceptable alter-
22 native to urine testing—

23 “(I) in conducting preemployment testing
24 for the use of a controlled substance; and

1 “(II) in conducting random testing for the
2 use of a controlled substance if the operator
3 was subject to hair testing for preemployment
4 testing.”;

5 (2) in subsection (b)(2)—

6 (A) in subparagraph (A) by striking “and”
7 at the end;

8 (B) in subparagraph (B) by striking the
9 period at the end and inserting “; and”; and

10 (C) by adding at the end the following:

11 “(C) shall provide an exemption from hair test-
12 ing for commercial motor vehicle operators with es-
13 tablished religious beliefs that prohibit the cutting or
14 removal of hair.”; and

15 (3) in subsection (c)(2)—

16 (A) in the matter preceding subparagraph
17 (A) by inserting “for urine testing, and tech-
18 nical guidelines for hair testing,” before “in-
19 cluding mandatory guidelines”;

20 (B) in subparagraph (B) by striking “and”
21 at the end;

22 (C) in subparagraph (C) by inserting
23 “and” after the semicolon; and

24 (D) by adding at the end the following:

1 “(D) laboratory protocols and cut-off levels
2 for hair testing to detect the use of a controlled
3 substance;”.

4 (b) GUIDELINES.—Not later than 1 year after the
5 date of enactment of this Act, the Secretary of Health and
6 Human Services shall issue scientific and technical guide-
7 lines for hair testing as a method of detecting the use of
8 a controlled substance for purposes of section 31306 of
9 title 49, United States Code.