

Transport Canada Answers

Canadian Aviation Pride
Fierté en aviation canadienne



In this bulletin, we first give the Transport Canada medical opinion from March 2018, and then the October 2018 Transport Canada official response to the legalization of Cannabis.

In March 2018, Canadian Aviation Pride's Chair posed a number of questions to Transport Canada's Director of Civil Aviation Medicine, Dr. D.A. Salisbury to provide you with answers to important questions of interest to our community.

We hope that this will allow those seeking a medical certificate to feel comfortable in disclosing important information to their Civil Aviation Medical Examiner (CAME).

Cannabis (Marijuana)

When it is legalized, what is TC's policy when it comes to influence? Similar to the 8 hours bottle to throttle after consumption of alcohol, is there a time a pilot would have to abstain from marijuana use prior to flying or must a pilot never use marijuana? Is TC going to be instituting random drug and alcohol tests?

“Transport Canada considers cannabis in its many forms to be an impairing substance incompatible with safe flying. The reason for consuming cannabis and its legal status are not an issue, the degree of impairment is. Cannabis use is associated with spatial-time and reasoning skill impairment which is detectable for a long period after use. (up to 6 weeks in one published study) There is no simple "bottle to throttle" like rule than can be derived for cannabis as its metabolism is quite unlike that of alcohol. In addition, there is no simple and straight forward correlation between blood levels of THC (the most concerning active ingredient in cannabis) and performance. As a result, Transport Canada Civil Aviation Medicine regards regular use of cannabis as a disqualifying condition for issuance of a medical certificate. Legislation to set blood limits for THC and driving/operating a motor vehicle is currently before parliament. No decision has been taken on random drug and alcohol testing.” n

Then, in October 2018, Transport Canada's Director General released a letter discussing the regulator's approach to the legalization of cannabis, as it affects aviation certificate holders.

Cannabis Use

"The legalization of recreational cannabis in Canada on October 17, 2018, serves as an important occasion to remind the aviation industry of its obligation to operate aircraft in a manner that is not impaired by either alcohol or drugs. To contribute to a safe and secure transportation system, a number of legislative and regulatory measures exist today that prevent and deter the impaired operation of aircraft.

Transport Canada is responsible for dealing with fitness for duty considerations such as medical state and impairment as they relate to safety in air, marine, rail, and motor vehicle modes of transport by federally-regulated employers. As such, work is ongoing to review policy and regulatory approaches across all modes. Transport Canada is aware that pilot's unions and industry associations may be concerned about the upcoming legalization of cannabis and are seeking guidance.

Cannabis use can cause immediate impairment but also causes longer-lasting impairment that may not be obvious to the user or to the people around them. Cannabis, like many other substances such as narcotics, muscle relaxants, anti-depressants, etc., causes impairment that can affect the judgement and actions of members of a flight crew, including pilots. There is scientific consensus regarding the long-lasting effects of cannabis on individuals, even after impairment is no longer felt. However, current tests for the psychoactive chemical in cannabis do not correspond with impairment levels. As a result, in the interest of aviation safety, Transport Canada does not intend to ease restrictions on the use of cannabis or other substances that cause impairment.

Impairment caused by cannabis use is a serious issue for Transport Canada given its potential to threaten aviation safety. Despite the impending legalization of cannabis, Transport Canada has an existing regulatory framework in place concerning impairment.

Pursuant to the Aeronautics Act and the Canadian Aviation Regulations (CARs), regulations and medical standards address the consumption of drugs and alcohol by certificate holders, such as pilots. The CARs, under section 602.03, set out the rules governing alcohol and drug use by crew members:

Canadian Aviation Regulations (SOR/96-433)

Section 602.03

No person shall act as a crew member of an aircraft:

(a) Within eight hours after consuming an alcoholic beverage;

(b) While under the influence of alcohol; or

(c) While using any drug that impairs the person 's faculties to the extent that the safety of the aircraft or of persons on board the aircraft is endangered in any way.

Currently, the use of cannabis is a disqualifying factor for obtaining a medical certificate to fly or control aircraft. The CARS currently provide that all members of a flight crew, such as pilots, are prohibited from working while using any drug (legal or illegal) that impairs faculties to the extent that the safety of the aircraft or people on board the aircraft is endangered in any way. The definition of a drug includes cannabis and, therefore, these regulations will continue to apply once the Cannabis Act comes into force.

Transport Canada has a robust medical protocol and testing regime in place in order to address substance abuse disorders. Canadian medical certificate holders with a known diagnosis of substance abuse may be subject to no-notice drug and alcohol testing to ensure compliance with the abstinence provisions of their certificate.

Transport Canada is working with other federal departments, including Employment and Social Development Canada, Public Safety Canada, Health Canada and the Department of Justice to share scientific evidence and analysis on cannabis to guide the Department's work on any regulatory actions or potential policy guidance to industry.

If you have any further questions concerning the legalization of cannabis use, please do not hesitate to contact me. Thank you for your continued interest in maintaining the high safety standards of Canada's aviation industry."

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