

# John R. Ashcroft

Secretary of State / Administrative Rules  
RULE TRANSMITTAL

Administrative Rules Stamp

**RECEIVED**

By Administrative Rules SOS at 1:45 pm, Mar 19, 2025

**RECEIVED** JCAR Stamp

By JCAR at 1:11 pm, Mar 19, 2025

Rule Number 20 CSR 4240-40.080

Use a SEPARATE rule transmittal sheet for EACH individual rulemaking.

Name of person(s) Administrative Rules can contact with questions about this rule:

Content Nancy Dippell Phone 573-751-8518 Fax 573-526-6010

Email address Nancy.Dippell@psc.mo.gov

Data Entry Kayla Kliethermes Phone 573-751-4256 Fax 573-526-6010

Email address Kayla.Kliethermes@psc.mo.gov

Interagency mailing address Public Service Commission, 9<sup>th</sup> Floor Gov. Office Bldg, JC, MO

## TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking >  Rule  Amendment  Rescission  Termination

Effective date for the emergency \_\_\_\_\_

X Proposed Rulemaking >  Rule X Amendment  Rescission

Rule Action Notice

In Addition

Rule Under Consideration

Request for Non-Substantive Change

Statement of Actual Cost

Order of Rulemaking >  Withdrawal  Adoption  Amendment  Rescission

Effective date for the order \_\_\_\_\_

Statutory 30 days OR Specific date \_\_\_\_\_

Does the Order of Rulemaking contain changes to the rule text?  NO

YES—LIST THE SECTIONS/SUBSECTIONS WITH CHANGES:

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## *Missouri Public Service Commission*

**MAIDA J. COLEMAN**  
Commissioner

**KAYLA HAHN**  
Chair

**VACANT**  
Commissioner

**GLEN KOLKMEYER**  
Commissioner

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://psc.mo.gov>

**JOHN P. MITCHELL**  
Commissioner

March 19, 2025

Denny Hoskins  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

### **Re: 20 CSR 4240-40.080 Drug and Alcohol Testing**

Dear Secretary Hoskins,

#### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed amendment lawfully submitted by the Missouri Public Service Commission.

The Public Service Commission further certifies it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo, that the proposed amendment does not constitute a taking of real property under relevant state and federal law.

The Public Service Commission has determined and hereby also certifies that if the proposed amendment does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed amendment either does not affect small business or the small business requirements do not apply pursuant to section 536.300.4, RSMo.

Statutory Authority: *sections 386.250, 386.310, and 393.140, RSMo 2016.*

If there are any questions regarding the content of this proposed amendment, please contact:

Nancy Dippell  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-8518  
Nancy.Dippell@psc.mo.gov



*Nancy Dippell*

Nancy Dippell  
Secretary

Enclosures



## ***Missouri Public Service Commission***

**MAIDA J. COLEMAN**  
Commissioner

**KAYLA HAHN**  
Chair

**VACANT**  
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**GLEN KOLKMEYER**  
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**JOHN P. MITCHELL**  
Commissioner

March 19, 2025

Sarah Schappe  
Director  
Joint Committee on Administration Rules  
State Capitol, Room B8A  
Jefferson City, Missouri 65101

### **Re: 20 CSR 4240-40.080 Drug and Alcohol Testing**

Dear Director Schappe,

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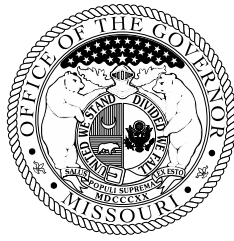


*Nancy Dippell*

Nancy Dippell  
Secretary

Enclosures

STATE CAPITOL  
201 W. CAPITOL AVENUE, ROOM 216  
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222  
WWW.GOVERNOR.MO.GOV

*Mike Kehoe*

GOVERNOR  
STATE OF MISSOURI

March 10, 2025

Kayla Hahn, Chair  
Missouri Public Service Commission  
P O Box 360  
Jefferson City MO 65102

Dear Ms. Hahn:

Our office has received the Proposed Amendment rulemakings for the following regulations:

- **20 CSR 4240-40.80 Drug and Alcohol Testing**

Executive Order 25-13 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, or adopt new regulations. After our review, we approve submission of the rule and the regulatory impact report (if required) to JCAR and the Secretary of State.

Sincerely,

A handwritten signature in blue ink that reads "Lowell Pearson".

Lowell Pearson  
General Counsel

**AFFIDAVIT  
PUBLIC COST**

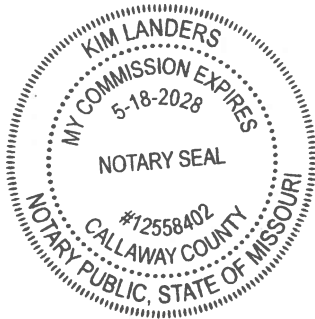
STATE OF MISSOURI )  
                                  )  
COUNTY OF COLE    )

I, Angela L. Nelson, Director of the Department of Commerce and Insurance, first being duly sworn, on my oath, state that it is my opinion that the cost of proposed amendment, 20 CSR 4240-40.080, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



\_\_\_\_\_  
Angela L. Nelson  
Director  
Department of Commerce and Insurance

Subscribed and sworn to before me this 14<sup>th</sup> day of March, 2025 I am commissioned as a notary public within the County of Callaway, State of Missouri, and my commission expires on May 18, 2028



  
\_\_\_\_\_  
Notary Public

**RECEIVED**

By Administrative Rules SOS at 1:45 pm, Mar 19, 2025

**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE  
Division 4240—Public Service Commission  
Chapter 40—Gas Utilities and Gas Safety Standards**

**PROPOSED AMENDMENT**

**20 CSR 4240-40.080 Drug and Alcohol Testing.** The Public Service Commission proposes amending section (1).

*PURPOSE:* This amendment modifies the rule to address amendments of 49 CFR part 40 promulgated between June 2019 and January 2025.

(1) As set forth in the *Code of Federal Regulations* (CFR) dated October 1, [2019]2023 and the subsequent amendments published on June 21, 2024 (published in *Federal Register* on June 21, 2024, page 89 FR 51981) and November 5, 2024 (published in *Federal Register* on November 5, 2024, page 89 FR 87792), 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, [2019]2023, versions of 49 CFR parts 40 and 199 [is]are available at [<https://www.govinfo.gov/#citation>]<https://www.govinfo.gov/content/pkg/CFR-2023-title49-vol1/pdf/CFR-2023-title49-vol1-part40.pdf> and [https://www.govinfo.gov/content/pkg/CFR-2023-title49-vol3-part199.pdf](https://www.govinfo.gov/content/pkg/CFR-2023-title49-vol3/pdf/CFR-2023-title49-vol3-part199.pdf), respectively. The *Federal Register* publication on page 89 FR 51981 is available at <https://www.govinfo.gov/content/pkg/FR-2024-06-21/pdf/2024-12749.pdf>. The *Federal Register* publication on page 89 FR 87792 is available at <https://www.govinfo.gov/content/pkg/FR-2024-11-05/pdf/2024-25403.pdf>.

*AUTHORITY:* sections 386.250, 386.310, and 393.140, RSMo 2016. \* This rule originally filed as 4 CSR 240-40.080. 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 Nov. 29, 2012, effective May 30, 2013. Amended: Filed Nov. 14, 2016, effective June 30, 2017. Amended: Filed June 4, 2018, effective Jan. 30, 2019. Moved to 20 CSR 4240-40.080, effective Aug. 28, 2019. Amended: Filed Dec. 12, 2019, effective July 30, 2020. Amended: Filed June 29, 2021, effective Jan. 30, 2022. Amended: Filed March 19, 2025.

\*Original authority: 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; and 393.140, RSMo 1939, amended 1949, 1967.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**RECEIVED**

By JCAR at 1:12 pm, Mar 19, 2025



*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Nancy Dippell, Secretary of the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before June 2, 2025, and should include a reference to commission File No. GX-2025-0249. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for June 6, 2025, at 11 a.m., in Room 310 of the Governor's Office Building, 200 Madison St., Jefferson City, MO. Interested persons may appear at this hearing to submit additional comments and/or testimony in support or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*