



UNITED STATES COAST GUARD U.S. DEPARTMENT OF HOMELAND SECURITY

Consequences of Testing Positive

Summary:

A positive drug test of a urine sample is one which a designated Medical Review Officer (MRO) verifies as positive. The MRO is a licensed physician with knowledge of substance abuse, chemical testing, and related subjects.

Definition of a "positive" drug test result

Standard of Intoxication

A refusal to test is when a crewmember fails to provide a urine, breath, or blood specimen as required by 49 CFR Part 40, without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement to be tested in accordance with drug and alcohol testing regulations.

Evidence of tampering with or adulteration of a specimen is also considered a refusal to test.

Consequences of a Positive or a Refusal Test

(For unlicensed/undocumented mariners)

Any crewmember who fails or refuses a required chemical test for **dangerous drugs** must be removed from duties which directly affect the safe operation of the vessel as soon as practicable (or denied employment in the case of a pre-employment test).

Any crewmember who fails or refuses to take a chemical test for **alcohol** must be removed from duties which directly affect the safe operation of a vessel as soon as practicable.

Before an individual who has failed a required chemical test for dangerous drugs may return to work aboard a vessel, a Medical Review Officer (MRO) shall determine that the individual is drug-free and the risk of subsequent use of dangerous drugs by that person is sufficiently low to justify his or her return to work. The mariner should obtain a "return to work" (RTW) letter from the MRO as proof of the MRO's determination. In many cases, MROs will require a mariner seeking a RTW letter to attend narcotics anonymous meetings, attend rehabilitation programs, submit to random drug tests, or a combination of all three. In addition, the individual shall agree to be subjected to increased random drug tests for a period up to 60 months (five years).

Consequences of a Positive or Refusal to Test

(For mariners who hold a license, COR, or MMD)

Marine Employers

Further Information

For more information please contact your nearest Coast Guard Marine Safety Office's Investigations Department.

Marine employers or prospective marine employers must make a written report to the Coast Guard of all positive drug tests resulting from any required testing of any individual who has a license, COR, or MMD issued by the Coast Guard. The marine employer must make this report whether or not the individual was hired or not hired, and regardless if the position was one where a license, COR, or MMD

is required. As long as the person has credentials issued by the Coast Guard, and if they test positive, a report must be made to the Coast Guard.

Marine employers who do not comply with chemical testing regulations are subject to a civil penalty of \$5,000 per day, per violation.

Any mariner who holds a Coast Guard issued license, Certificate of Registry (COR), or Merchant Mariner's Document (MMD) who fails or refuses to take a chemical test for **dangerous drugs** must be removed from duties which directly affect the safe operation of a vessel as soon as practicable (or denied employment in the case of a pre-employment test).

Any mariner who fails or refuses to take a chemical test for **alcohol** must be removed from duties which directly affect the safe operation of a vessel as soon as practicable. If an individual refuses to submit to or cooperate in the administration of a timely chemical test when directed by a law enforcement officer, evidence of the refusal is admissible in evidence in any administrative proceeding and the individual will be presumed intoxicated.

Marine employers, or prospective employers must report positive or refused tests to the Coast Guard for persons holding licenses, CORs, or MMDs. Those personnel should expect revocation of their Coast Guard issue credentials for drug use, and revocation or suspension of their Coast Guard issued credentials for alcohol intoxication.

An individual is considered to be intoxicated if the alcohol concentration is .04 percent by weight in their blood or the effect of the intoxicant(s) consumed by the individual on the person's manner, disposition, speech, muscular movement, general appearance or behavior is apparent by observation.

A positive drug test of a urine sample is one which a designated Medical Review Officer (MRO) verifies as positive. The MRO is a licensed physician with knowledge of substance abuse, chemical testing, and related subjects. The marine employer must ensure that all of the test results are sent from the lab to the employer's designated MRO. Only when the MRO verifies a person's confirmed positive test result from the lab and reports the test as positive to the marine employer has that person then failed the drug test. The MRO evaluates and investigates the confirmed positive reports from the lab to determine if there is any legitimate explanation for the positive test (prescriptions, etc.). The MRO also reviews the chain-of-custody and other procedures to insure that there is no possibility of error or "mix-up." If there is a legitimate explanation or a possibility of error, the MRO will not verify the test as positive.

I have read and understand the consequences of my refusal to submit to a drug test.

Date _____

Printed Name _____

Signature _____