test for dangerous drugs or of qualifying for an exception from testing in § 16.220 of this subchapter.

7. Section 10.209 is amended by revising paragraph (g)(1) and by adding a new paragraph (h) to read as follows:

§ 10.209 Requirements for renewal of licenses and certificates of registry.

* * * * * * (g) * * *

- (1) Applicants for renewal of licenses who are unwilling or otherwise unable to meet the requirements of paragraphs (c) or (d) of this section may renew their licenses, with the following restrictive endorsement placed on the back of the license: "License renewed for continuity purposes only; service under the authority of this license is prohibited." Holders of licenses with this *continuity endorsement* may have the prohibition rescinded at any time by satisfying the renewal requirements in paragraphs (c), (d), and (h) of this section.
- (h) Chemical testing for dangerous drugs. Except for applicants requesting an inactive license renewal under paragraph (g) of this section, each applicant for the renewal of a license or of a certificate of registry shall produce evidence of having passed a chemical test for dangerous drugs or of qualifying for an exception from testing in § 16.220 of this subchapter. An applicant who fails a chemical test for dangerous drugs will not be issued a license or certificate of registry.
- 8. Section 10.805 is amended by adding paragraph (g) to read as follows:

§ 10.805 General requirements.

(g) Each applicant for an original certificate of registry or a higher grade of certificate of registry, as described by paragraph (c) of this section, shall produce evidence of having passed a chemical test for dangerous drugs or of qualifying for an exception from testing in § 16.220 of this subchapter. An applicant who fails a chemical test for dangerous drugs will not be issued a certificate of registry.

PART 12—CERTIFICATION OF SEAMEN

9. The authority citation for part 12 is revised to read as follows:

Authority: 31 U.S.C. 9701, 46 U.S.C. 2101, 2103, 2110, 7301, 7302; 49 CFR 1.46.

10. Section 12.01–6 is amended by adding in alphabetical order "fails a chemical test for dangerous drugs" and "passes a chemical test for dangerous drugs" to the list of definitions to read as follows:

§12.01–6 Definitions of terms used in this part.

* * * * *

Fails a chemical test for dangerous drugs means that the result of a chemical test conducted in accordance with 49 CFR part 40 is reported as "positive" for the presence of dangerous drugs or drug metabolites in an individual's system by a Medical Review Officer in accordance with that part.

Passes a chemical test for dangerous drugs means the result of a chemical test conducted in accordance with 49 CFR part 40 is reported as "negative" by a Medical Review Officer in accordance with that part.

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11. Section 12.02–4 is amended by adding paragraph (c) to read as follows:

§ 12.02–4 Basis for denial of documents. * * * * *

- (c) An applicant who fails a chemical test for dangerous drugs required by § 12.02–9 will not be issued a merchant mariner's document.
- 12. Section 12.02–9 is amended by adding paragraph (f) to read as follows:

§ 12.02–9 Application for documents.

- (f) Except for applicants requesting an inactive merchant mariner's document renewal under § 12.02–27(g) of this part, to obtain an original issuance of a merchant mariner's document, the first endorsement as an able seaman, lifeboatman, qualified member of the engine department, or tankerman, or a reissuance of a merchant mariner's document with a new expiration date, each applicant shall present evidence of having passed a chemical test for dangerous drugs or of qualifying for an exception from testing in § 16.220 of this subchapter.
- 13. Section 12.02–27 is amended by revising paragraph (g)(1) to read as follows:

§ 12.02–27 Requirements for renewal of merchant mariner's documents.

* * * * * * (g) * * *

(f) Applicants for renewal of merchant mariner's documents that are endorsed with qualified ratings, who are unwilling or otherwise unable to meet the requirements of paragraphs (c) or (d) of this section may renew the merchant mariner's document, with the following restrictive endorsement placed on the document: "Continuity only; service under document prohibited." Holders of merchant mariner's documents with this continuity endorsement may have the

prohibition rescinded at any time by satisfying the renewal requirements in paragraphs (c) and (d) of this section and $\S 12.02-9(f)$ of this part.

* * * * *

PART 16—CHEMICAL TESTING

14. The authority citation for part 16 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 7101, 7301, and 7701; 49 CFR 1.46.

15. Section 16.105 is amended by revising the definitions of "dangerous drug" and "fails a chemical test for dangerous drugs", and by adding in alphabetical order the definition "passes a chemical test for dangerous drugs" to read as follows:

$\S 16.105$ Definitions of terms used in this part.

* * * * *

Dangerous drug means a narcotic drug, a controlled substance, or a controlled-substance analog (as defined in section 102 of the Comprehensive Drug Abuse and Control Act of 1970 (21 U.S.C. 802)).

Fails a chemical test for dangerous drugs means that the result of a chemical test conducted in accordance with 49 CFR part 40 is reported as "positive" for the presence of dangerous drugs or drug metabolites in an individual's system by a Medical Review Officer in accordance with that part.

Passes a chemical test for dangerous drugs means the result of a chemical test conducted in accordance with 49 CFR part 40 is reported as "negative" by a Medical Review Officer in accordance with that part.

16. Section 16.220 is revised to read as follows:

§16.220 Periodic testing requirements.

(a) Except as provided by paragraph (c) of this section, and §§ 10.209(h) and 12.02–9(f) of this subchapter, an applicant for an original issuance or a renewal of a license or a certificate of registry (COR), a raise in grade of a license, a higher grade of COR, an original issuance of a merchant mariner's document (MMD), the first endorsement as an able seaman, lifeboatman, qualified member of the engine department, or tankerman, or a reissuance of an MMD with a new expiration date shall be required to pass a chemical test for dangerous drugs. The applicant shall provide the results of the test to the Coast Guard Regional