

CDL Drug and Alcohol Program

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Commercial Driver License Drug and Alcohol Program

TU Drug and Alcohol Policy and Testing Procedures Applicable to Employees Required by Job Function to have a Commercial Driver's License

I. Policy

Towson University recognizes the safety-sensitive function of its employees who are required by their job function to hold a commercial driver's license (CDL). As an employer, the University has a responsibility to help prevent accidents and injuries resulting from the misuse of alcohol and use of controlled substances¹ by employees who drive commercial motor vehicles.

In order to ensure the safety of employees with CDL licenses (CDL Employee(s)) and the campus community, and to comply with the Omnibus Transportation Employee Testing Act of 1991 (the Act), the University adopts as policy the prohibitions against the misuse of alcohol and the use of controlled substances by CDL Employees and the drug and alcohol testing procedures as set forth in the federal regulations implementing the Act.² Copies of these federal regulations are available on the Department of Environmental Health and Safety's website (www.towson.edu/ehs/index.html) or by calling the department at x4-2949.

II. University Contact Regarding Policy and Procedures

Questions about these policies and procedures should be addressed to the Department of Environmental Health and Safety (x4-2949) or the Director of Human Resources (x4-4053).

III. Policy Implementation and Guidelines³

The following information is provided regarding prohibitions against the use of controlled substances and alcohol by CDL Employees and the drug and alcohol testing procedures for CDL Employees.

A. Applicability of Drug and Alcohol Prohibitions and Testing

All University employees who are required by their job function to be in possession of a CDL are subject to the federal prohibitions against drug and alcohol use and must submit to drug and alcohol testing as required by 49 CFR 382. Job titles include, but are not limited to Bus Driver, Motor Equipment Operator, Auto Service Mechanic, or Grounds Supervisor.

¹ The drug rules prohibit any unauthorized use of controlled substances. Drug testing is performed for marijuana metabolites; cocaine metabolites, amphetamines, opiate metabolites, phencyclidine (PCP).

² The prohibitions against controlled substances and alcohol use are set forth in 49 Code of Federal Regulations, Part 382; the testing procedures are set forth in 49 Code of Federal Regulations Part 40.

³ Because of the very detailed nature of the federal regulations, this document is intended to provide, as required by 49 CFR 382.601, a minimum overview of the policies and procedures controlling CDL employees; accordingly, unless otherwise indicated, the most current federal regulations shall control the application of this particular University policy and procedure.

B. Period of Workday CDL Employees Must be in Compliance; Definition of “Safety-Sensitive” Function

The prohibitions against alcohol misuse and controlled substances use apply whenever a CDL Employee is performing a "safety-sensitive" function. A "safety-sensitive" function is any on-duty function as set forth in 49 CFR 395.2. On-duty time means from the time a CDL Employee begins to work or is required to be in readiness to work until the time the CDL Employee is relieved from work and all responsibility for performing work. On-duty time shall include:

1. All time at a plant, terminal, facility, or other property of a motor carrier or shipper or on any public property waiting to be dispatched, unless the CDL Employee has been relieved from duty;
2. All time inspecting, servicing, or conditioning any commercial motor vehicle at any time;
3. All time spent at the driving controls of a commercial motor vehicle in operation;
4. All time, other than driving time, in or upon any commercial motor vehicle, except time spent resting in a sleeper berth;
5. All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle or in giving or receiving receipts for shipments loaded or unloaded;
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle;
7. All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing required by 49 CFR 382 of this subchapter when directed by a motor carrier;
8. Performing any other work in the capacity, employ, or service of a motor carrier; and
9. Performing any compensated work for a person who is not a motor carrier.

C. Prohibited Conduct: Controlled Substances Use

CDL Employees shall not report for duty or remain on duty requiring the performance of safety-sensitive functions when the CDL Employee uses any drug or substance identified in 21 CFR 1308.11 Schedule I. (Appendix B) Nor shall the CDL Employee report for duty or remain on duty requiring the performance of safety-sensitive functions when the CDL Employee uses any non-Schedule I drug or substance that is identified in the other Schedules in 21 CFR 1308 except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in 49 CFR 382.107, who is familiar with the CDL Employee’s medical history and has advised the CDL Employee that the substance will not adversely affect his/her ability to safely operate a commercial motor vehicle.

1. A CDL Employee shall not report for duty, remain on duty or perform a safety-sensitive function, if the CDL Employee tests positive or has an adulterated or substituted test specimen for controlled substances. The University, having knowledge that a CDL Employee has used a controlled substance, has tested positive for controlled substances, or has adulterated or substituted a test specimen, shall not permit the CDL Employee to perform or continue to perform a safety-sensitive function;
2. A CDL Employee may be required to inform the University of any therapeutic drug use;
3. A CDL Employee shall not refuse to submit to a pre-employment, post-accident, random, reasonable suspicion, return-to-duty, or follow-up controlled substances test. The University shall not permit a CDL Employee who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

D. Prohibited Conduct: Alcohol Use

"Alcohol use" is defined as the drinking or swallowing of any beverage, liquid mixture, or preparation, including any medication, containing alcohol.

1. A CDL Employee shall not report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. The University, having knowledge that a CDL Employee has an alcohol concentration of 0.04 or greater, shall not permit the CDL Employee to perform or continue to perform safety-sensitive functions;
2. A CDL Employee shall not use alcohol while performing safety-sensitive functions. The University, having actual knowledge that a CDL Employee is using alcohol while performing safety-sensitive functions, shall not permit the CDL Employee to perform or continue to perform safety-sensitive functions;
3. A CDL Employee shall not perform safety-sensitive functions within four (4) hours after using alcohol. The University, having actual knowledge that a CDL Employee has used alcohol within four (4) hours, shall not permit a CDL Employee to perform or continue to perform safety-sensitive functions;
4. A CDL Employee required to take a post-accident alcohol test under 49 CFR 382.303 shall not use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first;
5. A CDL Employee shall not refuse to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up alcohol test. The University shall not permit a CDL Employee who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

E. CDL Employee Admission of Alcohol and Controlled Substances Use

CDL Employees who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation and treatment requirements of 49 CFR 382 and 40, provided that:

1. The admission is in accordance with a written employer-established voluntary self-identification program or policy that meets the requirements detailed below;

2. The CDL Employee does not self-identify in order to avoid required alcohol and controlled substance testing;
3. The CDL Employee makes the admission of alcohol misuse or controlled substances use prior to performing a safety-sensitive function (i.e., prior to reporting for duty); and
4. The CDL Employee does not perform a safety-sensitive function until the University is satisfied that the CDL Employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.

A qualified voluntary self-identification program or policy must contain the following elements:

1. It must prohibit the University from taking adverse action against a CDL Employee making a voluntary admission of alcohol misuse or controlled substances use within the parameters of the program or policy and 49 CFR 382.121;
2. It must allow the CDL Employee sufficient opportunity to seek evaluation, education or treatment to establish control over his/her drug or alcohol problem;
3. It must permit the CDL Employee to return to safety-sensitive duties only upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert (i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor);
4. It must ensure that:
 - a. Prior to the CDL Employee participating in a safety-sensitive function, the CDL Employee shall undergo a return-to-duty test with a result indicating an alcohol concentration of less than 0.02 and/or a controlled substance test with a verified negative test result;
 - b. It may incorporate CDL Employee monitoring and include non-DOT follow-up testing.

F. Circumstances Under Which Alcohol and/or Controlled Substances Testing Will Occur

Alcohol and/or controlled substances testing is required for:

1. **Pre-employment testing:**
Controlled Substances:
 Prior to the first time a CDL Employee (new employee or an employee who has transferred to a position involving the performance of safety-sensitive functions) performs safety-sensitive functions for the University, the CDL Employee shall undergo testing for controlled substances as a condition prior to being used, unless the University uses the exceptions outlined below. The University will not allow a CDL Employee whom it intends to hire or use, to perform safety-sensitive functions unless the University

has received a controlled substances test result from the MRO indicating a verified negative test result.

The University shall notify a CDL Employee of the results of a pre-employment controlled substance test if the CDL Employee requests the results within 60 days of being notified of the disposition of the employment application. The University will also inform the CDL Employee which controlled substance(s) were verified as positive.

Exceptions for Pre-Employment Controlled Substance Testing:

The University may not require controlled substances testing if:

- a. The CDL Employee has participated in a controlled substances testing program that meets the requirements of 49 CFR 382 within the previous 30 days and while participating in that program either:
 - 1) Was tested for controlled substances within the past six (6) months from the date of application; or
 - 2) Participated in the random controlled substances testing program for the previous 12 months from the date of application; and
- b. The University ensures that no prior employer of the CDL Employee has knowledge or records of a violation of 49 CFR 382 or the controlled substances use rule of another DOT agency within the previous six (6) months.
- c. If the University exercises the above exception, the controlled substances testing program(s) in which the CDL Employee participates or participated will be contacted and the following information obtained:
 - 1) Name(s) and address(es) of the program(s)
 - 2) Verification that the CDL Employee participated in the program(s)
 - 3) Verification that the program(s) conforms to 49 CFR 40
 - 4) Verification that the driver is qualified under the rules of this part, including that the driver has not refused to be tested for controlled substances
 - 5) The date the driver was last tested for controlled substances
 - 6) The results of any tests taken within the previous six (6) months and any other violations of subpart B of this part.

If the University uses, but does not employ a driver more than once a year to operate commercial motor vehicles, the above information will be obtained at least once every six months and the records maintained in accordance with §382.401. If the University cannot verify that the driver is participating in a controlled substances testing program in accordance with 49 CFR 40, a pre-employment controlled substances test will be conducted.

Alcohol:

The University may, but is not required to, conduct pre-employment alcohol testing.

If the University performs pre-employment alcohol testing:

- 1) Alcohol testing will be conducted prior to the first time a CDL Employee (new employee or an employee who has transferred to a position involving the performance of safety-sensitive functions) performs safety-sensitive functions for the University.
 - 2) All CDL Employees will be treated the same for the purpose of pre-employment alcohol testing (i.e., the University will not test some CDL Employees and not others).
 - 3) Testing will be conducted after the University makes a contingent offer of employment or transfer, subject to the CDL Employee passing the pre-employment alcohol test.
 - 4) Testing will be conducted in accordance with 49 CFR 40.
 - 5) A CDL Employee will not begin performing safety-sensitive functions unless the result of the pre-employment alcohol test indicates an alcohol concentration of less than 0.04. If a CDL Employee's pre-employment alcohol test result indicates an alcohol concentration of 0.02 or greater but less than 0.04, he/she shall not perform safety-sensitive functions until the start of the CDL Employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test.
2. **Post-Accident:** A CDL Employee involved in an occurrence involving a commercial motor vehicle operating on a public road in commerce shall be tested for alcohol and controlled substances as soon as practicable if the CDL Employee:
- a. Was performing safety-sensitive functions with respect to the vehicle and the accident involved the loss of human life; or
 - b. Post-accident alcohol testing will be performed if the CDL Employees receives a citation within eight (8) hours of the occurrence under State or local law for a moving traffic violation arising from the accident; and/or post-accident controlled substances testing will be performed if the CDL Employee receives a citation within 32 hours of the occurrence under State or local law for a moving violation arising from the accident, if the accident involved:
 - 1) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - 2) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
 - 3) The University determines that the use of alcohol or controlled substances may have contributed to the accident and requests the CDL Employee to undergo testing based on "reasonable suspicion".

This table notes when a post-accident test is required to be conducted.

Type of accident involved	Citation issued to the CDL driver	Test must be performed
Human Fatality	Yes	Yes
	No	Yes
Bodily injury with immediate medical treatment away from the scene	Yes	Yes
	No	No
Disabling damage to any motor vehicle requiring tow away	Yes	Yes
	No	No

If an alcohol test is not administered within two (2) hours following an accident, the University shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test is not administered within eight (8) hours following the accident, the University shall cease attempts to administer the alcohol test, and shall prepare and maintain the same record. Records shall be submitted to the Federal Motor Carrier Safety Administration (FMCSA) upon request.

If a controlled substances test is not administered within thirty-two (32) hours following an accident, the University shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.

A CDL Employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the University to have refused to submit to testing. This requirement, however, shall not be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

The results of a breath or blood test for the use of alcohol or a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section provided such tests conform to the applicable Federal, State or local alcohol and/or controlled substances testing requirements, and that the results of the tests are obtained by the University.

The University shall notify a CDL Employee of the results of post-accident tests for controlled substances if the test results are verified positive. The University shall also inform the CDL Employee which controlled substances(s) were verified positive.

Post-accident testing does not apply to an occurrence involving only boarding or alighting from a stationary motor vehicle or an occurrence involving only the loading or unloading of cargo, or an occurrence in the course of the operation of a passenger car or multi-purpose passenger vehicle (as defined by 49 CFR 571.3) by a CDL Employee unless the motor vehicle is transporting passengers for hire or has materials of a type and quantity that require the vehicle to be marked or placarded.

3. **Random testing:** Except as provided for in 49 CFR 382.305, Federal regulations require the University to randomly select 50% of all CDL Employees for controlled substances testing and 10% of all CDL Employees for alcohol testing during each calendar year⁴. The random selection shall be made by a scientifically valid method. Under the selection process used, each CDL Employee shall have an equal chance of being tested each time selections are made. Each CDL Employee selected for random testing shall be tested under the selection period. The random alcohol and controlled substance tests shall be unannounced with the test dates reasonably spaced throughout the calendar year.

The University shall require that a CDL Employee who is notified of selection for random alcohol and/or controlled substances testing proceed immediately to the test site; provided, however, that if the CDL Employee is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, he/she shall cease performing the safety-sensitive function and proceed to the test site as soon as possible.

A CDL Employee shall only be tested for alcohol while he/she is performing safety-sensitive functions, just before performing safety-sensitive functions, or just after ceasing to perform safety-sensitive functions.

The University shall notify a CDL Employee of the results of random tests for controlled substances if the test results are verified positive. The University shall also inform the CDL Employee which controlled substances(s) were verified positive.

4. **Reasonable Suspicion Testing:** A CDL Employee shall submit to an alcohol or controlled substances test when the University has reasonable suspicion to believe that the CDL Employee has violated the alcohol or controlled substances prohibitions stated herein. The University's determination that reasonable suspicion exists to require the CDL Employee to undergo an alcohol test and/or a controlled substance test shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the CDL Employee. The observations may include indications of the chronic and withdrawal effects of controlled substances.

The required observations for alcohol and/or controlled substances reasonable suspicion shall be made by a supervisor or University official who has received at least sixty (60) minutes of training on alcohol misuse and at least an additional sixty (60) minutes of training on controlled substances use as per 49 CFR 382.603. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

A written record shall be made of the observations leading to alcohol or controlled substances reasonable suspicion testing and signed by the supervisor or University official who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.

⁴ The FHWA Administrator may decide to increase or decrease the minimum annual percentage rate for alcohol and controlled substances testing based on the reported violation rate for alcohol and the reported positive rate for controlled substances for the entire industry.

The University shall notify a CDL Employee of the results of a reasonable suspicion test for controlled substances if the test results are verified positive. The University shall also inform the CDL Employee which controlled substances(s) were verified positive.

Controlled Substances: A written record shall be made of the observations leading to a controlled substances reasonable suspicion test. This record shall be made within twenty-four (24) hours of the observed behavior, or before the results of the controlled substances test are released, whichever is earlier. The record must be signed by the supervisor or University official making the observations.

Alcohol: Alcohol reasonable suspicion testing is authorized only if the observations are made during, just preceding, or just after the period of the work day the CDL Employee is required to be in compliance with 49 CFR 382. The University may direct the CDL Employee to undergo reasonable suspicion testing only while the CDL Employee is performing safety-sensitive functions, just before the CDL Employee is to perform safety-sensitive functions, or just after the CDL Employee has ceased performing such functions. The person making the observations may not administer the alcohol test. A written record shall be made of the observed behavior and shall be signed by the supervisor or company official who made the observations, within 24 hours of the observed behavior or before the results of the alcohol tests are released, whichever is earlier.

Notwithstanding the absence of a reasonable suspicion alcohol test, no CDL Employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the CDL Employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the University permit the CDL Employee to perform or continue to perform safety-sensitive functions until:

- a. An alcohol test is administered and the CDL Employee's alcohol concentration measures less than 0.02; or
- b. Twenty-four (24) hours have elapsed following the determination that there is reasonable suspicion to believe the CDL Employee has violated the prohibition in 49 CFR 382 concerning the use of alcohol.

If an alcohol test based on reasonable suspicion is not administered within two (2) hours following the determination pursuant to 49 CFR 382.307 (a), the University shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. Furthermore, if the alcohol test is not administered within eight (8) hours after the determination of reasonable suspicion, the University shall cease attempts to administer the alcohol test, and shall prepare and state in the record the reasons for not administering the test.

Except as provided in 49 CFR 382, the University shall not take any action under this part against a CDL Employee based solely on the CDL Employee's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. However, this does not prohibit the University of taking any action otherwise consistent with law.

5. **Return-to-Duty Testing:**

Alcohol Misuse: Before a CDL Employee returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by 49 CFR 382 concerning alcohol, he/she shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

Controlled Substances Use: Before a CDL Employee returns to duty requiring performance of a safety-sensitive function after engaging in conduct prohibited by 49 CFR 382 concerning controlled substances, he/she shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.

In the event a return-to-duty test is required, the CDL Employee must also be evaluated by a Substance Abuse Professional (SAP) and participate in any education/treatment process prescribed. Based upon the determination of the Substance Abuse Professional, the University may require the CDL Employee to undergo return-to-duty testing for both alcohol and controlled substances.

6. **Follow-up Testing:** Following a determination under 49 CFR 382.605 that a CDL Employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the CDL Employee will be subject to unannounced follow-up alcohol and/or controlled substances testing as directed by a Substance Abuse Professional. Based upon the determination of the Substance Abuse Professional, the University may require the CDL Employee to undergo follow-up testing for both alcohol and controlled substances. The number and frequency of the follow-up testing shall be as directed by the Substance Abuse Professional and consist of at least six (6) unannounced tests in the first 12 months following the CDL Employee's return to performing safety-sensitive functions. The Substance Abuse Professional may terminate the requirement for follow-up testing at any time after the first six (6) tests have been administered if he/she determines that such testing is no longer necessary. Follow-up testing, however, shall not exceed 60 months from the date of the CDL Employee's return to duty.

Follow-up alcohol testing shall be conducted only when the CDL Employee is performing safety-sensitive functions, just before he/she is to perform safety-sensitive functions, or just after he/she has ceased performing safety-sensitive functions.

G. Handling of Test Results, Record Retention and Confidentiality

The University shall maintain and retain records of its alcohol misuse and controlled substances use prevention programs as provided by 49 CFR 382.401. The records shall be maintained in a secure location with controlled access. (Appendix E)

1. Except as required by law or expressly authorized or required under 49 CFR 382.405, the University shall not release CDL Employee information that is contained in records required to be maintained.
 - a. A CDL Employee is entitled, upon written request, to obtain copies of any records pertaining to his/her use of alcohol or controlled substances, including any records pertaining to his/her alcohol or controlled substances tests. Access to these records shall not be contingent upon payment. The University shall promptly provide the

records requested by the CDL Employee.

- b. The University shall permit access to facilities and make available information as specified in 49 CFR 382.405 to the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the University and its employees.
 - c. When requested by the National Transportation Safety Board as part of an accident investigation, the University shall disclose information related to the University's administration of a post-accident alcohol and/or controlled substance test administered following the accident under investigation.
 - d. The University shall make available copies of all results of alcohol and/or controlled substances testing conducted under this part and any other information pertaining to the employer's alcohol misuse and/or controlled substances use prevention program, when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the University or any of its employees.
 - e. Records shall be made available to a subsequent employer upon receipt of a written request from the CDL Employee. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the CDL Employee's request.
 - f. The University may disclose information required to be maintained under this part pertaining to a CDL Employee, to the decision-maker in a lawsuit, grievance, or other administrative proceeding initiated by or on behalf of the individual, and arising from a positive DOT drug or alcohol test or a refusal to test (including, but not limited to adulterated or substituted test results) of this part (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the CDL Employee). In addition, the University may disclose information in criminal or civil actions in accordance with §§ 40.323 (a) (2) of this title.
 - g. The University shall release information regarding a CDL Employee's records as directed by the specific, written consent of the CDL Employee authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the CDL Employee's specific written consent as outlined in 49 CFR 40.321 (b).
2. The University shall, pursuant to the CDL Employee's written consent, inquire about the following information on a CDL Employee from the his/her previous employers, during the preceding two (2) years from the date of application or transfer:
 - a. Alcohol tests with a result of 0.04 alcohol concentration or greater;
 - b. Verified positive controlled substances test results; and
 - c. Refusals to be tested (including verified adulterated or substituted drug test results); and
 - d. Other violations of DOT Agency drug and alcohol testing requirements; and

- e. With respect to any CDL Employee who violated a DOT drug and alcohol regulation, documentation of the CDL Employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If the previous employer does not have information about the return-to-duty process (e.g., an employer who did not hire a CDL Employee who tested positive on a pre-employment test), the University will seek to obtain this information from the CDL Employee.

The information obtained from a previous employer may contain any alcohol and drug information the previous employer obtained from other previous employers.

3. If feasible, the above information must be obtained and reviewed by the University prior to the first time a CDL Employee performs safety-sensitive functions for the University. If not feasible, the information must be obtained and reviewed as soon as possible, but no later than 30 days after the first time a CDL Employee performs safety-sensitive functions for the University. The University may not permit a driver to perform safety-sensitive functions after 30 days unless the University has obtained or made and documented a good faith effort to obtain the information.
 - a. The University must maintain a written, confidential record of the information obtained or of the good faith effort made to obtain the information. This information will be retained for three (3) years from the date the CDL Employee first performed a safety-sensitive function for the University.
 - b. The University must provide to each of the CDL Employee's previous employers the CDL Employee's specific, written consent for release of the information.
 - c. The release of any information may be made in written form (fax, e-mail, letter) that ensures confidentiality.
 - d. The University may not use a CDL Employee to perform safety-sensitive functions if the University obtains information on a violation of the prohibitions in this regulation by the CDL Employee without obtaining information on subsequent compliance with the referral and rehabilitation requirements of 49 CFR 382.605.

H. Procedures Used to Test for the Presence of Alcohol and Controlled Substances

Before a CDL Employee is included in the CDL testing program, he/she shall receive educational materials which describe the procedures that will be used to test for the presence of alcohol and controlled substances; to protect the CDL Employee and the integrity of the testing processes; to safeguard the validity of the test results; and ensure that those results are attributed to the correct CDL Employee. Alcohol and controlled substance testing will be performed in accordance with 49 CFR Part 40.

A copy of 49 CFR 40 is available on the Department of Environmental Health and Safety's website, www.towson.edu/ehs/index.html, or can be obtained by calling the department at x4-2949.

1. **Alcohol testing:** Alcohol testing sites must meet the requirements of 49 CFR 40 and the DOT Alcohol Testing Form (ATF) must be used for all alcohol tests (Appendix F). Alcohol testing shall be conducted by qualified screening test technicians (STT) and/or breath alcohol technicians (BAT) using either a non-evidential breath alcohol screening

device (ASD) or evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration and placed on a conforming products list (CPL) for such devices. An ASD may be used only for screening tests for alcohol, and may not be used for confirmation tests.

The CDL Employee must provide positive identification to the SST and/or BAT.

Testing will be performed in a setting that provides visual and aural privacy sufficient to prevent unauthorized persons from seeing or hearing test results. Only one employee will be tested at a time.

The procedure requires blowing steadily and forcefully into the mouthpiece of an EBT or ASD for at least six (6) seconds or until the device indicates that an adequate amount of breath has been obtained. If an alcohol screening test using a saliva ASD is used, the SST or the CDL Employee, will insert the device into the CDL Employee's mouth and use it in the manner described by the manufacturer. If the test result is an alcohol concentration of less than 0.02, it is considered a "negative" test. If the test registers an alcohol concentration of 0.02 or higher, the CDL Employee will be given a second test to confirm the results. A waiting period of at least 15 minutes must occur between the completion of the screening test and the start of the confirmation test. The EBT technician shall transmit confidentially all results to a designated University official. Transmission may be in writing, in person, by telephone, or by electronic means. Test results of 0.02 or greater shall be transmitted immediately to the designated University official to ensure prompt removal of the CDL Employee from safety-sensitive functions. The CDL Employee shall be subject to the consequences set forth in Section K, below, as well as any other disciplinary action permitted under applicable University policies and procedures.

2. **Controlled Substances Testing:** Controlled substance collection sites must meet the requirements of 49 CFR 40 and the Federal Drug Testing Custody and Control Form (CCF) must be used to document every urine collection. Controlled substances testing is conducted by analyzing a CDL Employee's urine specimen. A specimen of at least 45 mL must be obtained. The urine collection personnel must meet the training requirements specified in the above regulations.

The CDL Employee must provide positive identification to the urine collection personnel.

The CDL Employee shall provide a split sample urine specimen. Following completion of the Federal Drug Testing Custody and Control Form (CCF), the bottles shall be shipped to a laboratory approved by the Department of Health and Human Services (HHS). The primary specimens shall be opened and used for initial testing.

The laboratory shall send all test results to a Medical Review Officer (MRO), a licensed physician trained in drugs and drug abuse for review and validation. The MRO shall be responsible for interpreting and evaluating a CDL Employee's confirmed positive, adulterated, substituted, or invalid controlled substances test result with his/her medical history and relevant biomedical information.

Before reporting a confirmed positive, adulterated, substituted or invalid test result to the University's designated employer representative (DER), the MRO shall make every reasonable effort to contact the CDL Employee and afford him/her the opportunity to

discuss the test result. If after making all reasonable efforts and documenting them, the MRO is unable to reach the CDL Employee, the MRO shall contact the DER, who shall make every reasonable effort to contact the CDL Employee. If the DER is successful in contacting the CDL Employee, the DER shall advise the CDL Employee to contact the MRO immediately and the consequences of not contacting the MRO within the next 72 hours. The DER will document dates and times of all efforts to contact the CDL Employee as well as the date and time actual contact is made. The DER will then advise the MRO that the CDL Employee has been contacted. If the DER is unable to contact the CDL Employee within 24 hours of being contacted by the MRO, the DER must leave a message for the CDL Employee (e.g., voice mail, e-mail, letter) to contact the MRO and must advise the MRO of this attempted contact. If, after making all reasonable efforts to contact the CDL Employee but failing to do so, the DER may place the CDL Employee on temporary medically unqualified status or medical leave.

After contact is made or 72 hours has elapsed, whichever is earlier, the MRO shall notify the DER of the positive test result.

The CDL Employee shall have 72 hours following notification of a verified positive, adulterated or substituted controlled substances test to make a request to the MRO that the split specimen be sent to another DHHS certified laboratory for analysis.

If the CDL Employee has not contacted the MRO within 72 hours, the CDL Employee may present to the MRO information documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO, or other circumstances unavoidably prevented the CDL Employee from making a timely request. If the MRO concludes there is a legitimate explanation for the CDL Employee's failure to contact the MRO within 72 hours, the MRO shall direct that the analysis of the split sample be performed.

If the positive, adulterated or substituted result is verified, or if the CDL Employee chooses not to test the split sample, the CDL Employee shall be subject to the consequences set forth in Section K, below, as well as any other disciplinary action permitted under applicable University policies and procedures.

I. Refusal to Submit to Testing

1. A CDL Employee shall not refuse to submit to pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up alcohol or controlled substances testing.
2. Refusal to submit to any of the required types of alcohol or controlled substances testing shall:
 - a. Result in the CDL Employee being removed from all safety-sensitive functions until he/she has complied with the requirements for referral, evaluation, and treatment as set forth in Section L, below; and
 - b. Be subject to disciplinary action, consistent with applicable University policies and procedures.

J. What Constitutes a Refusal to Submit to Testing

A CDL Employee or an applicant for a job that requires a CDL shall be deemed to have refused to submit to testing when he/she: (Appendix D)

Alcohol testing:

1. Fails to appear for any test (except a Pre-Employment test) within two (2) hours after being directed to do so by the University;
2. Fails to remain at the testing site until the testing process is complete. (A prospective employee that leaves the testing site before the Pre-Employment alcohol test commences is not deemed to have refused to test.);
3. Fails to attempt to provide a saliva or breath specimen, as applicable, for any test required by 49 CFR 382 or DOT agency regulations. (A prospective employee that leaves the testing site before the testing process commences for a Pre-Employment test is not deemed to have refused to test.);
4. Fails to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
5. Fails to undergo a medical examination or evaluation, as directed by the University, as part of the insufficient breath procedures outlined in 49 CFR 40.265;
6. Fails to sign the certification at Step 2 of the Alcohol Testing Form (ATF);
7. Fails to cooperate with any part of the testing process; or
8. Refuses to take an alcohol test.

Controlled Substances testing:

1. Fails to appear for any test (except a Pre-Employment test) within two (2) hours after being directed to do so by the University;
2. Fails to remain at the testing site until the testing process is complete. (A prospective employee that leaves the testing site before the Pre-Employment drug test commences is not deemed to have refused to test.);
3. Fails to provide a urine specimen for any drug test required by 49 CFR 382 or DOT agency regulations. (A prospective employee that leaves the testing site before the testing process commences for a Pre-Employment test is not deemed to have refused to test.);
4. In the case of a directly observed or monitored collection in a controlled substances test, fails to permit the observation or monitoring of the CDL Employee's provision of a specimen;

5. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
6. Fails or declines to take an additional test the University or collector has directed be performed;
7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" procedures of 49 CFR 40. (In the case of a Pre-Employment drug test, the prospective employee is deemed to have refused to test only if the Pre-Employment Test is conducted following a contingent offer of employment.);
8. Fails to cooperate with any part of the testing process;
9. Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;
10. Admits to the collector or MRO that the specimen is adulterated or substituted;
11. If the MRO reports a verified adulterated or substituted test result; or
12. Refuses to take a controlled substances test.

K. Consequences of Prohibited Conduct

1. Positive Alcohol Test:

If a CDL Employee's test result shows a breath alcohol concentration of greater than 0.02 but less than 0.04, he/she shall be immediately removed from all safety-sensitive functions for a period of not less than twenty-four (24) hours following the administration of the test.

Except as provided in 49 CFR 382, the University shall not take any action under this part against a CDL Employee based solely on test results showing an alcohol concentration less than 0.04. However, this does not prohibit the University of taking any action otherwise consistent with law.

If a CDL Employee's test result shows a breath alcohol concentration of 0.04 or greater, he/she shall be removed from all safety-sensitive functions and shall be referred to a Substance Abuse Professional (SAP) for evaluation.

2. MRO Verified Positive Controlled Substances Test:

A CDL Employee whose controlled substances test is verified by the Medical Review Officer (MRO) as positive shall be removed from all safety-sensitive functions and shall be referred to a SAP.

3. Conduct Prohibited Under This Policy:

In addition to the consequences set forth in Section K , CDL Employees who engage in

any alcohol use or controlled substances use prohibited in this policy, or who refuse to submit to testing as required under this policy, shall be subject to:

- a. The referral, evaluation, and treatment requirements set forth in Section L, below;
- b. Other disciplinary action as may be allowed by applicable University policies and procedures, as described in Section M, below;
- c. Other penalties and consequences, as may be imposed by federal and state laws.

L. Procedures for Referral, Evaluation and Treatment

Each CDL Employee who has engaged in conduct prohibited by this policy:

1. Shall not be permitted to perform safety-sensitive functions;
2. Shall be advised of resources available to evaluate and resolve problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs;
3. Shall be evaluated by a SAP who shall determine what assistance the CDL Employee needs in resolving problems associated with alcohol misuse and controlled substances use and to determine that the CDL Employee has successfully complied with prescribed education and/or treatment;
4. Before being returned to duty requiring the performance of a safety-sensitive function, the CDL Employee shall be required to undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved a controlled substance;
5. Shall be subject to unannounced follow-up alcohol and controlled substances tests administered by the University following the CDL Employee's return to duty. The number and frequency of such follow-up testing shall be directed by the SAP, and consist of at least six (6) tests in the first twelve (12) months following the CDL Employee's return to duty. The University may require the CDL Employee to undergo return-to-duty and follow-up testing for both alcohol and controlled substances, if the SAP determines that return-to-duty and follow-up testing for both alcohol and controlled substances is necessary for that particular CDL Employee. Follow-up testing shall not exceed sixty (60) months from the date of the CDL Employee's return-to-duty. The SAP may terminate the requirement for follow-up testing anytime after the first six (6) tests have been administered, if the SAP determines that such testing is no longer necessary.
6. The requirements of Section L do not apply to applicants who refuse to submit to a pre-employment alcohol or controlled substances test or who have a pre-employment alcohol test with a result indicating an alcohol concentration of 0.04 or greater or a controlled substances test with a verified positive test result.

M. Other Disciplinary Action Permitted Under Other University Policies and Procedures

In addition to the penalties set forth herein, violation of this policy shall subject the CDL Employee to disciplinary action as permitted under applicable University policies and procedures, and applicable penalties contained in Article 64A of the Annotated Code of Maryland.

The applicable policies and procedures include, but are not limited to the University's Substance Abuse Policy for Faculty, Staff and Students.

Disciplinary action includes sanctions up to and including termination. As a condition of continued employment, the University may require an employee to successfully participate in a drug abuse assistance or rehabilitation program.

N. Employer's Drug and Alcohol Policy Requirements

The University shall provide educational materials that explain, at a minimum, the requirements of 49 CFR 382 and the University's policies and procedures with respect to meeting these requirements to each CDL Employee (who shall sign for receipt of the documents), prior to the start of alcohol and controlled substances testing and to each CDL Employee subsequently hired or transferred into a position requiring driving a commercial motor vehicle:

1. The identity of the person(s) designated by the University to answer CDL Employee questions regarding 49 CFR 382 requirements;
2. Which CDL Employees are subject to the alcohol misuse and controlled substance requirements;
3. Explanation of what constitutes a safety-sensitive function, to make clear what period of the work day the CDL Employee is required to be in compliance;
4. Specific information concerning CDL Employee conduct that is prohibited;
5. The circumstances under which a CDL Employee will be tested for alcohol and/or controlled substances, including post-accident testing;
6. The procedures that will be used to test for the presence of alcohol and controlled substances;
7. The requirement that a CDL Employee submit to alcohol and controlled substances testing;
8. An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;
9. The consequences for CDL Employees found to have violated the prohibitions of the requirement, including the immediate removal of the CDL Employee from safety-sensitive functions, and the procedures under 49 CFR 40 Part O;

10. The consequences for CDL Employees found to have an alcohol concentration of 0.02 or greater, but less than 0.04;
11. Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or controlled substances problem (the CDL Employee's or a co-worker's); and available methods of intervening when an alcohol or a control substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

The University shall provide written notice to representatives of employee organizations of the availability of this information.

CDL Employees are encouraged to contact the University's Office of Human Resources for confidential assistance and intervention in controlled substances or alcohol abuse problems.

Appendix A

Definitions

Actual Knowledge – The employer’s direct observation of the employee, information provided by the driver’s previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or an employee’s admission of alcohol or controlled substance use, except as provided in §382.121. Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing.

Adulterated specimen - A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type or specimen, or showing an abnormal concentration of an endogenous substance.

Alcohol – The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol.

Alcohol concentration (or content) – The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under this part.

Alcohol screening device (ASD) - A breath or saliva device, other than an EBT that is approved by the National Highway Traffic Safety Administration (NHTSA) and placed on a conforming products list (CPL) for such devices.

Alcohol use - The drinking or swallowing of any beverage, mixture, or preparation, including any medication, containing alcohol.

Breath Alcohol Technician (BAT) –A person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.

Chain of custody –The procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF).

Commercial motor vehicle (CMV)- A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. Has a gross combination weight rating or gross combination weight of 26,001 or more pounds, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds; whichever is greater; or
2. Has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, whichever is greater; or
3. Is designed to transport 16 or more passengers, including the driver; or
4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR 172, subpart F).

Confirmation test – For alcohol, a subsequent test using an EBT, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and

chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (GC MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

Controlled substances – DOT agency drug testing programs require that employers test for marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites, and phencyclidine (PCP).

Designated employer representative (DER) – An employee authorized by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation process.

Dilute specimen – A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

CDL Employee – Any person who operates a commercial motor vehicle. This includes, but is not limited to: Fulltime, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer. For the purposes of pre-employment only, the term CDL Employee includes a person applying to an employer to drive a commercial motor vehicle.

Employer – A person or entity employing one or more employees (including an individual who is self-employed) subject to DOT agency regulations requiring compliance with this part. The term means the entity responsible for overall implementation of DOT drug and alcohol program requirements, including individuals employed by the entity who take personnel actions resulting from violations of this part and any applicable DOT agency requirements.

Evidential Breath Testing Device (EBT) – A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the 0.02 and 0.04 alcohol concentrations, placed on NHTSA's Conforming Products List (CPL) for "Evidential Breath Measurement Devices" and identified on the CPL as conforming with the model specifications available from NHTSA's Traffic Safety Program.

Laboratory – Any U.S. laboratory certified by Health and Human Services (HHS) under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Licensed medical practitioner – A person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

Medical Review Officer (MRO) – A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

Primary specimen – In drug testing, the urine specimen bottle that is opened and tested by a first laboratory to determine whether the employee has a drug or drug metabolite in his/her system;

and for the purpose of validity testing. The primary specimen is distinguished from the split specimen, defined in this section.

Refusal to submit (to an alcohol or controlled substances test) – A driver that:

1. Fails to appear for any test (except a Pre-Employment test) within two (2) hours after being directed to do so by the University;
2. Fails to remain at the testing site until the testing process is complete. (A prospective employee that leaves the testing site before the Pre-Employment drug and/or alcohol test commences is not deemed to have refused to test.);
3. Fails to cooperate with any part of the testing process;
4. Refuses to take an alcohol or controlled substances test;
5. Fails to provide adequate breath for alcohol testing as required by 49 CFR 40, without a valid medical explanation, after he/she has received notice of the requirement for breath testing in accordance with the provisions of this part;
6. Fails to undergo a medical examination or evaluation, as directed by the University, as part of the insufficient breath procedures outlined in 49 CFR 40.265 ;
7. Fails to sign the certification at Step 2 of the Alcohol Testing Form (ATF);
8. Fails to provide an adequate urine sample for controlled substances testing as required by 49 CFR 40 and 49 CFR 382, without a genuine inability to provide a specimen (as determined by a medical evaluation), after he/she has received notice of the requirement for urine testing in accordance with the provisions of this part; or
9. In the case of a directly observed or monitored collection in a controlled substances test, fails to permit the observation or monitoring of a CDL Employee's provision of a specimen;
10. Fails or declines to take an additional controlled substance test the University or collector has directed be performed;
11. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" procedures of 49 CFR 40. In the case of a Pre-Employment controlled substance test, the prospective employee is deemed to have refused to test only if the Pre-Employment test is conducted following a contingent offer of employment.
12. Admitting to the collector or MRO that the specimen is adulterated or substituted;
13. Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;
14. If the MRO reports a verified adulterated or substituted controlled substance test result.

Safety-sensitive function – All time from the time a CDL Employee begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

1. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the CDL Employee has been relieved from duty by the employer;
2. All time inspecting equipment as required by 49 CFR 392.7 and 392.8 of this subchapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
3. All time spent at the driving controls of a commercial motor vehicle in operation;
4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 CFR 393.76 of this subchapter);
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and

6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Screening test (also known as initial test) – In alcohol testing, an analytical procedure to determine whether a CDL Employee may have a prohibited concentration of alcohol in a breath or saliva specimen. In controlled substance testing, the test to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Screening test technician (STT) – A person who instructs and assists employees in the alcohol testing process and operates an ASD.

Split specimen – In drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

Substance Abuse Professional (SAP) – A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

Substituted specimen – A specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with human urine.

Verified test – A drug test result or validity testing result from an HHS-certified laboratory that has undergone review and final determination by the Medical Review Officer (MRO).

Appendix B

21 CFR 1308.11 Schedule I

(a) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

(b) *Opiates*. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation (for purposes of paragraph (b)(34) only, the term isomer includes the optical and geometric isomers):

(1) Acetyl-alpha-methylfentanyl (<i>N</i> -[1-(1-methyl-2-phenethyl)-4-piperidinyl]- <i>N</i> -phenylacetamide)	9815
(2) Acetylmethadol	9601
(3) Allylprodine	9602
(4) Alphacetylmethadol (except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM)	9603
(5) Alphameprodine	9604
(6) Alphamethadol	9605
(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine)	9814
(8) Alpha-methylthiofentanyl (<i>N</i> -[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]- <i>N</i> -phenylpropanamide)	9832
(9) Benzethidine	9606
(10) Betacetylmethadol	9607
(11) Beta-hydroxyfentanyl (<i>N</i> -[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]- <i>N</i> -phenylpropanamide)	9830
(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide)	9831
(13) Betameprodine	9608
(14) Betamethadol	9609
(15) Betaprodine	9611
(16) Clonitazene	9612
(17) Dextromoramide	9613
(18) Diampromide	9615
(19) Diethylthiambutene	9616

(20) Difenoxin	9168
(21) Dimenoxadol	9617
(22) Dimepheptanol	9618
(23) Dimethylthiambutene	9619
(24) Dioxaphetyl butyrate	9621
(25) Dipipanone	9622
(26) Ethylmethylthiambutene	9623
(27) Etonitazene	9624
(28) Etoxidine	9625
(29) Furethidine	9626
(30) Hydroxypethidine	9627
(31) Ketobemidone	9628
(32) Levomoramide	9629
(33) Levophenacymorphan	9631
(34) 3-Methylfentanyl (<i>N</i> -[3-methyl-1-(2-phenylethyl)-4-piperidyl]- <i>N</i> -phenylpropanamide)	9813
(35) 3-methylthiofentanyl (<i>N</i> -[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]- <i>N</i> -phenylpropanamide)	9833
(36) Morpheridine	9632
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine)	9661
(38) Noracymethadol	9633
(39) Norlevorphanol	9634
(40) Normethadone	9635
(41) Norpipanone	9636
(42) Para-fluorofentanyl (<i>N</i> -(4-fluorophenyl)- <i>N</i> -[1-(2-phenethyl)-4-piperidinyl] propanamide)	9812
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine)	9663
(44) Phenadoxone	9637
(45) Phenampromide	9638
(46) Phenomorphan	9647
(47) Phenoperidine	9641

(48) Piritramide	9642
(49) Proheptazine	9643
(50) Properidine	9644
(51) Propiram	9649
(52) Racemoramide	9645
(53) Thiofentanyl (<i>N</i> -phenyl- <i>N</i> -[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide	9835
(54) Tilidine	9750
(55) Trimeperidine	9646

(c) *Opium derivatives*. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine	9319
(2) Acetyldihydrocodeine	9051
(3) Benzylmorphine	9052
(4) Codeine methylbromide	9070
(5) Codeine-N-Oxide	9053
(6) Cyprenorphine	9054
(7) Desomorphine	9055
(8) Dihydromorphine	9145
(9) Drotebanol	9335
(10) Etorphine (except hydrochloride salt)	9056
(11) Heroin	9200
(12) Hydromorfinol	9301
(13) Methyldesorphine	9302
(14) Methyldihydromorphine	9304
(15) Morphine methylbromide	9305
(16) Morphine methylsulfonate	9306
(17) Morphine-N-Oxide	9307
(18) Myrophine	9308
(19) Nicocodeine	9309

(20) Nicomorphine	9312
(21) Normorphine	9313
(22) Pholcodine	9314
(23) Thebacon	9315

(d) *Hallucinogenic substances.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term “isomer” includes the optical, position and geometric isomers):

(1) Alpha-ethyltryptamine	7249
Some trade or other names: etryptamine; Monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; α -ET; and AET.	
(2) 4-bromo-2,5-dimethoxy-amphetamine	7391
Some trade or other names: 4-bromo-2,5-dimethoxy- α -methylphenethylamine; 4-bromo-2,5-DMA	
(3) 4-Bromo-2,5-dimethoxyphenethylamine	7392
Some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus.	
(4) 2,5-dimethoxyamphetamine	7396
Some trade or other names: 2,5-dimethoxy- α -methylphenethylamine; 2,5-DMA	
(5) 2,5-dimethoxy-4-ethylamphet-amine	7399
Some trade or other names: DOET	
(6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7)	7348
(7) 4-methoxyamphetamine	7411
Some trade or other names: 4-methoxy- α -methylphenethylamine; paramethoxyamphetamine, PMA	
(8) 5-methoxy-3,4-methyleneedioxy-amphetamine	7401
(9) 4-methyl-2,5-dimethoxy-amphetamine	7395
Some trade and other names: 4-methyl-2,5-dimethoxy- α -methylphenethylamine; “DOM”; and “STP”	
(10) 3,4-methyleneedioxy amphetamine	7400
(11) 3,4-methyleneoxy-methamphetamine (MDMA)	7405
(12) 3,4-methyleneedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-	7404

3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA	
(13) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA	7402
(14) 3,4,5-trimethoxy amphetamine	7390
(15) 5-methoxy-N,N-dimethyltryptamine	7431
Some trade or other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT	
(16) Alpha-methyltryptamine (other name: AMT)	7432
(17) Bufotenine	7433
Some trade and other names: 3-(β-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine	
(18) Diethyltryptamine	7434
Some trade and other names: N,N-Diethyltryptamine; DET	
(19) Dimethyltryptamine	7435
Some trade or other names: DMT	
(20) 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT)	7439
(21) Ibogaine	7260
Some trade and other names: 7-Ethyl-6,6β,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1', 2':1,2] azepino [5,4-b] indole; Tabernanthe iboga	
(22) Lysergic acid diethylamide	7315
(23) Marijuana	7360
(24) Mescaline	7381
(25) Parahexyl—7374; some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.	
(26) Peyote	7415
Meaning all parts of the plant presently classified botanically as <i>Lophophora williamsii</i> Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds or extracts	
(Interprets 21 USC 812(c), Schedule I(c) (12))	
(27) N-ethyl-3-piperidyl benzilate	7482
(28) N-methyl-3-piperidyl benzilate	7484

(29) Psilocybin	7437
(30) Psilocyn	7438
(31) Tetrahydrocannabinols	7370
Meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:	
1 cis or trans tetrahydrocannabinol, and their optical isomers	
6 cis or trans tetrahydrocannabinol, and their optical isomers	
3, 4 cis or trans tetrahydrocannabinol, and its optical isomers	
(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)	
(32) Ethylamine analog of phencyclidine	7455
Some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE	
(33) Pyrrolidine analog of phencyclidine	7458
Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP	
(34) Thiophene analog of phencyclidine	7470
Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine, TCP, TCP	
(35) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine	7473
Some other names: TCPy	
(36) 4-methylmethcathinone (Mephedrone)	1248
(37) 3,4-methylenedioxyprovalerone (MDPV)	7535
(38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E)	7509
(39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)	7508
(40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)	7519
(41) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)	7518
(42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)	7385
(43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)	7532

(44) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)	7517
(45) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N)	7521
(46) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P)	7524
(47) 3,4-Methylenedioxy-N-methylcathinone (Methylone)	7540

(e) *Depressants*. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) gamma-hydroxybutyric acid (some other names include GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate)	2010
(2) Mecloqualone	2572
(3) Methaqualone	2565

(f) *Stimulants*. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Aminorex (Some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine)	1585
(2) N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine)	7493
(3) Cathinone	1235
Some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone	
(4) Fenethylamine	1503
(5) Methcathinone (Some other names: 2-(methylamino)-propionophenone; alpha-(methylamino)propionophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha- <i>N</i> -methylaminopropionophenone; monomethylpropion; ephedrone; <i>N</i> -methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432), its salts, optical isomers and salts of optical isomers	1237
(6) (±) <i>cis</i> -4-methylaminorex ((±) <i>cis</i> -4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine)	1590
(7) N-ethylamphetamine	1475
(8) <i>N,N</i> -dimethylamphetamine (also known as <i>N,N</i> -alpha-trimethyl-benzeneethanamine; <i>N,N</i> -alpha-trimethylphenethylamine)	1480

(g) *Cannabimimetic agents*. Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) 5-(1,1-dimethylheptyl)-2-[(1R, 3S)-hydroxycyclohexyl]-phenol (CP-47, 497)	7297
(2) 5-(1,1-dimethyloctyl)-2-[(1R, 3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog)	7298
(3) 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678)	7118
(4) 1-butyl-3-(1-naphthoyl)indole (JWH-073)	7173
(5) 1-hexyl-3-(1-naphthoyl)indole (JWH-019)	7019
(6) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200)	7200
(7) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250)	6250
(8) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081)	7081
(9) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122)	7122
(10) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398)	7398
(11) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201)	7201
(12) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694)	7694
(13) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4)	7104
(14) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole 7008 (SR-18 and RCS-8)	7008
(15) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203)	7203

(h) *Temporary listing of substances subject to emergency scheduling.* Any material, compound, mixture or preparation which contains any quantity of the following substances:

(1) 3,4-methylenedioxy-N-methylcathinone (Other names: methylone) - 7540

(2) 5-(1,1-Dimethylheptyl)-2-[(1 R, 3 S)-3-hydroxycyclohexyl]-phenol, its optical, positional, and geometric isomers, salts and salts of isomers—7297 (Other names: cannabicyclohexanol and CP-47,497 C8 homologue)

(3) 1-Butyl-3-(1-naphthoyl)indole, its optical, positional, and geometric isomers, salts and salts of isomers—7173 (Other names: JWH-073)

(4) 1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole, its optical, positional, and geometric isomers, salts and salts of isomers—7200 (Other names: JWH-200)

(5) 1-Pentyl-3-(1-naphthoyl)indole, its optical, positional, and geometric isomers, salts and salts of isomers—7118 (Other names: JWH-018 and AM678)

(6) 4-methyl-N-methylcathinone—1248 (Other names: mephedrone)

(7) 3,4-methylenedioxy-N-methylcathinone—7540 (Other names: methylone)

(8) 3,4-methylenedioxypyrovalerone—7535 (Other names: MDPV)

(9) (1-pentyl-1*H*-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone, its optical, positional, and geometric isomers, salts and salts of isomers – 7144 (Other names: UR-144, 1-pentyl-3-(2,2,3,3-tetramethylcyclopropyl)indole)

(10) [1-(5-fluoro-pentyl)-1*H*-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone, its optical, positional, and geometric isomers, salts and salts of isomers – 7011 (Other names: 5-fluoro-UR-144, 5-F-UR-144, XLR11, 1-(5-fluoro-pentyl)-3-(2,2,3,3-tetramethylcyclopropyl)indole)

(11) *N*-(1-adamantyl)-1-pentyl-1*H*-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers – 7048 (Other names: APINACA, ADB48)

(12) 2-(4-iodo-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts and salts of isomers – 7538 (Other names: 251-NBOMe; 2C-I-NBOMe; 251; Cimi-5)

(13) 2-(4-chloro-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts and salts of isomers – 7537 (Other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimi-82)

(14) 2-(4-bromo-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts and salts of isomers – 7536 (Other names: 25B-NBOMe; 25B, Cimi-36)

(15) Quinolin-8-yl 1-pentyl-1*H*-indole-3-carboxylate, its optical, positional, and geometric isomers, salts and salts of isomers – 7222 (Other names: PB-22, QUPIC)

(16) Quinolin-8-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate, its optical, positional, and geometric isomers, salts and salts of isomers – 7225 (Other names: 5-fluoro-PB-22; 5F-PB-22)

(17) *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers – 7012 (Other names: AB-FUBINACA)

(18) *N*-(1-amino 3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers – 7035 (Other names: ADB-PINACA)

[39 FR 22141, June 20, 1974]

Appendix C

Post-Accident Instruction

A. Requirements

As soon as practicable following an accident involving a commercial motor vehicle, each surviving CDL Employee must be tested for alcohol and controlled substances when:

1. The CDL Employee was performing safety-sensitive functions with respect to the commercial motor vehicle involved in the accident and the accident involved the loss of human life; or
2. Post-accident alcohol testing will be performed when the CDL Employee receives a citation within eight (8) hours of the occurrence under State or local law for a moving traffic violation arising from the accident; and/or post-accident controlled substances testing will be performed if the CDL Employee receives a citation within 32 hours of the occurrence under State or local law for a moving violation; and the accident involved:
 - a. A person(s) is injured and, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - b. One or more vehicles received disabling damage as a result of the accident, requiring the vehicle(s) to be towed from the scene of the accident; or
 - c. The University determines that the use of alcohol or controlled substances may have contributed to the accident and requests the CDL Employee to undergo testing based on "reasonable suspicion".

This table notes when a post-accident test is required to be conducted.

Type of accident involved	Citation issued to the CDL driver	Test must be performed
Human Fatality	Yes	Yes
	No	Yes
Bodily injury with immediate medical treatment away from the scene	Yes	Yes
	No	No
Disabling damage to any motor vehicle requiring tow away	Yes	Yes
	No	No

3. A CDL Employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the University to have refused to submit to testing. This requirement, however, shall not be construed to require the delay of necessary medical attention for the injured people following an accident or to prohibit the CDL Employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

4. Testing for both alcohol and controlled substances will be required.
 - a. The CDL Employee will be required to provide a breath specimen to be tested for the presence of alcohol within two (2) hours following an accident, if possible, but no later than eight (8) hours following an accident.
 - b. The CDL Employee will be required to provide a urine specimen to be tested for the use of controlled substances as soon as possible, but not later than 32 hours following an accident.

B. Procedures Following a Reportable Accident

1. As soon as practicable following a reportable accident the CDL Employee should contact his/her immediate supervisor for instructions. If the CDL Employee is unable to contact the immediate supervisor, they should contact either the Department of Environmental Health and Safety (x4-2949) or the Director of Human Resources (x 4-4053).
2. The CDL Employee will be scheduled for testing as soon as possible following the accident. If the accident occurs in the vicinity of Towson, Maryland, the CDL Employee will be tested at either of the following collection/testing sites:

Concentra Medical Center - Timonium
Yorkridge Center
1830 York Rd., Suite F
Timonium, MD 21093
410-252-4015
Hours: Monday-Friday 8:00 a.m. – 7:00 p.m.
Saturday-Sunday 9:00 a.m. – 3:00 p.m.

Concentra Medical Center – Arbutus - **After Hours Facility**
1419 Knecht Ave.
Baltimore, MD 21227
410-247-9595
Hours: 24 Hours Per Day/7 Days Per Week

If necessary, testing may also be performed at the following Concentra locations:

Concentra Medical Center – Rosedale
8101 Pulaski Highway – Suite H
Baltimore, MD 21237
410-687-6462
Hours: Monday – Friday 7:00 a.m. – 7:00 p.m.
Saturday 7:00 a.m. – noon

Concentra Medical Center – Dundalk
1833 Portal Street
Baltimore, MD 21224
410-633-3600
Hours: Monday – Friday 8:00 a.m. – 5:00 p.m.

Concentra Medical Center – Downtown Baltimore
100 S. Charles Street – Suite 150
Baltimore, MD 21201
410-752-3010
Hours: Monday – Friday 8:00 a.m. – 5:00 p.m.

Concentra Medical Center – Columbia
6656 Dobbin Road
Columbia, MD 21045
410-381-1330
Hours: Monday – Friday 8:00 a.m. – 5:00 p.m.

Concentra Medical Center – Jessup
7377 Washington Blvd. – Suite 101
Elkridge, MD 21075
410-379-3051
Hours: Monday – Friday 8:00 a.m. – 5:00 p.m.

Concentra Medical Center – BWI
811 Cromwell Park Drive – Suite 104, 105
Glen Burnie, MD 21061
410-553-0110
Hours: Monday – Friday 7:30 a.m. – 5:00 p.m.

Concentra Medical Center – Lanham
4451 Parliament Place – Suite G
Lanham, MD 20706
301-459-9113
Hours: Monday – Friday 7:00 a.m. – 6:00 p.m.

Concentra Medical Center – Steeplechase
9141 Alaking Court – Suite 112
Capitol Heights, MD 20743
301-499-4655
Hours: Monday – Friday 8:00 a.m. – 8:00 p.m.
Saturday – Sunday – 9:00 a.m. – 3:00 p.m.

If the accident occurs outside the Maryland vicinity, the CDL Employee may be referred to the closest available Concentra medical facility.

3. The results of a breath or blood test for the use of alcohol or a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test; will be considered to meet these requirements, provided the tests conform to applicable Federal, State or local requirements, and that the results of the tests are obtained by the University.

Appendix D

Actions that Constitute a Refusal to Submit to Testing

Action	Deemed a Refusal Per 49 CFR 382, 49 CFR 40
Controlled Substance Tests	
Fail to appear at a urine collection site when directed to report	If the CDL Employee does not report to the collection site or spends too much time getting there, it is a refusal. (A prospective employee that fails to appear at the testing site is not deemed to have refused to test.)
Fail to remain at the urine collection site until the testing process is complete	If the collector reports that the CDL Employee left the collection site before the testing process was complete, it is a refusal. (A prospective employee that leaves the testing site before the Pre-Employment drug test commences is not deemed to have refused to test.)
Fail to provide a urine specimen	If the collector reports that the CDL Employee left the collection site before providing a required specimen, it is a refusal. (A prospective employee that does not provide a urine specimen because he/she has left the testing site before the testing process commences for a Pre-Employment drug test is not deemed to have refused to test.)
Fail to permit a monitored or observed urine collection	If the University ordered an observed collection or if the collector required the collection to be monitored or observed, it is a refusal if the CDL Employee does not permit it to occur.
Fail to provide a sufficient amount of urine	If the MRO finds that there was no medical reason for the CDL Employee to provide an insufficient amount of urine, it is a refusal.
Fail or decline to take an additional drug test the University or collector has directed	If the University or collector directs the CDL Employee to take an additional test, as required or permitted by the DOT, and the CDL Employee does not, it is a refusal.
Fail to undergo a medical examination or evaluation the MRO or University has directed	If the CDL Employee does not go in for a medical evaluation or does not permit it to occur, it is a refusal. (A prospective employee is deemed to have refused to test only if the Pre-Employment test is conducted following a contingent offer of employment.)
Fail to cooperate with any part of the urine collection process	Some examples of failure to cooperate are when the CDL Employee: <ul style="list-style-type: none"> • Refuses to empty pockets when directed; • Behaves in a confrontational manner that disrupts the collection process; • Refuses to remove hat, coat, gloves, coveralls when directed; or • Fails to wash hands when directed.

Possess or wear a prosthetic or other device that could be used to interfere with the collection process	If the CDL Employee is found to have or wear a prosthetic or other device designed to carry clean urine or a urine substitute, it is a refusal.
Admit to the collector to having adulterated or substituted the specimen	If the CDL Employee, during the collection process, admits to having tampered with his or her specimen, it is a refusal.
Adulterate or substitute a urine specimen	If the laboratory reports a confirmed adulterated or substituted specimen to the MRO and the MRO determines there is no medical reason for the result, it is a refusal.
Admit to the MRO to having adulterated or substituted the specimen	If the CDL Employee, during a medical review, admits to having tampered with his/her specimen, it is a refusal.
Refuses to take a controlled substance test	Deemed a refusal
Alcohol Tests	
Fail to appear for an alcohol test when directed to report	If the CDL Employee does not get to the alcohol test site or spends too much time getting there, it is a refusal. (A prospective employee that fails to appear at the test site is not deemed to have refused to test.)
Fail to remain at the alcohol test site until the testing process is complete	If the STT or BAT reports that the CDL Employee left the collection site before the testing process was complete, it is a refusal. (A prospective employee that leaves the testing site before the Pre-Employment alcohol test commences is not deemed to have refused to test.)
Fail to provide an adequate amount of saliva or breath	If the STT or BAT reports that the CDL Employee left the alcohol testing site before providing a required amount of saliva or breath, it is a refusal. (A prospective employee that leaves the testing site before the Pre-Employment alcohol test process commences is not deemed to have refused to test.)
Fail to provide a sufficient breath specimen	If the evaluating physician finds that there was no medical reason for the CDL Employee to provide an insufficient amount of breath, it is a refusal.
Fail to undergo a medical examination or evaluation as the University has directed as part of the insufficient breath procedures	If the CDL Employee does not go in for a medical evaluation or does not permit it to occur, it is a refusal.
Fail to sign the certification statement at Step 2 of the ATF	If the CDL Employee does not agree to have a test accomplished by signing Step 2 of the ATF, it is a refusal.
Fail to cooperate with any part of the alcohol testing process	One example of failing to cooperate is when the CDL Employee behaves in a confrontational manner that disrupts the alcohol testing process.
Refuses to take an alcohol test	Deemed a refusal

Appendix E

Record Keeping

- A. **General:** The University shall maintain records of its alcohol misuse and controlled substances use prevention programs as provided by 49 CFR 382.401. The records shall be maintained in a secure location with controlled access.
- B. **Period of retention:** The University shall maintain the records in accordance with the following schedule:
1. The following records shall be maintained for five (5) years:
 - a. Records of CDL Employees alcohol test results indicating an alcohol concentration of 0.02 or greater;
 - b. Records of CDL Employees verified positive controlled substances test results;
 - c. Documentation of refusals to take required alcohol and/or controlled substances tests (including substituted or adulterated drug test results);
 - d. SAP reports, CDL Employee evaluation and referrals;
 - e. All follow-up tests and schedules for follow-up tests;
 - f. Calibration documentation;
 - g. Records related to the administration of the alcohol and controlled substances testing programs; and
 - h. A copy of each annual calendar year summary required by 49 CFR 382.403.
 2. Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices) will be maintained for two (2) years.
 3. Records of negative and canceled controlled substances test results and alcohol test results with a concentration of less than 0.02 shall be maintained for a minimum of one (1) year.
 4. Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and CDL Employees shall be maintained by the University while the individual performs the functions which require the training and for two (2) years after the individual ceases to perform these functions.
 5. Records obtained from previous employers under 49 CFR 40.25 concerning drug and alcohol test results must be maintained for three (3) years.
- C. **Types of records: The following specific types of records shall be maintained:**
1. Records related to the collection process:

- a. Collection logbooks, if used;
 - b. Documents relating to the random selection process;
 - c. Calibration documentation for evidential breath testing devices;
 - d. Documentation of breath alcohol technician training;
 - e. Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests;
 - f. Documents generated in connection with decisions on post-accident tests;
 - g. Documents verifying existence of a medical explanation of the inability of a CDL Employee to provide adequate breath or to provide a urine specimen for testing; and
 - h. Consolidated annual calendar year summaries as required under 49 CFR 382.403,
2. Records related to a CDL Employee's test results:
- a. The University's copy of the alcohol test form, including the results of the test;
 - b. The University's copy of the controlled substances test chain of custody and control form;
 - c. Documents sent by the MRO to the University, including those required by 49 CFR 382.407 (a);
 - d. Documents related to the refusal of any CDL Employee to submit to an alcohol or controlled substances test required by this part; and
 - e. Documents presented by a CDL Employee to dispute the result of an alcohol or controlled substances test administered under this part;
 - f. Documents generated in connection with verifications of prior employers' alcohol or controlled substances test results that the University:
 - i) Must obtain in connection with the exception contained in 49 CFR 382.301, and
 - ii) Must obtain as required by 49 CFR 382.413.
3. Records related to other violations of this part.
4. Records related to evaluations:
- a. Records pertaining to a determination by a SAP concerning a CDL Employee's need for assistance; and
 - b. Records concerning a CDL Employee's compliance with recommendations of the SAP.

5. Records related to education and training:
 - a. Materials on alcohol misuse and controlled substance use awareness, including a copy of the University's policy on alcohol misuse and controlled substance use;
 - b. Documentation of compliance with the requirements of 49 CFR 382.601, including the CDL Employee's signed receipt of education materials;
 - c. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion;
 - d. Documentation of training for breath alcohol technicians as required by 49 CFR 40;
 - e. Certification that any training conducted under this part complies with the requirements for such training.
6. Administrative records related to alcohol and controlled substances testing:
 - a. Agreements with collection site facilities, laboratories, breath alcohol technicians, screening test technicians, medical review officers, consortia, and third party providers;
 - b. Names and positions of officials and their role in the University's alcohol and controlled substances testing program(s);
 - c. Semi-annual laboratory statistical summaries of urinalysis, required by 49 CFR 40.111; and
 - d. The University's alcohol and controlled substances testing policy and procedures.

D. Location of records

1. When alcohol and/or controlled substance testing is performed by a testing laboratory on a contractual basis, the laboratory will retain required records on the collection process such as, but not limited to, collection logbooks (if used), calibration documentation, and records related to the education and training of breath alcohol technicians and screening test technicians.
2. All records that the University is required to retain will be maintained at the Office of Human Resources and/or Department of Environmental Health and Safety and shall be available for inspection within two (2) business days after a request has been made by an authorized representative of the Federal Highway Administration.

Appendix F

Appendix G to Part 40 - Alcohol Testing Form

The following form is the alcohol testing form required for use in the DOT alcohol testing program beginning January 1, 2011. Employers are authorized to use the form effective February 25, 2010.

[65 FR 79526, Dec. 19, 2000, as amended 75 FR 8528, February 25, 2010; 75FR 38423, July 2, 2010]

U.S. Department of Transportation (DOT) Alcohol Testing Form

(The instructions for completing this form are on the back of Copy 3)

Step 1: TO BE COMPLETED BY ALCOHOL TECHNICIAN

A: Employee Name _____
(Print) (First, M.I., Last)

B: SSN or Employee ID No. _____

C: Employer Name _____
Street _____
City, State, Zip _____

DER Name and Telephone No. _____
DER Name _____ DER Phone Number _____

D: Reason for Test: Random Reasonable Susp Post-Accident Return to Duty Follow-up Pre-employment

Print Screening Results Here or Affix with Tamper Evident Tape

STEP 2: TO BE COMPLETED BY EMPLOYEE

I certify that I am about to submit to alcohol testing required by US Department of Transportation regulations and that the identifying information provided on the form is true and correct.

Signature of Employee _____ Date _____ / _____ / _____
Month Day Year

Print Confirmation Results Here or Affix with Tamper Evident Tape

STEP 3: TO BE COMPLETED BY ALCOHOL TECHNICIAN

(If the technician conducting the screening test is not the same technician who will be conducting the confirmation test, each technician must complete their own form.) I certify that I have conducted alcohol testing on the above named individual in accordance with the procedures established in the US Department of Transportation regulation, 49 CFR Part 40, that I am qualified to operate the testing device(s) identified, and that the results are as recorded.

TECHNICIAN: BAT STT DEVICE: SALIVA BREATH* 15-Minute Wait: Yes No

SCREENING TEST: *(For BREATH DEVICE* write in the space below only if the testing device is not designed to print.)*

Test #	Testing Device Name	Device Serial # <i>OR</i> Lot # & Exp Date	Activation Time	Reading Time	Result

CONFIRMATION TEST: *Results MUST be affixed to each copy of this form or printed directly onto the form.*

REMARKS:

Alcohol Technician's Company _____ Company Street Address _____
(PRINT) Alcohol Technician's Name (First, M.I., Last) _____ Company City, State, Zip _____ Phone Number _____

Signature of Alcohol Technician _____ Date _____ / _____ / _____
Month Day Year

Print Additional Results Here or Affix With Tamper Evident Tape

STEP 4: TO BE COMPLETED BY EMPLOYEE IF TEST RESULT IS 0.02 OR HIGHER

I certify that I have submitted to the alcohol test, the results of which are accurately recorded on this form. I understand that I must not drive, perform safety-sensitive duties, or operate heavy equipment because the results are 0.02 or greater.

Signature of Employee _____ Date _____ / _____ / _____
Month Day Year

Form DOT F 1380 (Rev. 5/2008)

OMB No. 2105-0529

COPY 1 – ORIGINAL – FORWARD TO THE EMPLOYER

U.S. Department of Transportation (DOT) Alcohol Testing Form

(The instructions for completing this form are on the back of Copy 3)

Step 1: TO BE COMPLETED BY ALCOHOL TECHNICIAN

A: Employee Name _____ (Print) (First, M.I., Last)

B: SSN or Employee ID No. _____

C: Employer Name _____
Street _____
City, State, Zip _____

DER Name and Telephone No. _____ () _____
DER Name DER Phone Number

D: Reason for Test: **Random** Reasonable Susp Post-Accident Return to Duty Follow-up Pre-employment

Print Screening Results Here or Affix with Tamper Evident Tape

STEP 2: TO BE COMPLETED BY EMPLOYEE

I certify that I am about to submit to alcohol testing required by US Department of Transportation regulations and that the identifying information provided on the form is true and correct.

Signature of Employee _____ Date / /
Month Day Year

Print Confirmation Results Here or Affix with Tamper Evident Tape

STEP 3: TO BE COMPLETED BY ALCOHOL TECHNICIAN

(If the technician conducting the screening test is not the same technician who will be conducting the confirmation test, each technician must complete their own form.) I certify that I have conducted alcohol testing on the above named individual in accordance with the procedures established in the US Department of Transportation regulation, 49 CFR Part 40, that I am qualified to operate the testing device(s) identified, and that the results are as recorded.

TECHNICIAN: BAT STT DEVICE: SALIVA BREATH* 15-Minute Wait: Yes No

SCREENING TEST: *(For BREATH DEVICE** write in the space below only if the testing device is not designed to print.)*

Test #	Testing Device Name	Device Serial # <i>OR</i> Lot # & Exp Date	Activation Time	Reading Time	Result

CONFIRMATION TEST: *Results **MUST** be affixed to each copy of this form or printed directly onto the form.*

REMARKS:

Alcohol Technician's Company _____ Company Street Address _____ () _____
(PRINT) Alcohol Technician's Name (First, M.I., Last) _____ Company City, State, Zip _____ Phone Number _____

Signature of Alcohol Technician _____ Date / /
Month Day Year

Print Additional Results Here or Affix With Tamper Evident Tape

STEP 4: TO BE COMPLETED BY EMPLOYEE IF TEST RESULT IS 0.02 OR HIGHER

I certify that I have submitted to the alcohol test, the results of which are accurately recorded on this form. I understand that I must not drive, perform safety-sensitive duties, or operate heavy equipment because the results are 0.02 or greater.

Signature of Employee _____ Date / /
Month Day Year

Form DOT F 1380 (Rev. 5/2008)

OMB No. 2105-0529

COPY 2 – EMPLOYEE RETAINS

U.S. Department of Transportation (DOT) Alcohol Testing Form

(The instructions for completing this form are on the back of Copy 3)

Step 1: TO BE COMPLETED BY ALCOHOL TECHNICIAN

A: Employee Name _____ (Print) (First, M.I., Last)

B: SSN or Employee ID No. _____

C: Employer Name _____
Street _____
City, State, Zip _____

DER Name and Telephone No. _____ () _____
DER Name DER Phone Number

D: Reason for Test: Random Reasonable Susp Post-Accident Return to Duty Followup Preemployment

Print Screening Results Here or Affix with Tamper Evident Tape

STEP 2: TO BE COMPLETED BY EMPLOYEE

I certify that I am about to submit to alcohol testing required by US Department of Transportation regulations and that the identifying information provided on the form is true and correct.

Signature of Employee _____ Date _____ / _____ / _____
Month Day Year

Print Confirmation Results Here or Affix with Tamper Evident Tape

STEP 3: TO BE COMPLETED BY ALCOHOL TECHNICIAN

(If the technician conducting the screening test is not the same technician who will be conducting the confirmation test, each technician must complete their own form.) I certify that I have conducted alcohol testing on the above named individual in accordance with the procedures established in the US Department of Transportation regulation, 49 CFR Part 40, that I am qualified to operate the testing device(s) identified, and that the results are as recorded.

TECHNICIAN: BAT STT DEVICE: SALIVA BREATH* 15Minute Wait: Yes No

SCREENING TEST: *(For BREATH DEVICE* write in the space below only if the testing device is not designed to print.)*

Test #	Testing Device Name	Device Serial # OR Lot # & Exp Date	Activation Time	Reading Time	Result

CONFIRMATION TEST: *Results MUST be affixed to each copy of this form or printed directly onto the form.*

REMARKS:

Alcohol Technician's Company _____ Company Street Address _____ () _____
(PRINT) Alcohol Technician's Name (First, M.I., Last) _____ Company City, State, Zip _____ Phone Number _____

Signature of Alcohol Technician _____ Date _____ / _____ / _____
Month Day Year

Print Additional Results Here or Affix With Tamper Evident Tape

STEP 4: TO BE COMPLETED BY EMPLOYEE IF TEST RESULT IS 0.02 OR HIGHER

I certify that I have submitted to the alcohol test, the results of which are accurately recorded on this form. I understand that I must not drive, perform safety-sensitive duties, or operate heavy equipment because the results are 0.02 or greater.

Signature of Employee _____ Date _____ / _____ / _____
Month Day Year

Form DOT F 1380 (Rev. 5/2008) OMB No. 2105-0529

COPY 3 – ALCOHOL TECHNICIAN RETAINS

PAPERWORK REDUCTION ACT NOTICE (as required by 5 CFR 1320.21)

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BACK OF PAGES 1 and 2

INSTRUCTIONS FOR COMPLETING THE U.S. DEPARTMENT OF TRANSPORTATION ALCOHOL TESTING FORM

NOTE: Use a ballpoint pen, press hard, and check all copies for legibility.

STEP 1 The Breath Alcohol Technician (BAT) or Screening Test Technician (STT) completes the information required in this step. Be sure to print the employee's name and check the box identifying the reason for the test.

NOTE: If the employee refuses to provide SSN or I.D. number, be sure to indicate this in the remarks section in STEP 3. Proceed with STEP 2.

STEP 2 Instruct the employee to read, sign, and date the employee certification statement in STEP 2.

NOTE: If the employee refuses to sign the certification statement, do not proceed with the alcohol test. Contact the designated employer representative.

STEP 3 The BAT or STT completes the information required in this step and checks the type of device (saliva or breath) being used. After conducting the alcohol screening test, do the following (as appropriate):

Enter the information for the screening test (test number, testing device name, testing device serial number or lot number and expiration date, time of test with any device-dependent activation times, and the results), on the front of the ATF. For a breath testing device capable of printing, the information may be part of the printed record.

NOTE: Be sure to enter the result of the test exactly as it is indicated on the breath testing device, e.g., 0.00, 0.02, 0.04, etc.

Affix the printed information to the front of the form in the space provided, or to the back of the form, in a tamper-evident manner (e.g., tape) such that it does not obscure the original printed information, or the device may print the results directly on the ATF. If the results of the screening test are less than 0.02, print, sign your name, and enter today's date in the space provided. The test process is complete.

If the results of the screening test are 0.02 or greater, a confirmation test must be administered in accordance with DOT regulations. An EVIDENTIAL BREATH TESTING device that is capable of printing confirmation test information must be used in conducting this test.

Ensure that a waiting period of at least 15 minutes occurs before the confirmation test begins. Check the box indicating that the waiting period lasted at least 15 minutes.

After conducting the alcohol confirmation test, affix the printed information to the front of the form in the space provided, or to the back of the form, in a tamper-evident manner (e.g., tape) such that it does not obscure the original information, or the device may print the results directly on the ATF. Print, sign your name, and enter the date in the space provided. Go to STEP 4.

STEP 4 If the employee has a breath alcohol confirmation test result of 0.02 or higher, instruct the employee to read, sign, and date the employee certification statement in STEP 4.

NOTE: If the employee refuses to sign the certification statement in STEP 4, be sure to indicate this in the remarks line in STEP 3.

Immediately notify the DER if the employee has a breath alcohol confirmation test result of 0.02 or higher.

Forward **Copy 1** to the employer. Give **Copy 2** to the employee. Retain **Copy 3** for BAT/STT records.

BACK OF PAGE 3

Appendix G

Basic Facts about Alcohol and Controlled Substances

I. Alcohol

Alcohol is the name given to a variety of related compounds; the drinkable form is ethanol, or ethyl alcohol. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. It is a powerful, addictive, central nervous system depressant and is the most widely used drug in the world.

A. Common street names

- Booze
- Hooch
- Juice
- Brew
- Grain
- Shine

B. Sources

- Beer (~4.5% alcohol)
- Wine (~14-20% alcohol)
- Distilled spirits or liquor (~50% alcohol)
- After-shave lotion
- Cough medicine
- Antiseptic mouthwash
- Vanilla extract
- Cologne
- Rubbing alcohol
- Disinfectant
- Breath sprays

C. Method of intake

- Mouth

D. Duration of a single dose

- Alcohol is fully absorbed into the bloodstream within 30 minutes to 2 hours, depending upon the beverage consumed and associated food intake.
- The level of alcohol achieved in the blood depends in large part upon the amount of alcohol consumed and the time period over which it was consumed.

E. Detection time

- Depends upon the maximum level of blood alcohol concentration achieved and varies by individual.
- ~12 – 24 hours

F. Dependency level with chronic use

- Physical dependency
- Tolerance produces an ever-increasing need for more alcohol to produce the same effect.

G. Signs and symptoms of alcohol use and intoxication

- Irritability
- Euphoria
- Loss of physical coordination
- Inappropriate or violent behavior
- Loss of balance/unsteady gait
- Slurred and/or incoherent speech
- Slowed thinking
- Impaired short-term memory
- Blackouts
- Reduced reflex action
- Impaired vision and judgment
- Increased talkativeness

H. Overdose effects

- Unconsciousness
- Coma
- Death

I. Withdrawal syndrome

- Kidney disease
- Deterioration of mental faculties
- Psychotic episodes (DT's) characterized by hallucinations and extreme fear
- Tremors, convulsions

J. Long-term use health effects

- Permanent brain damage
- Elevated blood pressure and heart rate
- Increased risk of stroke and heart failure
- Increased risk of mouth, throat, and liver cancer
- Respiratory depression and failure
- Pneumonia, tuberculosis, lung abscesses
- Liver disease (hepatitis, cirrhosis, fatty liver)
- Antisocial behavior

K. Personal effects

- One-half of all traffic accident fatalities are alcohol-related
- 20-80% of nonfatal and fatal falls involve alcohol
- ~38% of drowning victims consumed alcohol at the time of their death
- 20-36% of suicide victims have a history of alcohol abuse or were drinking shortly before their suicides
- Alcohol use plays a significant role in crime and family violence, including spousal and child abuse
- Often individuals are under the influence of alcohol when they make the decision to use other drugs

L. Effects on driver performance

- By affecting vision, reflexes, coordination, emotions, aggressiveness, and judgment, alcohol deprives the driver of the tools necessary to perform safely.

- The sick feeling associated with hangovers, including headaches, nausea, and other symptoms, can distract a driver's attention and lead to accidents even though alcohol may no longer be detectable in the body.

II. Marijuana (Cannabinoids)

Marijuana is a green, brown, or gray mixture of dried, shredded leaves, stems, seeds, and flowers of the hemp plant. It has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense. Marijuana is a mind-altering drug that contains THS (delta-9-tetrahydrocannabinol) and as many as 400 other chemicals. Hash and hash oil are stronger forms of marijuana.

A. Common street names

- Pot
- Mary Jane
- Dope
- Grass
- Hemp
- Weed
- Hooch
- Herb
- Hash
- Joint
- Reefer
- Thai sticks
- Acapulco gold
- Sinsemilla

B. Paraphernalia and evidence of presence of marijuana

- Smoking papers
- Roach clip holders
- Small pipes of bone, brass or glass
- Smoking bongs
- Distinctive odor

C. Method of intake

- Inhaled in cigarette or pipe smoke
- Added to baking ingredients (e.g., brownies) and ingested

D. Duration of a single dose

- Most obvious effects are felt for 4 to 6 hours
- THC is stored in body fat and slowly metabolized over time

E. Detection time

- Traces will remain in the urine of an occasional user for up to 1 week
- With chronic use, traces will remain in the urine for 3 to 4 weeks

F. Dependency level

- Moderate psychological dependence

G. Signs and symptoms of marijuana use

- Restlessness
- Inability to concentrate
- Loss of coordination
- Distorted perception
- Increased heart rate and blood pressure
- Impaired memory and logical thinking
- Increased appetite
- Slowed speech
- Irritating cough
- Chronic sore throat
- Reddened eyes
- Chronic fatigue
- False sense of power
- “I don’t care” attitude

H. Overdose effects

- Anxiety
- Mental dependency
- Confusion
- Panic
- Fearfulness
- Paranoid reaction
- Hallucinations
- Aggressive urges
- Heavy sedation

I. Withdrawal syndrome

- Sleep disturbance
- Irritability
- Hyperactivity
- Gastrointestinal distress
- Decreased appetite
- Salivation, sweating, and tremors

J. Long-term use health effects

- Increased risk of mouth, throat, lung cancer
- Increased risk of pneumonia, and/or chronic bronchitis
- Serious respiratory tract and sinus infections
- Reduction or temporary loss of fertility
- Slow, confused thinking
- Memory impairment
- Lack of motivation
- Immune system problems

K. Personal effects

- The active chemical, THC, and 60 other related chemicals in marijuana concentrate in the ovaries and testes.
- Chronic smoking of marijuana in females causes a decrease in fertility and an increase in testosterone.

- Chronic smoking of marijuana in males causes a decrease in testosterone and an increase in estrogen. The result is a decrease in sperm count, which can lead to temporary sterility.
- Pregnant women who are chronic marijuana smokers have a higher-than-normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life.
- One of the most common effects of prenatal marijuana exposure is underweight newborn babies.
- Fetal exposure may decrease visual functioning and cause other ophthalmic problems.
- One joint causes the heart to race and be overworked. People with undiagnosed heart conditions are at risk.

L. Effects on driver performance

- Distortions in visual perceptions, impaired signal detection, distortions in time and speed estimation, erratic cognitive function, and altered reality can make driving a vehicle very dangerous.

III. Cocaine

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant that is highly addictive. The entire central nervous system is energized; muscles are more tense, the heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation. Cocaine is prepared from the leaf of the Erythroxylon coca bush and is usually sold as a fine, white crystalline powder. Cocaine base is a crystalline rock about the size of a small pebble.

A. Common street names

- Coke
- Crack
- Snow
- Blow
- Flake
- “C”
- Toot
- Rock
- Base
- Nose candy
- Snort White horse

B. Paraphernalia

- Razor blades
- Small mirror or piece of smooth metal
- A half straw or metal tube
- Small screw-cap vial or folded paper packet to hold the drug
- Needles
- Rubber tubing for use as tourniquets
- “Crack pipe” (small glass smoking device)
- Lighter, alcohol lamp, or small butane torch

- C. Method of intake
 - Cocaine hydrochloride (powder) is snorted into the nose, rubbed on the gums, or injected into the veins
 - Cocaine base (crystalline rock) is heated in a glass pipe and the vapor is inhaled
- D. Duration of a single dose
 - 1-2 hours
- E. Detection time
 - 2 to 3 days after last use
- F.. Dependency level
 - Possible physical dependence
 - High psychological dependence
- G. Signs and symptoms of cocaine use
 - Increased energy
 - Decreased appetite
 - Mental alertness
 - Increased heart rate and blood pressure
 - Increased temperature
 - Dilated pupils
 - Heightened, but momentary, feeling of confidence, strength, endurance
 - Nausea
 - Blurred vision
 - Muscle spasms , tremors or convulsions
 - Runny or irritated nose
 - Profuse sweating
 - Dry mouth
 - Needle tracks
 - Talkativeness
 - Wide mood swings
 - Unusual defensiveness
 - Difficulty concentrating
- H. Overdose effects
 - Agitation
 - Convulsions
 - Increase in body temperature
 - Hallucinations
 - Death
- I. Withdrawal Syndrome
 - Apathy
 - Depression
 - Disorientation
 - Irritability
 - Long periods of sleep
- J. Long-term use health effects
 - Irritability and mood disturbances

- Restlessness
- Auditory hallucinations
- Aggressive/violent/erratic behavior
- Paranoia
- Insomnia
- Cardiac and/or respiratory arrest

K. Personal effects

- Regular cocaine use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing irreparable damage to critical nerve cells.
- Cocaine use causes the heart to beat faster and harder and rapidly increase blood pressure. It also causes spasms of blood vessels in the brain and heart. Both effects lead to ruptured vessels causing strokes or heart attacks.
- Strong psychological dependency can occur with one “hit” of crack.
- Treatment success rates are lower than those of other chemical dependencies.
- Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid.
- The fatal effects of an overdose are not usually reversible by medical intervention.

L. Effects on driver performance

- Cocaine use results in an artificial sense of power and control, which leads to a sense of invincibility
- Lapses in attention and the ignoring of warning signals brought on by cocaine use greatly increase the potential for accidents.
- Paranoia, hallucinations, and extreme mood swings make for erratic and unpredictable reactions while driving.

IV. Amphetamines

Amphetamines and amphetamine related drugs are central nervous system stimulants whose actions resemble those of adrenaline. The physical sense of energy at lower doses and the mental exhilaration at higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions.

A. Common street names

- Uppers
- Speed
- Bennies
- Crystal
- Black beauties
- Christmas trees
- White crosses
- Mollies
- Bam
- Crank
- Meth
- Ice
- LA ice

B. Characteristics

- In their pure form, amphetamines are yellowish crystals. They are manufactured in a variety of forms including pill, capsule, tablet, powder, and liquid.
- Amphetamine (“speed”) is sold in counterfeit capsules or as white, flat, double-scored “mini bennies”.
- Methamphetamine is often sold as a creamy white, granular powder or in lumps wrapped in aluminum foil or sealable plastic bags.

C. Paraphernalia

- Needles, syringes
- Rubber tubing for tourniquets

D. Method of intake

- Most common are pills, tablets, or capsules which are ingested
- Less common is liquid and powder which are injected or snorted

E. Duration of a single dose

- 2-4 hours

F. Detection time

- Amphetamine – 1 to 2 days
- Methamphetamine – 1 to 2 days

G. Dependency Level

- Physical dependence is possible
- Psychological dependence is high
- Tolerance to effects of drug

H. Signs and symptoms of amphetamine use

- Loss of appetite
- High blood pressure
- Dilated pupils
- Rapid breathing and heartbeat
- Blurred vision
- Dizziness
- Loss of concentration
- Headache
- Sweating
- Excited/hostile/aggressive
- Restlessness
- Exaggerated reflexes
- Distorted thinking
- Dry mouth
- Panic
- Talkativeness
- Hallucinations
- Anxiety
- Moodiness
- False sense of confidence and power

- I. Overdose effects
 - Agitation
 - Convulsions
 - Increase in body temperature
 - Hallucinations
 - Death

- J. Withdrawal syndrome
 - Apathy
 - Depression
 - Disorientation
 - Irritability
 - Long-term periods of sleep

- K. Long-term use health effects
 - Delusions
 - Chest pain
 - Nausea
 - Vomiting
 - Diarrhea
 - Insomnia
 - Stroke
 - Heart disease
 - Brain damage
 - Malnutrition/weight loss
 - Skin disorders
 - Depression

- L. Personal effect
 - High doses may cause toxic psychosis resembling schizophrenia.
 - Intoxication may induce a heart attack or stroke due to spiking of blood pressure.
 - The euphoric stimulation increases impulsive and risk-taking behaviors, including bizarre and violent acts.
 - Users who inject drugs intravenously can get serious and life-threatening infections from non-sterile equipment or contaminated self-prepared solutions.

- M. Effects on driver performance
 - Amphetamines cause a false sense of alertness and potential hallucinations, which can result in risky driving behavior and increased accidents.
 - Drivers who fail to get sufficient rest may use the drug to increase alertness. However, although low doses of amphetamines will cause a short-term improvement in mental and physical functioning, greater use impairs functioning.
 - The hangover effect of amphetamines is characterized by physical fatigue and depression, which make operation of equipment or vehicles dangerous.

V. Opiates (including heroin)

Opioids include natural opiates derived from the opium poppy, and opiate-related synthetic drugs, such as meperidine and methadone. Opiates are found in a gummy substance extracted from the seed of the Asian poppy. Opium is produced from this substance, and codeine and morphine are derived from opium. Other drugs, such as heroin, are processed from morphine

or codeine. Opiates, also called narcotics, are drugs that alleviate pain, depress body functions and reactions, and, when taken in large doses, cause a strong euphoric feeling. They briefly stimulate the higher centers of the brain, but depress the central nervous system. Oxycotin, Dilaudid, methadone and morphine are included in this class of drug.

A. Common street names

- Big M
- Micro
- Dots
- Horse
- “H”
- Junk
- Smack
- Scag
- Miss Emma
- Dope
- China white

B. Characteristics

- Because of the variety of compounds and forms, opiates are more difficult to clearly describe in terms of form, color, odor, and other physical characteristics.
- Opium and its derivatives can range from dark brown chunks to white crystals or powders.
- Heroin usually appears as a white or brownish powder.
- Other opiates appear in a variety of forms such as capsules, tablets, syrups, elixirs, solutions and suppositories.

C. Paraphernalia

- Needles
- Syringe caps
- Eyedroppers
- Bent spoons
- Bottle caps
- Rubber tubing
- Foil, glassine envelopes, or paper “bindles” (packets for holding drugs)
- Balloons or prophylactics used to hold heroin

D. Methods of intake

- Opium is generally eaten or smoked.
- Heroin is dissolved in water for injection.
- Other forms of opiates are ingested or inserted into body cavities to dissolve.

E. Duration of single dose

- 3-6 hours

F. Detection time

- Up to 2 days

G. Dependency level

- Dependence on codeine is moderate.
- Physical and psychological dependence on opiates are high.

- Tolerance produces an ever-increasing need for more narcotic to produce the same effect.

H. Signs and symptoms of opiate use

- Short-lived euphoria
- Restlessness
- Nausea
- Vomiting
- Heavy extremities
- Dry mouth
- Cold, moist, bluish skin
- Contracted pupils
- Slowed reflexes
- Slowed, raspy speech
- Poor motor coordination
- Decreased ability to reason
- "nod out" (fall in and out of a sleeping state)
- Sweating
- Needle marks
- Loss of appetite
- Diarrhea
- Drowsiness and fatigue
- Mood swings
- Depression
- Apathy

I. Overdose effects

- Decreased heart rate
- Confusion
- Cold, clammy skin
- Dilated pupils
- Extreme drowsiness
- Unconsciousness
- Permanent brain damage
- Death

J. Withdrawal syndrome

- Agitation
- Anxiety
- Muscle aches
- Insomnia
- Runny nose
- Sweating
- Abdominal cramping
- Diarrhea
- Nausea
- Vomiting
- Dilated pupils

K. Long-term use health effects

- Infection of the heart lining and valves

- Liver disease
- Seizures
- Collapsed veins
- Respiratory depression
- Abscesses
- High risk of contracting HIV through use of shared needles

L. Personal effects

- Narcotics increase pain tolerance. As a result, people could more severely injure themselves or fail to seek medical attention after an accident due to the lack of pain sensitivity.
- Narcotics' effects are multiplied when used in combination with other depressant drugs and alcohol, causing increased risk for an overdose.
- IV needle users have a high risk for contracting hepatitis and AIDS due to sharing needles.
- The combination of tolerance and dependency creates an increasing financial burden for the user.

M. Effects on driver performance

- Apathy caused by opiates can translate into an "I don't really care" attitude toward performance.
- The physical effects as well as the depression, fatigue, and slowed reflexes impede the reaction time of the driver, raising the potential for accidents.
- Unwanted side effects such as nausea, vomiting, dizziness, mental clouding, and drowsiness place the driver at higher risk for an accident.

VI. Phencyclidine (PCP)

Phencyclidine is a hallucinogen that was developed as an anesthetic and was later used in veterinary medicine as a powerful tranquilizer. It acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood-altering effects. Low doses produce sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare with the eyelids half-closed. Sudden noises or physical shocks may cause a "freak-out" in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication. PCP is a white crystalline powder, which is readily soluble in water or alcohol .

A. Common street names

- Angel dust
- Dust
- Peace pills
- Hog
- Killer weee
- Mint
- Monkey dust
- Supergrass
- Tran Q
- Wack
- Rocket fuel
- Ozone

B. Paraphernalia

- Foil or paper packets
- Stamps (off which PCP is licked)
- Needles, syringes
- Rubber tubing for tourniquets
- Leafy herbs (for smoking)

C. Method of intake

- May be ingested in pill, capsule, or tablet form
- Injected
- Smoked or snorted when applied to leafy materials or combined with marijuana or tobacco

D. Duration of a single dose

- Days

E. Detection time

- Up to 8 days

F. Dependency level

- Psychological dependence is high
- Physical dependence is unknown

G. Signs and symptoms of PCP use

- There are four phases to PCP use:
 - Acute toxicity causing combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distorted perception are common.
 - Toxic psychosis with visual and auditory delusions, paranoia and agitation
 - Drug induced schizophrenia
 - Induced depression, which may create suicidal tendencies and mental dysfunction.
- Increased blood pressure and pulse rate
- Shallow breathing
- Profuse sweating
- Muscular incoordination and rigidity
- Blurred vision and involuntary eye movement
- Hallucinations
- Delusions
- Distorted speech
- Feeling of power and strength
- Numbness of the extremities
- Nausea
- Vomiting
- Drooling
- Dilated or floating pupils
- Decreased sensitivity to pain
- Dizziness
- Drowsiness
- Severe disorientation
- Anxiety

- Aggressive/violent behavior
- Panic/fear/terror
- Mood swings

H. Overdose effects

- Longer, more intense “trip” episodes
- Psychosis
- Coma
- Possible death

I. Withdrawal syndrome

- None reported

J. Long-term use health effects

- Irreversible memory loss
- Depression
- Weight loss
- Speech difficulties
- Decreased fine motor skills
- Mood disorders
- Personality changes
- Thought disorders
- Hallucinations

K. Personal effects

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- Misdiagnosing the hallucinations as LSD-induced, and then treating with Thorazine, can cause a fatal reaction.
- Use can cause irreversible memory loss, personality changes, and thought disorders.
- PCP is potentiated by other depressant drugs, including alcohol, increasing the likelihood of an overdose reaction.
- Suicidal tendencies and mental dysfunction can last for months.

L. Effects on driver performance

- The distortions in perception and potential visual and auditory delusions make driver performance unpredictable and dangerous.
- PCP use can cause drowsiness, convulsions, paranoia, agitation, or coma, all obviously dangerous to driving.

VII. Additional Work and Personal Life Issues

- Consuming alcohol or using drugs increases the likelihood of accidents and injuries which can compromise the safety of the individual, family members and co-workers.
- Being under the influence of alcohol and/or drugs impairs a driver’s motor skills, reaction time and judgment which put not only the drive at risk, but also passengers and other who share the road and nearby walkways.
- Alcohol and controlled substance use can damage emotional stability, finances, career, and the ability to build and sustain satisfying relationships.
- Potential for legal problems involving violent behavior and crimes committed to raise sufficient money to support continued drug and/or alcohol use.
- There is a strong correlation between unemployment and alcohol and/or drug abuse.

- Addiction to alcohol or drugs can cause changes in the body and brain thereby leading to health problems and changes in personality or attitude.
- Inhibitions and decision making are affected. People who would not ordinarily behave in inappropriate ways may do so while under the influence of drugs or alcohol.
- Impaired judgment, abstract mental functioning, and lack of motivation caused by alcohol and/or drug use can adversely affect family, work, and social decisions.
- Alcohol and/or drug addiction can disrupt family life and create destructive patterns of codependency.

VIII. Intervention When an Alcohol or Controlled Substances Problem is Suspected

- Advise a supervisor of suspected behaviors giving specific observations
- Supervisors trained per 49 CFR 382.603 should determine if, based upon their observations, the CDL Employee should undergo reasonable suspicion alcohol and/or drug testing.
- Refer the employee to the Employee Assistance Program
- Refer to the current University Substance Abuse Policies and Procedures for the procedures for reporting substance abuse
- Contact Human Resources for guidance
- Notify TUPD if the situation is dangerous or illegal activity (such as distribution, possession, sale, or transportation of illegal substances) has been witnessed

IX. Sources of Additional Information on Alcohol and Controlled Substance Use

- National Council on Alcoholism and Drug Dependence
<http://www.ncadd.org/>
- National Institute on Drug Abuse
<http://www.drugabuse.gov/faqs>
- Center for Disease Control and Prevention
<http://www.cdc.gov/>