

BCAA/PEL/ 001

**Royal Government of Bhutan**  
Bhutan Civil Aviation Authority  
Paro, Bhutan



**BHUTAN CIVIL AVIATION REQUIREMENTS**

**PERSONNEL LICENCING**

Chapter 5: Prevention of Problematic Use of Alcohol and  
Psychoactive Substances

**Issue 02**  
**February 2018**



**BHUTAN CIVIL AVIATION REQUIREMENTS  
PERSONNEL LICENSING**

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**III. ABBREVIATIONS**

ATC	Air Traffic Controller
BCAA	Bhutan Civil Aviation Authority
BNCA	Bhutan Narcotic Control Authority
MOIC	Ministry of Information & Communications
DoAT	Department of Air Transport
ICAO	International Civil Aviation Organization
DG	Director General of Bhutan Civil Aviation Authority

**IV. DEFINITIONS**

Bhutan Civil Aviation Authority	Is the Authority that has the responsibility as a regulatory body to set rules and regulations for safer airspace over the Kingdom of Bhutan.
Psychoactive substances	Opioids, cannabinoids, Sedatives and Hypnotics, Cocaine, other Psychostimulants, Hallucinogens, and Volatile solvents, whereas Coffee and Tobacco are excluded.
Problematic use of (Alcohol and Psychoactive) Substances	The use of one or more substances by Aviation Personnel in a way that: <ul style="list-style-type: none"> <li>a) Constitute a direct hazard to the user or endangers the lives, health or welfare of others; and or</li> <li>b) Causes or worsens an occupational, social, mental and or physical problems/disorders.</li> </ul>
Biochemical testing	Process where by a sample of breath, blood, urine or any other body fluid or tissue is procured from an individual and submitted for biochemical/biophysical laboratory examination and analysis, where the results of this testing is cited as proof of a certain conduct.

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Designated Civil Aviation Medical Assessor/Examiner	A physician with training in aviation medicine and practical knowledge and experience of the aviation environment, who is designated by the DG to conduct medical examinations of fitness of applicants for Licences, Ratings or Certificates for which medical requirements are prescribed.
Alcohol concentration	Alcohol concentration is defined as grams of alcohol deciliter of blood or grams of alcohol 210 liters of breath.
The Board	In this Circular, the board refers to the board directors of Bhutan Civil Aviation Authority

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## CHAPTER 5. PREVENTION OF USE OF ALCOHOL AND PSYCHOACTIVE SUBSTANCES

### 5.1 Objective

5.1.1 The requirements specified in this herein are to prevent use of Alcohol and/or Psychoactive substances by personnel holding Licence, Rating or Certificates, hereafter referred to as an “Aviation Document”, and engaged in activities sensitive to flight safety and/or security, including the conduct of training either on an actual equipment or a synthetic training device, for the promotion of safety and security in civil aviation.

### 5.2 Legal provisions

5.2.1 Applicable legal provisions:

- a) Civil Aviation Act of Bhutan 2016, hereafter referred to as the Act;
- b) Bhutan Air Navigation Regulations 2010.

### 5.3 Applicability

5.3.1 The specifications contained herein is applicable to any person who holds any one or more of the following Licence, Rating or Certificate, Competency cards issued by the DG, BCAA or issued by another Contracting State or those issued by the Air Operator, the Aeronautical Service provider or the Aviation Security service provider certified by the DG, herein after referred to as an – “Aviation Document Holder”:

- a. Pilot Licence of any description;
- b. Flight Radio Telephony Operator Licence;
- c. Aircraft Maintenance Licence;
- d. Flight Operation Officer / Flight Dispatcher Licence;
- e. Air Traffic Controller Licence;
- f. Cabin Crew Member Certificate;
- g. Certified Security Screener;
- h. Aircraft Maintenance Technician Certificate;
- i. Others; as and when determined by the DG.

5.3.2 This provision herein shall be applicable to organizations and personnel engaged in:

5.3.2.1 Operating of an aircraft under an Aircraft Operator Certificate issued by the DG wherever the aircraft may be.

5.3.2.2 Operation of an aircraft under a Foreign Aircraft Operator Certificate within the Bhutanese airspace.

5.3.2.3 Operation of any Aeronautical Services and provision of Aviation Security Services in Bhutan.

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5.3.2.4 Operation of any private or commercial or business aircraft, regardless of nationality and registration of the aircraft, within the Bhutanese airspace.

5.3.2.5 Operation of any approved Aircraft Engineering, Maintenance or Repair Organization within Bhutan.

#### **5.4 Prohibition of use of Alcohol and/or Psychoactive substances**

5.4.1 An Aviation Document Holder engaged in safety and/or security sensitive activities relating to civil aviation shall not exercise or attempt to exercise the privileges attached to the applicable Aviation Document held by him/her whilst under the influence of Alcohol or any Psychoactive substance that impairs his/her ability to accomplish the assigned activities to the required safety, security and performance standards.

#### **5.5 Responsibility of compliance**

5.5.1 An Aviation Document Holder shall not commence, attempt to commence or remain on duty if he/she is under the influence of Alcohol and/or Psychoactive substances.

5.5.2 An Aviation Document Holder who becomes aware of another Aviation Document Holder under the influence of Alcohol and/or Psychoactive substances, while on duty or scheduled to commence his/her duty, shall report such facts immediately to the employer or the DG or the authorized representative of the DG.

5.5.3 An employer of an Aviation Document Holder, shall have a “Problematic use of Psychoactive Substance and/or Alcohol Policy” as per, the provisions contained herein, the ICAO Manual of Prevention of Problematic use of Substances in the Aviation Work Place (Doc 9654 - AN 945) and relevant Rules and Regulations of the Kingdom of Bhutan. The policy shall include the following elements:

1. Training, Awareness and Educational program which should cover:

- a. The potential effect of alcohol and/or psychoactive substance;
- b. Medication use (Prescribed or bought from a pharmacy) to ensure the safe exercise of aviation document privileges whilst taking medication;
- c. The early recognition and rehabilitation of individuals with an alcohol, or usage of psychoactive substance problem – a peer intervention program may be considered in this context;
- d. Briefing on self-awareness and facilitation of self-referral for help with an alcohol and/or psychoactive substances use problem.

2. Procedures for:

- a. Monitoring efficacy of the problematic use of psychoactive substance and/or alcohol policy.
- b. Dealing with a positive determination of problematic use of Psychoactive substance and/or Alcohol during Biochemical testing – this shall include immediate suspension of all Aviation Document(s) privileges, reporting of the test results and the subsequent actions taken, within two working days, to the DG;
- c. Monitoring and support for return to work after rehabilitation for an alcohol or psychoactive substance use problem.



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d. Requesting for reinstatement of the aviation document(s).

3. Biochemical Testing Procedures for determination of Problematic use of Psychoactive Substances and/or Alcohol, which includes:

- a. Frequency of testing;
- b. The Psychoactive substances that are tested;
- c. Who undertakes testing;
- d. The Bio-sample(s) that are taken;
- e. Which safety critical personnel are tested;
- f. When testing is undertaken:
  - pre-employment,
  - before a duty period,
  - under reasonable suspicion,
  - post incident/accident,
  - random,
  - routine;
- g. The availability of repeat testing facilities;
- h. Where testing takes place;
- i. Safeguards for the process – e.g. chain of custody, legally secured, robust process, confidentiality.

## **5.6 Testing for Problematic use of Alcohol and/or Psychoactive substances**

5.6.1 All Aviation Document Holder shall be subject to routine testing for problematic use of Psychoactive substances, random testing, testing on reasonable suspicion and post-incident/accident testing for use of alcohol and/or psychoactive substances.

5.6.1 The psychoactive substances, the intended methodology to be used for testing, testing apparatus/equipment, facilities and the procedures to be followed etc. shall be based on the current practices of the BNCA. Psychoactive substances are also sometimes referred to as psychotropic substances, in this document the two terms shall be construed to have the same meaning.

5.6.2 The Aircraft Operator, Aeronautical Service Provider and the Aviation Security Service Provider employing any Aviation Document Holder shall inform all the Aviation Document Holders it employs, about the methodology being used for the testing.

5.6.3 All Aviation Document Holders and their respective employers shall honor the request for testing, without the DG or the representative(s) of the DG having to give any justification or reason.

## **5.7 Routine testing**

5.7.1 All Aviation Document Holders shall undergo routine biochemical testing for use of psychoactive substance by the designated civil aviation medical assessor/examiner during his/her routine medical checkup, pre-employment checkup or pre-transfer to areas requiring aviation document privileges, and shall submit the report together with the Medical Fitness certificate to the DG.

5.7.2 The Medical Fitness certificate shall be considered incomplete in absence of the report of biochemical testing.

### **5.8 Random testing**

5.8.1 The DoAT is designated as the entity to carry out random testing for problematic use of Alcohol and Psychoactive substances.

5.8.2 All Aviation Document Holders shall be subject to random testing by DoAT, with or without the support from BNCA, and in presence of authorized representative(s) of the DG.

5.8.3 For confidentiality and to maintain the element of surprise, the time and place of random testing shall be decided together by the DG and the Director of DoAT.

### **5.9 Post-incident/accident testing**

5.9.1 All Aviation Document Holders whose conduct could have contributed to the incident/accident, as determined by DG, shall be subject to testing for use of Alcohol and/or Psychoactive substances as per part 6.6.

### **5.10 Reasonable suspicion testing**

5.10.1 An Aviation Document holder shall be subject to testing for use of Alcohol and/or Psychoactive substances based on indicator(s) or evidence confirmed by written statement signed by any other Aviation Document Holder(s) or by the accountable manager of the Aviation Document Holder as per section 5.8.

5.10.2 Notwithstanding parts 5.7, 5.8, 5.9, and 5.10, the DG or an authorized representative(s) of the DG may at any time, as may be determined by him/her, subject an Aviation Document Holder to a test or his/her employer to subject an Aviation Document Holder to a test, for the determination of compliance.

### **5.11 Determination of being under the influence of Alcohol and/or Psychoactive substances**

5.11.1 Aviation Document Holder is considered to be under the influence of alcohol and/or psychoactive substance:

5.11.2 If an alcohol concentration of 0.04% or greater is detected in his/her blood or breath specimen obtained from him/her while attempting to report to duty or while on duty.

5.11.3 If the Aviation Document Holder tests positive for psychoactive substances during the biochemical testing as per the section 5.6.

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## 5.12 Obligation of the Aviation Document Holder to request for testing

- 5.12.1 Upon a written request made by the DG or an authorized representative of the DG, an Aviation Document Holder shall subject himself or herself to the required test for determination of his status relating to the use of Alcohol and/or Psychoactive substances.
- 5.12.2 If the Aviation Document Holder is not willing to undergo, or does not cooperate to such testing, he/she shall be considered as committing an offence under the chapter X of the Civil Aviation Act of Bhutan 2016, and treated same as being under the influence of alcohol and psychoactive substance and the provisions under 5.13 shall apply.

## 5.13 Consequence of a positive test

- 5.13.1 If an Aviation Document Holder is found to be under the influence of Alcohol and/or Psychoactive substances, he/she shall be barred from exercising his/her Aviation Document privileges with immediate effect and a written report to that effect shall be forwarded to the DG together with the applicable supporting documents.
- 5.13.2 An employer of an Aviation Document Holder, after removing an Aviation Document Holder who is found to be under the influence of Alcohol and/or Psychoactive substances as per 5.13.1, shall not permit the Aviation Document Holder to resume exercising his/her Aviation Document privileges until a determination is made by the DG on the reported incident and decision is conveyed to his/her employer as the case may be.
- 5.13.3 Any positive test result obtained by the DG under the forgoing parts as to the use of Alcohol and/or Psychoactive substances by Aviation Document Holder concerned shall result in any of the following actions:
- a. If the aviation document(s) has been issued in Bhutan:
    - i. Suspension of all the aviation document(s) held by the Aviation Document Holder for a minimum of one month and penalty of Nu. 10,000 or 50% of one month's gross salary (inclusive of all allowances) whichever is higher, if the detection of alcohol is for the first time. This is irrespective of whether if the test was carried out by the DoAT and BCAA or the employer of the aviation document holder;
    - ii. Permanent cancellation of all the Aviation Documents held by the Aviation Document Holder for second time detection of alcohol and/or **first time detection of psychoactive substances**. This is irrespective of if the test was carried out by the DoAT and BCAA or the employer of the aviation document holder, in both the first and second instances of positive test;
    - iii. Where the detection of psychoactive substance(s) is due to medication prescribed by a registered medical practitioner, the prescription and other supporting documents acceptable to the DG should be produced during the biochemical testing. The Aviation Document holder shall be barred from exercising the document privileges until a determination is made by the DG and the decision is conveyed to his/her employer as the case may be.

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- iv. A penalty of Nu. 1.0 million for the employer of the aviation document holder for positive detection(s) of psychoactive substance(s) during biochemical testing carried out by the DoAT and BCAA.
  - v. A penalty of Nu. 1.5 million for the employer of the aviation document holder for positive detection(s) of psycho active substance(s), if the test was carried out by the employer but was not reported to the DG within three hours of testing, intentionally or unintentionally.
  - vi. A penalty of Nu. 0.3 million for the employer of the aviation document holder for positive detection(s) of alcohol, if the test was carried out by DoAT and BCAA or if the test was carried out by the employer but was not reported to the DG within three hours of testing, intentionally or unintentionally.

5.13.4 If the Aviation Document is issued by another state;

- a. Barring the aviation document holder from exercising his/her document privileges and engaging in safety and/or security sensitive activities in civil aviation within Bhutanese airspace; and
- b. Any other action in conformity with the provisions made under the respective air service agreements with State concerned.

**5.14 Reinstatement of suspended Aviation Document**

- 5.14.1 The DG will not consider any application made to him by an Aviation Document Holder, whose Aviation Document(s) was permanently cancelled. This includes issuance of authorization or any document pertaining to use of the aviation document privileges of the cancelled Aviation Document within or outside of Bhutan.
- 5.14.2 The DG will not consider any application made to him by any Aviation Document Holder, whose Aviation Document(s) was suspended, for reinstatement until the provisions under 5.13.a) are fully satisfied.
- 5.14.3 When applying for reinstatement, the aviation document holder should furnish evidence/documents, satisfactory to the DG, to prove that he/she has successfully undergone rehabilitation/treatment or, in case where rehabilitation/treatment is not necessary proof that the problematic use of alcohol and/or psychoactive substance has ceased.
- 5.14.4 Upon receiving such evidence/document, the DG shall examine the evidence and make a determination on if the aviation document holder is fit to resume exercising his/her aviation document privileges; this shall include testing negative in an independent test administered by the BCAA for problematic use of alcohol and/or psychoactive substance.
- 5.14.5 Upon reinstatement of the aviation document(s) and reinstatement to his/her duty by the employer, the aviation document holders shall be monitored and subjected to periodic tests in the first one month after the date of reinstatement to duty. The aviation document(s) shall be cancelled as per part 9.3. a) i) on testing positive during the monitoring period for alcohol and/or psychoactive substance.

## 5.15 Appeal

5.15.1 Any Aviation Document Holder aggrieved by a decision made by the DG, may refer an appeal to the Board within 10 working days from the date he/she receives such decision. Notwithstanding submission of an appeal by an Aviation Document Holder, the decision of the DG will prevail until the appeal is duly probed by the Board and the decision is reached and conveyed to the DG in writing.

5.15.2 The DG shall not be held liable for any kind of loss or damage occurring during the period of the appeal, even if the decision of the DG is affirmed or reversed by the Board.

## Appendix I

### Request to Test an Aviation Document Holder for Problematic Substance Use

TO: (Aviation document holder; name and details)  
FROM: BCAA  
SUBJECT: Request to test for problematic substance (alcohol/ psychoactive substance) use.

The BCAA and DoAT would like to request your cooperation to test you for problematic substance (alcohol/psychoactive substances) use.

As an aviation document holder, you are placed in a demanding position with responsibility for the lives and property of others. The safe performance of your duties requires that your mental and physical abilities remain unimpaired and that you act with professionalism.

Pursuant to the section 5.12 of Chapter 5 of the BCAR Personal Licensing, you have an **obligation** to subject yourself to the required test (including biomedical testing) for determination of your status relating to the problematic substance (Alcohol and/or Psychoactive substances) use. If you are **not willing** to undergo, or does not cooperate to, such testing you will be considered as committing an offence under the chapter X of the Civil Aviation Act of Bhutan 2016, and **treated same as being under the influence of alcohol and psychoactive substance.**

We hope you would render all the necessary cooperation to the testing team and help ensure that there is no problematic substance use in aviation workplace.

\_\_\_\_\_ (DG/DG's Representative)      \_\_\_\_\_ (Date)

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**Appendix II**

**Report of Determination of Positive Test for Problematic Substance Use**

TO: DG, BCAA  
COPY TO: (Aviation document holder)  
FROM: (Authorized representative of the DG and DoAT / Employer)  
SUBJECT: Determination of positive test for problematic substance (alcohol/ psychoactive substance) use.

The aviation document holder, \_\_\_\_\_ (*insert name and details*)  
to whom \_\_\_\_\_

\_\_\_\_\_ (*i*  
*insert aviation document(s) number*) have been issued by the BCAA/Employer, was determined to be under the influence of problematic substance (alcohol/psychoactive substances) on \_\_\_\_\_ (*insert date and day*) while engaging or attempting to engage in his/her aviation document privileges.

*(insert details of the event and summary of test results)*

Pursuant to the section 5.13 of the BCAR Personal Licensing Chapter 5, *Prevention of problematic use of Alcohol and Psychoactive substances*, **the aviation document holder is barred from exercising his/her Aviation Document privileges with immediate effect** till any decision on the determination is conveyed to the aviation document holder by the DG.

The test result documents of the aviation document holder are attached along with this report for further determination and decision by DG.

\_\_\_\_\_ (DG's/Employer's representative)

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*(following are required only if the testing is carried out by the DoAT and BCAA)*

\_\_\_\_\_ (DoAT representative)

\_\_\_\_\_ (DoAT/BNCA Testing team member)

\_\_\_\_\_ (DoAT/BNCA Testing team member)

\_\_\_\_\_ (DoAT/BNCA Testing team member)



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## Appendix III

### Notification of Suspension of Aviation Document

TO: (Aviation document holder; name and details)

FROM: DG, BCAA

Subject: Suspension of aviation document following problematic use of alcohol and/or psychoactive substance.

This is to notify you that a test carried out by (the DoAT in presence of an authorized representative of the DG/ your employer) on \_\_\_\_\_ determined that you have engaged in problematic substance use.

*(Details of event to be inserted here)*

Problematic substance use and dependence are serious conditions that would render you medically disqualified to perform your duties.

We are therefore suspending your aviation document(s):

*( Insert the list and details of all the aviation documents)*

and barring you from exercising any of the aviation document privileges immediately.

Reinstatement of your aviation document(s) will occur upon fulfillment of section 5.14, Chapter 5 of BCAR Personal Licensing.

Reinstatement of your aviation document(s) will be conditional upon your agreement to undergo periodic re-evaluation, including biochemical testing and subject to determination of you being medically qualified to perform your duties.

\_\_\_\_\_ (DG/ DG's representative) \_\_\_\_\_ (Date)

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**Appendix IV**

**Notification of Cancellation of Aviation Document**

TO: (Aviation document holder; name and details)  
FROM: DG, BCAA  
SUBJECT: Cancellation of aviation document following second time problematic substance use  
(*alcohol/psychoactive substance*).

This is to notify you that a test carried out (the DoAT in presence of an authorized representative of the DG/ your employer) \_\_\_\_\_ determined that you have engaged in problematic substance use. You were also found to have engaged in problematic substance use in a previous test:

*(Details of event to be inserted here; cite the previous problematic substance use case)*

Problematic substance use and dependence are serious conditions that would render your medically disqualified to perform your duties.

We are therefore permanently cancelling your aviation document(s):

*(Insert the list and details of all the aviation documents )*

and barring you from exercising any of the aviation document privileges immediately.

\_\_\_\_\_ (DG/DG's representative)                      \_\_\_\_\_ (Date)

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**Appendix V**

### **Conditional Reinstatement of Aviation Document**

TO: (Aviation document holder; name and details)  
FROM: DG, BCAA  
SUBJECT: Reinstatement of aviation document following problematic substance use.

A test carried out by (the DoAT in presence of an authorized representative of the DG/ your employer) on \_\_\_\_\_ indicated that you have engaged in problematic substance use.

*(Details of event to be inserted here)*

As an aviation document holder, you are placed in a demanding position with responsibility for the lives and property of others. The safe performance of your duties requires that your mental and physical abilities remain unimpaired and that you act with professionalism. Problematic substance use is unacceptable in our workplace, as in any aviation workplace. However, based on the evidence you have furnished, we believe that the problematic use of substance(s) has ceased.

Therefore, we offer you to reinstate your aviation document(s), contingent on the following:  
*(Depending on the individual's history of alcohol and/or problematic substance use, the aviation document holder will have to agree to some or all of the following elements.)*

- You must have taken a biochemical test for alcohol/psychoactive substances to determine that you are abstinent.
- You must continue to abstain from problematic use alcohol/psychoactive substances.
- You must undergo periodic evaluation by the Designated Civil Aviation Medical Assessor/Examiner or the BCAA to ensure that you have remained abstinent.
- You must attend continued care meetings with a designated counselor in accordance with the schedule established by the counsellor, recommended to you by your employer or BCAA.

Although we fully support your efforts to overcome your difficulties, our first priority must be safety. Therefore, failure to comply with any of these conditions may result in immediate cancellation of aviation document(s).

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\_\_\_\_\_ (DG/ DG's representative)

\_\_\_\_\_ (Date)

I agree to the conditions outlined above and understand that a failure to abide by any condition may result in the immediate cancellation of my aviation document(s).

\_\_\_\_\_ (Aviation document holder)

\_\_\_\_\_ (Date)