



Transport
Canada

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330 Sparks Street
Ottawa, Ontario
K1A 0N8

Your file Votre référence

Our file Notre référence
RDIMS 14523726

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To Whom It May Concern,

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.

This letter applies to the Canadian aviation community, including industry, management and labour organizations, operators, pilots, and professional associations. The Government of Canada has passed legislation to legalize, strictly regulate, and restrict access to cannabis. The *Cannabis Act* creates a strict legal framework for controlling the production, distribution, sale, and possession of cannabis in Canada. The legislation allows adults to legally possess and use cannabis.

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. Transport Canada is aware that the Canadian aviation community 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 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.

Taking cannabis, and products containing it, across any international border is illegal and can result in serious criminal penalties in Canada and in other countries, including the United States. The import and export of cannabis will remain illegal after the legalization of cannabis in Canada, and also when travelling to or returning from jurisdictions with legalized or decriminalized cannabis. This includes cannabis for medical purposes.

Each country or territory decides who can enter or exit through its borders. The Government of Canada cannot intervene on your behalf if you do not meet your destination's entry or exit requirements. During state control procedures, pilots or other crew members may be denied entry to a foreign country, including the United States, if they have previously used cannabis products, even if these products were used legally in Canada.

Transport Canada remains committed to ensuring a robust evidence-based regulatory framework when evaluating the various policy options and measures needed to mitigate impairment risks. In collaboration with Justice Canada, Health Canada, and Public



Safety Canada, Transport Canada remains vigilant in ensuring that the issue of impairment, which includes impairment from cannabis use, undergoes proper policy rigour and legal analyses to safeguard aviation safety while balancing the legal rights and responsibilities of employees and supervisors.

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.

Sincerely,

Nicholas Robinson
Director General,
Transport Canada, Civil Aviation

François Collins
Associate Director General
Transport Canada, Civil Aviation