**Section § 382.121: Employee admission of alcohol and controlled substances use.**

## Guidance Q&A

**Question 1: If an employee admits to alcohol misuse or drug use, when is it appropriate for the employer to apply the exception in §382.121?**

**Guidance:**In order for the exception in §382.121 to be used, all the provisions and conditions of this section must be met. In this instance, none of the consequences of prohibited conduct would apply, and the employer would not report the admission to any subsequent employers. However, if any of the conditions in §382.121 is absent (for example, if the employer has no existing written policy, or if the driver fails to follow the employer’s treatment program), then the exception may not be used, and the driver would be fully subject to all the consequences of prohibited conduct, including referral and treatment in accordance with Part 40 Subpart O, and reporting to subsequent employers in accordance with §40.25 and §391.23(e).