RULES AND REGULATIONS IN THE IMPLEMENTATION OF THE DRUG TESTING OF PROFESSIONAL DRIVER’S LICENSE HOLDERS/APPLICANTS

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Pursuant to the provisions of Republic Act No. 4136, otherwise known as the "Land Transportation and Traffic Code" and in consonance with Section 22 of Batas Pambansa Blg. 398, the following rules and regulations are hereby promulgated for the guidance of and compliance by those applying for a new professional driver's license or a renewal thereof:

SECTION 1. Definition of Terms. — As used in these rules, and regulations, the following terms shall be understood to mean as follows:

Professional driver - shall mean every and any driver, hired or paid for driving or operating a motor vehicle, whether for private use or for hire to the public.

Collection container — container into which the license applicant urinates to provide urine sample to be used for the drug test.

Collection site person — a person in the laboratory who instructs and assists individuals at the laboratory and who receives and makes a screening examination of the urine specimen provided by the individuals.

Drug — an amphetamine, cannabinoid (marijuana) and other prohibited drugs.

Drug test — any chemical, biological or physical instrument analysis administered by a laboratory for the purpose of determining the presence or absence of a drug or its metabolite.

Initial Drug Test — a sensitive, rapid and reliable procedure used to identify negative and positive specimens usually by chemical procedure.

Confirmation test — second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen.

Medical Review Officer (MRO) — a licensed physician, medical technologist, pharmacist or chemical engineer who has a knowledge of substance abuse disorder and has an appropriate medical training to evaluate drug test results.

SECTION II Application and Scope. — In Metro Manila, any person who applies for a anew professional driver's license or for a renewal thereof, must show proof that he/she has been subjected to and has passed a drug test conducted by any of the following:

a. LTO physician or medical technologist accredited by both the Dangerous Drug Board (DDB) and the Land Transportation Office (LTO); or

b. Any duly licensed government or private laboratory accredited by both the DDB and LTO.

At the Regional Level, testing can be done through the National Bureau of Investigation (NBI) or the Philippine

National Police (PNP) facilities in the region or any laboratory accredited by the Dangerous Drug Board and by the LTO. At the provincial level, testing can be done through any drug testing laboratory accredited by both the DDB and the LTO.

The LTO shall secure monthly from the DDB an updated list of accredited drug testing laboratories, medical technologists, chemical engineers and pharmacists for proper monitoring, coordination and LTO accreditation.

SECTION III. Procedure. —

a. An applicant shall be subjected to an initial urine drug test checking for metamphetamine, marijuana and other prohibited drugs in his urine.

- An applicant shall submit at least 60 ml. of urine contained in a collection container.

- The collection site person shall measure the temperature of the urine immediately from the time of its collection.

b. If the initial urine drug test is positive, the applicant will be subjected to a secondary confirmatory test at the Dangerous Drug Board or PNP Crime Laboratory or NBI Laboratory.

c. If the second test or confirmatory test is still positive, the application for license or renewal thereof shall be denied by LTO. The MRO shall recommend for the rehabilitation of the applicant.

The laboratory report shall be signed by DDB authorized medical technologist, chemical engineer or pharmacist.

The same procedure shall also be followed by the accredited drug testing laboratories.

SECTION IV. Penalties. — The license of a driver found positive of prohibited drug/s after the confirmatory test shall be revoked. A license applicant found positive of prohibited drug/s after the confirmatory test shall not be issued a driver's license. He can only renew/re-apply after rehabilitation and after the Drug Rehabilitation Board has cleared him.

The LTO shall file a case before the LTFRB for the suspension/revocation of the franchise of the operator if the circumstances point to breach of the conditions of the franchise or failure to comply with the legal obligations of a common carrier.

SECTION V. Laboratory Reports. — As required by the Dangerous Drugs Board, all laboratory reports shall be made in printed forms especially prepared for the purpose. These reports shall be valid for fifteen (15) days from the date of issuance thereof.

SECTION VI. Drug Testing Fee. — A fee of Three Hundred Pesos (P300.00) shall be collected by LTO for every test conducted covering both amphetamine and cannaboid at the LTO laboratory. If the initial test is positive, an additional fee to be determined by the Dangerous Drug Board for the confirmatory test required by the Dangerous Drug Board shall be paid by the applicant.

The testing fee for accredited drug testing laboratories shall be determined by the DDB and LTO.

SECTION VII. Repealing Clause. — All orders, memoranda, rules and regulations or issuance in conflict herewith are deemed repealed or modified accordingly.

SECTION VIII. Effectivity. — This Administrative Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation once a week for two (2) consecutive weeks.

Adopted: 23 Feb. 1999

(SGD.) BENJAMIN G. CALIMA

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