



Legislative Update

November 28, 2017

Earlier this month, US DOT updated its drug testing regulations. These changes take effect **January 1, 2018** and **apply to all transportation workers** –aviation, transit, rail – who are already subject to federal DOT drug tests.

With this update, DOT has expanded the types of drugs it tests for. Beginning January 1st, you will be tested for four additional drugs, specifically semi-synthetic opioids: **hydrocodone, oxycodone, hydromorphone, oxymorphone**. These semi-synthetic opioids are sold under brand names such as OxyContin, Percodan, Percocet, Vicodin, Lortab, Norco, Dilaudid, and Exalgo, etc. When the changes take effect, DOT drug tests will screen for the use of these drugs:

Marijuana; Hydromorphone; Amphetamine; Cocaine; Oxycodone; Methamphetamine; Codeine; Oxymorphone; MDMA/MDA; Morphine; 6-Acetylmorphine; Hydrocodone; and Phencyclidine

Under the existing DOT drug testing process, Medical Review Officers (MROs) determine whether there is a legitimate medical explanation for a positive test result, such as taking a legally prescribed drug. With this update, if you test positive for a semi-synthetic opioid, your MRO will downgrade your positive result to negative if you have a legally valid prescription for the drug found in your system.

There are other important things you should know about how this rule impacts you:

- There is no time limit on the use of a legally valid prescription. DOT recognizes that there could be an unintended hardship on you if a MRO was able to deny a prescription from being a legitimate medical explanation simply because it took you a longer time to finish taking the

drug than expected. As a result, there's no cutoff date after which the prescription for a drug you're taking can't serve as an explanation for a positive result.

- MROs cannot deny your prescription from acting as a legitimate medical explanation for a positive test result simply because they believe your doctor should not have prescribed you that medication. But, MROs must review and take all reasonable steps to verify the authenticity of the records you provide, and may contact your doctor for further information to verify your prescription.
- Before this rule, MROs were required to report to DOT and employers drug tests results and worker medication information if the MRO believed the information would cause the worker to be medically disqualified or pose a safety risk. Under this rule, before the MRO reports information about your prescription drugs to DOT or employer, the MRO must give you five business days to ask your doctor to call the MRO and determine if the medication can be changed to one that does not pose a significant safety risk. If the MRO determines a medical qualification or safety risk still remains, the MRO will report information about the drugs you're taking.
- Remember that while some state laws allow marijuana use, it is still prohibited by US DOT. If you test positive for marijuana, no prescription can downgrade your positive result to negative.
- You can view the US DOT update here: <https://www.gpo.gov/fdsys/pkg/FR-2017-11-13/pdf/2017-24397.pdf>