



DrugPak

Quarterly Newsletter

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Why Employers Need Drug Testing Software Like DrugPak to Stay Compliant and Efficient

In today's complex regulatory environment, employers can no longer afford to manage workplace drug testing programs with spreadsheets, paper files, or disconnected systems. Between evolving state marijuana laws, federal regulations, and increasing litigation risks, managing a compliant drug and alcohol testing program requires precision, documentation, and automation.

That's why investing in a comprehensive drug testing management system like **DrugPak** is no longer optional — it's a necessary strategic business decision.

Whether your organization conducts pre-employment, random, post-accident, reasonable suspicion, or DOT-regulated testing, urine tests, oral fluid, hair or a combination of any of the above, this is why drug testing software is essential.

The Growing Complexity of Workplace Drug Testing Compliance

Federal agencies like the U.S. Department of Transportation require strict adherence to drug and alcohol testing regulations, including:

- Random testing pool management
- Medical Review Officer (MRO) verification
- Chain-of-custody documentation
- Record retention requirements
- Supervisor training compliance
- Audit-ready reporting

At the same time, state-specific marijuana laws continue to evolve, creating confusion around adverse employment actions and testing panels.





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What Every Employer Should Know About Marijuana, But Too Many Don't



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Reviewing federal regulations and state laws where your business operates is essential to maintaining a compliant and legally defensible workplace drug testing program.

Federal Regulations

- Department of Transportation (DOT) Regulations (49 CFR Part 40)
- Federal Motor Carrier Safety Administration (FMCSA), Pipeline and Hazardous Materials Safety Administration (PHMSA), Federal Aviation Administration (FAA), Federal Railroad Administration (FRA), Federal Transit Administration (FTA), United States Coast Guard (USCG)
- Drug-Free Workplace Act of 1988
- Americans with Disabilities Act (ADA)
- Occupational Safety and Health Administration (OSHA)
- Equal Employment Opportunity Commission (EEOC)

State Laws

Each state may have its own drug testing laws, regulating:

- how drug testing must be conducted.
- who can be tested and when.
- required employee notification and consent procedures.
- written policy requirements.
- medical and recreational marijuana use protections.
- workers' compensation premium reductions tied to compliant testing programs.

Pre-Employment



- Which occupations may be required to pass a pre-employment drug test.
- Some states only permit after a conditional offer of employment is made.
- Some states and cities limit or prohibit pre-employment testing for cannabis.

Reasonable Suspicion Testing

"Reasonable suspicion" that the employee is at work while under the influence.

- States may provide specific guidance as to what constitutes reasonable suspicion; review all applicable laws carefully.
- Some states may require written documentation of observed signs of reasonable suspicion.

Post-accident Testing

Drug and/or alcohol testing after an accident has taken place in the workplace.

- Some states may provide a specific definition of what constitutes an accident or may require (and define) reasonable suspicion.
- Some states may guide how soon drug or alcohol testing must take place following an accident.

Random Testing



Testing that takes place randomly on a set pool of individuals in a workplace.

- A random testing pool can be defined by many criteria – some states may provide guidance as to how to define a testing pool.
- The selection method for a pool is often provided by state law or federal guidance.

Return-to-Duty Testing

Testing that occurs prior to an employee's return to work (usually following a leave of absence involving an accident, a medical leave from work, or participation in a substance abuse treatment program, etc.).

Follow-Up Testing

Testing that occurs following participation in an EAP, rehabilitation program, etc.

- Testing generally occurs over a set period.
- Employees may be supervised by a Substance Abuse Professional (SAP).



What Considerations Should Be Taken When Adding Alcohol to Your Policy?

Alcohol testing is often overlooked when employers build or update a workplace substance abuse policy. In many cases, drug testing gets most of the attention. However, alcohol remains one of the most commonly used and misused substances in the United States, and it can have a serious impact on workplace safety, productivity, and liability.

If your organization is considering adding alcohol testing to its policy, there are several important legal and practical issues to review first.

Why Alcohol Testing Matters in the Workplace

Alcohol misuse remains a major public health and workplace concern.

According to the Substance Abuse and Mental Health Services Administration (SAMHSA), alcohol continues to be widely used across the United States. In the [2024 National Survey on Drug Use and Health \(NSDUH\)](#), 46.6% of people age 12 or older (about 134.3 million people) reported alcohol use in the past month. Among current alcohol users, 57.9 million (43.1%) reported binge drinking, and 14.5 million were classified as heavy drinkers. SAMHSA also reported that 27.9 million people age 12 or older (9.7%) met the criteria for a past-year alcohol use disorder in 2024.



The [CDC](#) also reports that excessive alcohol use contributes to a large number of preventable deaths each year in the United States, underscoring why employers should not ignore alcohol in a workplace testing policy.

In short, alcohol testing should be part of the conversation when developing a workplace substance abuse program.

DrugPak has **SOFTWARE SOLUTIONS**

DrugPak Software helps hundreds of businesses of all sizes effectively manage and monitor their drug testing programs.

ONLINE ORDERING OF

- ✓ Drug Tests
- ✓ Alcohol Tests
- ✓ Physical Exams
- ✓ Background Checks

drugpak  [®]
Test Smarter.



Let's get started. Contact us here to learn more.



Frequently Overlooked Components of a DOT Drug Testing Policy

You may think your DOT drug and alcohol testing policy is compliant — but you might be surprised.

However, unless you routinely review policies, you could miss critical regulatory requirements. Most employers understand the broad framework of U.S. Department of Transportation (DOT) testing rules — types of tests, Medical Review Officer (MRO) requirements, laboratory standards, and general procedures.

It's often the *technical* details buried in the regulations that create compliance gaps. Employers are responsible for implementing a testing policy that complies with 49 CFR Part 40 and the applicable DOT agency regulations or United States Coast Guard (USCG) rules. Even minor omissions can create serious exposure.

A non-compliant policy can:

- Disrupt your drug and alcohol testing program
- Trigger audit findings
- Result in substantial fines
- Jeopardize federal contracts or funding

Whether due to outdated language, regulatory changes, misunderstanding, or simple oversight, the result is the same: a vulnerable testing program. Below are some of the most common compliance pitfalls we see.

1. Failing to Identify the Designated Employer Representative (DER)

This is a simple — yet frequently overlooked — requirement.

The DOT requires employers to designate a Designated Employer Representative (DER) and clearly identify this individual in the written policy.

DrugPak helps hundreds of businesses of all sizes manage and monitor their drug testing programs effectively.

Contact us today at sales@drugpak.com to get started.

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