AMENDMENT TO RULES COMMITTEE

PRINT 116-18

OFFERED BY MR. SMITH OF NEW JERSEY

At the end of the bill (before the short title), insert the following:

DIVISION III—TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAM; ADDITION OF METHADONE AND OTHER SUBSTANCES

SECTION 1. SHORT TITLE.

This division may be cited as “Heidi’s Law”.

SEC. 2. MANDATORY GUIDELINES FOR FEDERAL WORKPLACE DRUG TESTING PROGRAMS.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall—

(1) determine whether a revision of the Mandatory Guidelines for Federal Workplace Drug Testing Programs to expand the opiate category on the list of authorized substance testing to include methadone
is justified, based on the reliability and cost-effectiveness of available testing; and

(2) consider whether to include with the determination under paragraph (1) a separate determination on whether a revision of the Mandatory Guidelines for Federal Workplace Drug Testing Programs to expand the list of substances authorized for testing to include any other drugs or other substances listed in schedule I and II of section 202 of the Controlled Substances Act (21 U.S.C. 812) is justified based on the criteria described in paragraph (1).

(b) Revision of Guidelines.—If an expansion of the substance list is determined to be justified under subsection (a), the Secretary of Health and Human Services shall—

(1) notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination;

and

(2) publish in the Federal Register, not later than 18 months after the date of the determination under that paragraph, a final notice of the revision of the Mandatory Guidelines for Federal Workplace Drug Testing Programs to expand the list of sub-
stances authorized to be tested to include the sub-
stance or substances determined to be justified for
inclusion.

(c) REPORT.—If an expansion of the substance list
is determined not to be justified under subsection (a)(1),
the Secretary of Health and Human Services shall submit
to the Committee on Commerce, Science, and Transpor-
tation of the Senate and the Committee on Transportation
and Infrastructure of the House of Representatives a re-
port explaining, in detail, the reasons the expansion of the
list of authorized substances is not justified.

(d) DEPARTMENT OF TRANSPORTATION DRUG-TEST-
ING PANEL.—If an expansion is determined to be justified
under subsection (a)(1), the Secretary of Transportation
shall publish in the Federal Register, not later than 18
months after the date the final notice is published under
subsection (b)(2), a final rule revising part 40 of title 49,
Code of Federal Regulations, to include such substances
in the Department of Transportation’s drug-testing panel,
consistent with the Mandatory Guidelines for Federal
Workplace Drug Testing Programs as revised by the Sec-
retary of Health and Human Services under subsection
(b).

(e) SAVINGS PROVISION.—Nothing in this section
may be construed as limiting or otherwise affecting any
authority of the Secretary of Health and Human Services or the Secretary of Transportation to expand the list of authorized substance testing to include an additional substance.