



U.S. Department of Labor

Office of the Assistant Secretary for
Policy



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Laws & Regulations

Before implementing a drug-free workplace program, employers must familiarize themselves with any state and Federal laws that may impact when, where and how they do so.

State Laws

Many states have enacted drug-free workplace and/or drug-testing laws, and some have laws that provide workers' compensation insurance premium discounts to companies that have drug-free workplace programs that meet certain criteria. (In states without such laws, some workers' compensation insurance carriers still opt to offer discount incentives.) Legal counsel can provide guidance specific to your state. For more information, you may also want to visit the Working Partners Web site's listing of [state laws that impact drug-free workplace issues](#) or contact your [state Department of Labor](#).

Federal Laws

Although Federal agencies are required to have drug-free workplace programs for their employees, no Federal regulations universally affect private-sector employers that establish drug-free workplace programs. However, depending on the organization's industry and whether or not it does business with the Federal government, certain Federal regulations may apply.

Federal Contractors and Grantees/Drug-Free Workplace Act of 1988

The Drug-Free Workplace Act of 1988 requires some Federal contractors and all Federal grantees to agree that they will provide drug-free workplaces as a precondition of receiving a contract or grant from a Federal agency. The [Drug-Free Workplace Act of 1988 section](#) of the Drug-Free Workplace Advisor provides in-depth information about the Drug-Free Workplace

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Act of 1988, including its requirements and penalties. It also allows users to determine coverage under the Act.

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The Drug-Free Workplace Act of 1988 **does not** require drug testing; however, certain Federal agencies (including the [Department of Defense](#), [Department of Energy](#), [Nuclear Regulatory Commission](#) and [National Aeronautics and Space Administration](#)) have regulations that require contractors, grantees and licensees to have fitness-for-duty requirements or drug-free workplace programs that include drug testing.

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Transportation Industry/Omnibus Transportation Employee Testing Act of 1991

The Omnibus Transportation Employee Testing Act of 1991 requires transportation industry employers who have employees in "safety-sensitive" positions, such as commercial drivers, to have drug-free workplace programs that include both drug and alcohol testing. The U.S. Department of Transportation (DOT) is responsible for implementing and enforcing these regulations, which cover approximately six million employees, both private and public sector.

More in-depth information about DOT's drug-testing regulations is available from [DOT's Office of Drug and Alcohol Policy and Compliance Web site](#). This site includes a tool called [Am I Covered?](#) that helps employers and employees quickly determine whether they are required to comply with the rules, as well as an [employee page/handbook](#). It also provides [program manager contact information](#) for each mode of transportation impacted by the rules (aviation, trucking, railroad, mass transit, energy pipeline and maritime).

Family and Medical Leave Act of 1993

The Family and Medical Leave Act (FMLA) provides certain employees with up to 12 weeks of unpaid, job-protected leave per year for treatment of a serious health condition. In some circumstances, treatment for alcohol or drug abuse meets the criteria for leave under FMLA. More information is available on the Working Partners Web site's [FMLA page](#).

Americans with Disabilities Act (ADA) and Rehabilitation Act of 1973

Under certain circumstances, someone with a history of alcoholism or drug addiction may be considered a qualified individual with a disability under the Americans with Disabilities Act (ADA) and other Federal non-discrimination statues, such as the Rehabilitation Act of 1973. More information is available on the Working Partners Web site's [ADA and Rehabilitation Act page](#).

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