

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:

1 **DIVISION _____—TRANSPOR-**
2 **TATION WORKPLACE DRUG**
3 **AND ALCOHOL TESTING PRO-**
4 **GRAM; ADDITION OF METHA-**
5 **DONE AND OTHER SUB-**
6 **STANCES**

7 **SECTION 1. SHORT TITLE.**

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

9 **SEC. 2. MANDATORY GUIDELINES FOR FEDERAL WORK-**
10 **PLACE DRUG TESTING PROGRAMS.**

11 (a) **IN GENERAL.**—Not later than 180 days after the
12 date of enactment of this Act, the Secretary of Health and
13 Human Services shall—

14 (1) determine whether a revision of the Manda-
15 tory Guidelines for Federal Workplace Drug Testing
16 Programs to expand the opiate category on the list
17 of authorized substance testing to include methadone

1 is justified, based on the reliability and cost-effec-
2 tiveness of available testing; and

3 (2) consider whether to include with the deter-
4 mination under paragraph (1) a separate determina-
5 tion on whether a revision of the Mandatory Guide-
6 lines for Federal Workplace Drug Testing Programs
7 to expand the list of substances authorized for test-
8 ing to include any other drugs or other substances
9 listed in schedule I and II of section 202 of the Con-
10 trolled Substances Act (21 U.S.C. 812) is justified
11 based on the criteria described in paragraph (1).

12 (b) REVISION OF GUIDELINES.—If an expansion of
13 the substance list is determined to be justified under sub-
14 section (a), the Secretary of Health and Human Services
15 shall—

16 (1) notify the Committee on Commerce,
17 Science, and Transportation of the Senate and the
18 Committee on Transportation and Infrastructure of
19 the House of Representatives of the determination;
20 and

21 (2) publish in the Federal Register, not later
22 than 18 months after the date of the determination
23 under that paragraph, a final notice of the revision
24 of the Mandatory Guidelines for Federal Workplace
25 Drug Testing Programs to expand the list of sub-

1 stances authorized to be tested to include the sub-
2 stance or substances determined to be justified for
3 inclusion.

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

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

24 (e) SAVINGS PROVISION.—Nothing in this section
25 may be construed as limiting or otherwise affecting any

1 authority of the Secretary of Health and Human Services
2 or the Secretary of Transportation to expand the list of
3 authorized substance testing to include an additional sub-
4 stance.

