



TEAMSTERS Safety & Health FACTS

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Congress Modifies Diabetes Exemption

Since September 22, 2003, the Federal Motor Carrier Safety Administration (FMCSA) has been accepting applications from insulin-treated diabetes mellitus (ITDM) drivers for exemptions from the medical qualification regulations of 49 CFR 391.41(b)(3).

Changes to the Exemption:

On July 29, 2005, in Section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2005: A Legacy for Users (SAFETEA-LU), Congress ordered the Secretary of Transportation to begin revising the September 3, 2003 final rule, relating to persons with diabetes. The revised rule must provide for the individual assessment of applicants who use insulin to treat their diabetes and who are, except for their use of insulin, otherwise qualified under the Federal Motor Carrier Safety Regulations.

Specifically, the Bill states that by the date the revised final rule is issued, or 90 days after the Bill is enacted, whichever is earlier, the Secretary may not require diabetes exemption applicants to have experience operating commercial motor vehicles while using insulin in order to qualify for the exemption¹. Instead, the Secretary will require diabetes exemption applicants to have a minimum period of insulin use to demonstrate stable control of their diabetes before operating a commercial motor vehicle. Unless the treating physician directs otherwise, a minimum period of 2 months will be required for applicants who have been newly diagnosed with type 1 diabetes, and a minimum period of 1 month will be required for individuals with type 2 diabetes who are converting to insulin use.

Since President Bush signed the SAFETEA-LU on August 10, 2005 the FMCSA has until November 8 to modify the exemption program. If FMCSA fails to modify the program by this date, the changes to the exemption program automatically begin.

This exemption program is available to all interstate drivers. Intrastate drivers should determine if their state offers a separate waiver.

¹ Under the current exemption program, an applicant is required to have operated a CMV, with a diabetic condition controlled by the use of insulin, for the three-year period immediately preceding application. Unless the applicant worked as an intrastate driver in a state that issues an intrastate permit, it would not be possible to meet this requirement.

