

- (A) Increased tolerance;
 - (B) Manifestation of withdrawal symptoms;
 - (C) Impaired control of use; or
 - (D) Continued use despite damage to physical health or impairment of social, personal, or occupational functioning.
- (b) No substance abuse within the preceding 2 years defined as:
- (1) Use of a substance in a situation in which that use was physically hazardous, if there has been at any other time an instance of the use of a substance also in a situation in which that use was physically hazardous;
 - (2) A verified positive drug test result, an alcohol test result of 0.04 or greater alcohol concentration, or a refusal to submit to a drug or alcohol test required by the U.S. Department of Transportation or an agency of the U.S. Department of Transportation; or
 - (3) Misuse of a substance that the Federal Air Surgeon, based on case history and appropriate, qualified medical judgment relating to the substance involved, finds—
 - (i) Makes the person unable to safely perform the duties or exercise the privileges of the airman certificate applied for or held; or
 - (ii) May reasonably be expected, for the maximum duration of the airman medical certificate applied for or held, to make the person unable to perform those duties or exercise those privileges.
- (c) No other personality disorder, neurosis, or other mental condition that the Federal Air Surgeon, based on the case history and appropriate, qualified medical judgment relating to the condition involved, finds—
- (1) Makes the person unable to safely perform the duties or exercise the privileges of the airman certificate applied for or held; or
 - (2) May reasonably be expected, for the maximum duration of the airman medical certificate applied for or held, to make the person unable to perform those duties or exercise those privileges.

[Doc. No. 27940, 61 FR 11256, Mar. 19, 1996, as amended by Amdt. 67–19, 71 FR 35764, June 21, 2006]

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