FMCSA-D&A-CLEAR-382.725-FAQ002(2022-01-28)

**Part 382 – Controlled Substances and Alcohol Use and Testing**

**Clearinghouse FAQ**

**Question:** In addition to the SDLA requirements, does the October 2021 final rule have other impacts on the States?

**Guidance:** The October 2021 final rule ([86 FR 55718](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.govinfo.gov%2Fcontent%2Fpkg%2FFR-2021-10-07%2Fpdf%2F2021-21928.pdf&data=04%7C01%7CGian.Marshall%40dot.gov%7C19d6e29f6d7d4bf6d30c08d9aa0e2958%7Cc4cd245b44f04395a1aa3848d258f78b%7C0%7C0%7C637727800057884721%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000&sdata=BJJaUaCVNHZQhfyP4wpMCa5r7yvb4%2Bfjlbxr09G6UlE%3D&reserved=0)) amends [49 CFR part 392](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.ecfr.gov%2Fcurrent%2Ftitle-49%2Fsubtitle-B%2Fchapter-III%2Fsubchapter-B%2Fpart-392&data=04%7C01%7CGian.Marshall%40dot.gov%7C19d6e29f6d7d4bf6d30c08d9aa0e2958%7Cc4cd245b44f04395a1aa3848d258f78b%7C0%7C0%7C637727800057894690%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000&sdata=ptJkvJaY6vEvTvlHvHjYwnBLhn%2B4kBTQbFwssGCXP1g%3D&reserved=0) by prohibiting CLP or CDL holders from operating a commercial motor vehicle, as defined in [49 CFR 390.5T](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.ecfr.gov%2Fcurrent%2Ftitle-49%2Fsubtitle-B%2Fchapter-III%2Fsubchapter-B%2Fpart-390%2Fsubpart-A%2Fsection-390.5T&data=04%7C01%7CGian.Marshall%40dot.gov%7C19d6e29f6d7d4bf6d30c08d9aa0e2958%7Cc4cd245b44f04395a1aa3848d258f78b%7C0%7C0%7C637727800057894690%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000&sdata=m4LkW%2FOpkN9N3BYcCkZDDsTD9n1tngNHYi4PJCVrMgE%3D&reserved=0), if they are subject to the CMV driving prohibition in [49 CFR 382.501(a)](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.ecfr.gov%2Fcurrent%2Ftitle-49%2Fsubtitle-B%2Fchapter-III%2Fsubchapter-B%2Fpart-382%2Fsubpart-E%2Fsection-382.501&data=04%7C01%7CGian.Marshall%40dot.gov%7C19d6e29f6d7d4bf6d30c08d9aa0e2958%7Cc4cd245b44f04395a1aa3848d258f78b%7C0%7C0%7C637727800057904637%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000&sdata=cKiB5MFZW9cjA7YxIpbfQKy%2FnWHmsQM2wSDWHhNQcP4%3D&reserved=0).  No later than November 18, 2024, States receiving Motor Carrier Safety Assistance Program (MCSAP) grant funds must adopt and enforce a CMV driving prohibition, comparable to  49 CFR 392.15, for CLP and CDL holders who are barred from operating a CMV due to a drug and alcohol program violation.

**FMCSA Drug and Alcohol Clearinghouse**, 1-844-955-0207

**Regulatory Topic:** Clearinghouse FAQ

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*Note: This guidance document does not have the force and effect of law and is not meant to bind the public in any way. It is intended only to provide information and clarity regarding existing requirements under the law or agency policies.*