

**Title 4—Rules of Department of Economic Development
Division 240—Public Service Commission
Chapter 40—Gas Utilities and Gas Safety Standards**

PROPOSED AMENDMENT

4 CSR 240-40.080 Drug and Alcohol Testing. The Commission is amending sections (1) and (6) of this rule.

PURPOSE: This amendment proposes to amend the rule to conform to amendments of 49 CFR parts 40 and 199.

(1) As set forth in the *Code of Federal Regulations* (CFR) dated October 1, ~~2006~~2011, 49 CFR parts 40 and 199 are incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments to 49 CFR parts 40 and 199. The *Code of Federal Regulations* is published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The October 1, ~~2006~~2011 version of 49 CFR parts 40 and 199 is available at ~~www.access.gpo.gov/nara/cfr/cfr-table-search.html~~
www.gpo.gov/fdsys/search/showcitation.action.

(6) The federal procedures for transportation workplace drug and alcohol testing programs (49 CFR part 40) adopted by reference in section (3) of this rule contain subparts on administrative provisions; employer responsibilities; urine collection personnel; collection sites, forms, equipment and supplies used in DOT urine collections; urine specimen collections; drug testing laboratories; medical review officers and the verification process; split specimen tests; problems in drug tests; alcohol testing personnel; testing sites, forms, equipment, and supplies used in alcohol testing; alcohol screening tests; alcohol confirmation tests; problems in alcohol testing; substance abuse professionals and the return-to-duty process; confidentiality and release of information; roles and responsibilities of service agents; and public interest exclusions.

AUTHORITY: sections 386.250 and 386.310 and 393.140, RSMo 2000. Original rule filed Nov. 29, 1989, effective April 2, 1990. Rescinded and readopted: Filed Jan. 9, 1996, effective Aug. 30, 1996. Rescinded and readopted: Filed April 9, 1998, effective Nov. 30, 1998. Amended: Filed Oct. 15, 2007, effective April 30, 2008. Amended: Filed DATE.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this Proposed Amendment with the Missouri Public Service Commission, Steven C. Reed, Secretary, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after

*publication of this notice in the **Missouri Register**. Comments should refer to Case No. ? and be filed with an original and eight (8) copies. No public hearing is scheduled.*