
**GACAR PART 7 – PROBLEMATIC USE OF PSYCHOACTIVE SUBSTANCES; PREVENTION
AND SAFETY PROGRAMS**

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SUBPART A - GENERAL

§ 7.1 Applicability.

This part applies to the following persons:

- (a) All commercial air operators certificated under GACAR Part 119 and authorized to conduct operations under GACAR Part 121 or Part 135;
- (b) All ground service providers certificated under GACAR Part 151;
- (c) All air traffic service providers certificated under GACAR Part 170 and authorized to provide air traffic services under GACAR Part 171; and
- (d) All individuals who perform, either directly or by contract, a safety-sensitive function listed in paragraph (e) of this section for the certificate holders listed in paragraph (a), (b) or (c) of this section.
- (e) The safety-sensitive functions are:
 - (1) Flight crew member duties.
 - (2) Cabin crew member duties.
 - (3) Flight instruction duties.
 - (4) Aircraft dispatcher duties.
 - (5) Air traffic control duties.
 - (6) Ground support equipment operator duties.
 - (7) Aircraft marshaller duties.
 - (8) Dangerous goods handler duties.
 - (9) Aircraft mass and balance agent / load controller duties.

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(10) Ramp supervisor / aircraft turnaround coordinator duties.

§ 7.3 Purpose.

The purpose of this part is to establish programs designed to help prevent accidents and injuries resulting from the problematic use of psychoactive substances by employees who perform safety-sensitive functions in aviation.

§ 7.5 Use of Terms.

The following terms used in this part have the meanings noted below:

Contractor is an individual or company that performs a safety-sensitive function by contract for an employer or another contractor.

Covered employee means an individual who performs, either directly or by contract, a safety-sensitive function listed for an employer.

Employee is an individual who is hired, either directly or by contract, to perform a safety-sensitive function for an employer. This includes full-time, part-time, temporary, and intermittent employees regardless of the degree of supervision.

Employer is a GACAR Part 119 certificate holder with authority to operate under GACAR Parts 121 and/or 135, a ground service provider certificated under GACAR Part 151, or an air traffic service provider certificated under GACAR Part 170 and authorized to provide air traffic services under GACAR Part 171. An employer may use a contract employee who is not included under that employer's programs to perform a safety-sensitive function only if that contract employee is included under the contractor's program and that contractor's program is also acceptable to the President.

Performing (a safety-sensitive function) means an employee is considered to be performing a safety-sensitive function during any period in which he is actually performing, ready to perform, or immediately available to perform such function.

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SUBPART B—EMPLOYER RESPONSIBILITIES

§ 7.21 General.

(a) Each employer must provide each employee performing a safety-sensitive function, and his supervisor, with the education and training specified in GACAR § 7.23.

(b) No employer may use any contractor to perform an safety-sensitive function unless that contractor provides each of its employees, and his supervisor, performing that function for the employer, with the education and training specified in GACAR § 7.23.

§ 7.23 Prevention Programs: Education and Training.

(a) *Education program.* Each education program must include at least the following elements:

(1) Display and distribution of informational material pertaining to the problematic use of psychoactive substances in the aviation workplace;

(2) Display and distribution of the employer's policy regarding the problematic use of psychoactive substances in the workplace. The policy must include information regarding the consequences of using psychoactive substances while performing safety-sensitive functions.

(b) *Training program.* Each employer must implement a program of initial and recurrent training for employees. The training program must be acceptable to the President. The employee training program must include at least the following elements:

(1) The effects and consequences of psychoactive substance use on individual health, safety, and work environment;

(2) The manifestations and behavioral cues that may indicate use and abuse of psychoactive substances;

(3) The applicable General Authority of Civil Aviation Regulations (GACAR) prohibiting the problematic use of psychoactive substance; and

(4) Documentation of training given to each employee.

§ 7.25 Safety Programs.

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No employer having actual knowledge that a covered employee is using psychoactive substances while performing safety-sensitive functions or otherwise engaged in the problematic use of psychoactive substances may permit the employee to perform or continue to perform safety-sensitive functions.

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SUBPART C—INDIVIDUAL RESPONSIBILITIES

§ 7.31 Use of Psychoactive Substances.

This section applies to covered employees who perform a safety-sensitive function listed GACAR § 7.1(d) for an employer.

(a) *On-duty use.* No covered employee may use any psychoactive substance while performing safety-sensitive functions.

(b) *Problematic use.* No covered employee may engage in the problematic use of any psychoactive substance.

(c) *Refusal to submit to a required test.* A covered employee must not refuse to submit to any test for the problematic use of psychoactive substances as required under the GACAR.

(d) *Use following an accident.* No covered employee who has actual knowledge of an accident involving an aircraft for which he performed a safety-sensitive function at or near the time of the accident may use a psychoactive substance for 8 hours following the accident, unless he has been given a post-accident test for psychoactive substance use, or the employer has determined that the employee's performance could not have contributed to the accident.