

BILL ANALYSIS

S.B. 328
By: Carona
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law requires an employer who is required to conduct alcohol and drug testing of an employee who holds a commercial driver's license to report a valid positive result of an alcohol or drug test, a refusal to provide a specimen, and an adulterated, substituted, or dilute specimen. There has been some confusion about the reporting requirements with regard to dilute specimens.

S.B. 328 clarifies current law to provide that only a valid positive dilute specimen must be reported to the Texas Department of Public Safety by an employer motor carrier.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Subsection (a)(1), Section 644.252, Transportation Code, is amended to clarify the reporting requirement for dilute specimens as defined by 49 C.F.R. Section 40.3 (Procedures For Transportation Workplace Drug & Alcohol Testing Programs). Subsection (a)(3), Section 644.252, Transportation Code, deletes text requiring an employer to report a dilute specimen to the Department of Public Safety of the State of Texas.

SECTION 2. Effective date. September 1, 2007.

EFFECTIVE DATE

September 1, 2007