



# COMPLIANCE BULLETIN

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## DRUG AND ALCOHOL CLEARINGHOUSE REQUIREMENTS

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Pursuant to 49 C.F.R. § 382.701, FMCSA mandates that all employers follow specific requirements for using the Drug and Alcohol Clearinghouse. The Clearinghouse is a secure, online, searchable electronic database containing all drug and alcohol violations from CDL drivers. The Clearinghouse provides employers, CDL drivers, medical review officers (MRO), substance abuse professionals (SAP), state drive licensing agencies (SDLA), and enforcement authorities real-time information about CDL drivers' drug and alcohol program violations. The Clearinghouse contains various records, including positive drug or alcohol test results, test refusals, completion of return-to-duty (RTD) processes, and follow-up testing plans. CDL driver, employer, MROs, SAPs, and SDLAs must all register to use the database.

EMA marketers as employers are required to perform annual queries for current employees and pre-employment queries for new employees. Note that the Clearinghouse mandate does not change any existing substantive regulation related to drug and alcohol testing beyond the use of the online database for queries.

The information below explains the requirements to be compliant.

### 1. EMPLOYER QUERY REQUIREMENTS

Annual Query	Pre-Employment Query
<p><b>Conduct</b> an annual query for all employed drivers subject to controlled substance and alcohol testing.</p> <ul style="list-style-type: none"><li>the annual query requirement can be satisfied by conducting a limited query.</li><li>If a full query is conducted, obtain specific consent from the driver.</li></ul>	<p><b>Conduct</b> a full query as part of each pre-employment driver investigation process.</p> <ul style="list-style-type: none"><li><b>Obtain</b> specific consent from the driver for a full query.</li></ul>

## 2. SEARCHING THE CLEARINGHOUSE DATABASE

Employers can conduct two types of queries on the Clearinghouse database:

- a. **Limited Query** – A limited query allows an employer to determine if an individual driver's Clearinghouse record has any information about resolved or unresolved drug and alcohol program violations but does not release any specific violation information contained in the driver's Clearinghouse record. Limited queries require only a general driver consent, which is obtained outside the Clearinghouse; this general consent is not required on an annual basis, it may be effective for more than one year. However, the limited consent request must be in writing and specify the duration of the consent period. The limited query meets the annual drug and alcohol record check requirements all employers must already conduct for CDL drivers.
- b. **Full Query** – A full query is required within 24 hours if the limited query shows that information exists in the Clearinghouse about the driver. If the full query is not conducted within 24 hours, the employer must prohibit the driver from performing safety-sensitive functions until the full query is conducted. A full query meets the federal pre-employment drug and alcohol violations search employers must conduct before hiring a CDL driver.

## 3. EMPLOYER NOTIFICATION

- a. FMCSA will notify the employer if any driver information is entered into the Clearinghouse during the 30-day period after employer conducts a query.

## 4. EMPLOYER PROHIBITIONS

- a. FMCSA prohibits employers from allowing a driver subject to drug and alcohol test to perform safety-sensitive function, unless:
  - i. Driver has successfully completed SAP evaluation, referral, and education/treatment processes; achieved a negative return-to-duty test result; and completed the SAP follow-up testing plan; or
  - ii. Driver has completed SAP evaluation, referral, and education/treatment processes; achieved a negative return-to-duty test result; and the employer assumes responsibility for managing the follow-up testing process.

## 5. EMPLOYER RECORDKEEPING REQUIREMENTS

- a. Retain a record of each query and all information received for 3 years.
- b. Valid registration fulfills this requirement.

## 6. ADDITIONAL INFORMATION

- a. For additional information on the FMCSA Drug and Alcohol Clearinghouse, [click here](#).
- b. For additional information on FMCSA Drug and Alcohol Clearinghouse compliance, [click here](#).