

PUBLICATION

Cannabis Use - Not for Aviation Crew

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The recent legalization of cannabis in Canada has prompted numerous questions around the aviation industry regarding the impact this will have on pilots. Transport Canada is reminding pilots that while the rest of the country may be changing its attitude toward marijuana, it has not relaxed its stance.

Are pilots allowed to use cannabis recreationally or for medicinal purposes?

Is there a "sobering" time period required between cannabis use and flying, like the 8 hour rule for alcohol?

The answers are no.

Transport Canada Civil Aviation recently published a letter to air operators and certificate holders stating their policy on this matter. They make it clear that there is zero tolerance for the use of cannabis, either recreationally or under a physician's prescription. Transport Canada states that "the use of cannabis is a disqualifying factor for obtaining a medical certificate to fly or control aircraft." Without a medical certificate, a pilot does not hold valid license, which is a punishable offence to operate an aircraft without a valid license.

The Canadian Aviation Regulations ("CAR's") have zero tolerance for impairment of any kind for pilots, student pilots, crew members and equally important for aircraft maintenance engineers. Every individual must self-assess and comply with the CAR's at all times. Flying while impaired may expose the offending person to loss of employment, loss of flight privileges, and may even result in civil and criminal action should an aviation incident occur.

At this time it is concerning that Canada does not mandate random drug and alcohol testing in pilots and has no plans to implement such a regime. However, Transport Canada officials have told delegates to the Air Transport Association of Canada, that any amount of TCH (the psychoactive chemical in cannabis) found in a pilot's bloodstream will result in an immediate suspension of flight privileges that will last until the TCH is flushed from their system.

Further, all employees must be "fit for duty" which means that their physical and mental state must be without impairment due to the use or after-effects of alcohol, drugs (legal, illegal, prescribed/over-the-counter

medication, etc.) or other health conditions, as required to perform their job duties safely and effectively.

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