perform, or immediately available to perform such function.

(l) **Positive rate for random drug testing** means the number of verified positive results for random drug tests conducted under subpart E of this part, plus the number of refusals of random drug tests required by subpart E of this part, divided by the total number of test results conducted under this part (i.e., positives, negatives, and refusals) under subpart E of this part.

(m) **Prohibited drug** means marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines, as specified in 49 CFR 40.85.

(n) **Refusal to submit to alcohol test** means that a covered employee has engaged in conduct including but not limited to that described in 49 CFR 40.261, or has failed to remain readily available for post-accident testing as required by subpart F of this part.

(o) **Refusal to submit to drug test** means that an employee engages in conduct including but not limited to that described in 49 CFR 40.191.

(p) **Safety-sensitive function** means a function listed in §§ 120.105 and 120.215.

(q) **Verified negative drug test result** means a drug test result from an HHS-certified laboratory that has undergone review by an MRO and has been determined by the MRO to be a negative result.

(r) **Verified positive drug test result** means a drug test result from an HHS-certified laboratory that has undergone review by an MRO and has been determined by the MRO to be a positive result.

(s) **Violation rate for random alcohol testing** means the number of 0.04, and above, random alcohol confirmation test results conducted under subpart F of this part, plus the number of refusals of random alcohol tests required by subpart F of this part, divided by the total number of random alcohol screening tests (including refusals) conducted under subpart F of this part.