

# LEGALIZATION OF CANNABIS



## IMPORTANT NOTE

**As stated in the Aviation Regulations: "Any false statement made to a medical examiner by an applicant for a license or rating shall be reported to the licensing authorities...so that they may take such action as they deem necessary. Knowingly making a false statement is an offence under paragraph 7.3(1)(a) of the Aeronautics Act.**

## LEGALIZATION AND AERONAUTICAL RESTRICTION

In order to benefit from the privileges associated with civil aviation documents (recreational, private, professional license) the pilot is required to accept Transport Canada's requirements regarding legalized intoxicants such as alcohol and medication.

The pilot is also required to accept Transport Canada's requirements regarding illegal drugs as defined by federal legislation.

The application of the Canadian Air Regulations (CARs) is distinct from the application of section 253 of the Canadian Criminal Code with respect to the operation of an aircraft by a pilot who is impaired by alcohol or drugs.

## PRESENCE OF CANNABIS

Cannabis primarily affects the brain's neurotransmitters and decreases psychomotor coordination and short-term memory.

The most common excuse given by offending drivers is that they were victims of second-hand cannabis smoke in the days preceding the test. However, drug tests are calibrated to eliminate levels associated with second-hand smoke exposure (false positives).

When a drug test is positive, the candidate is considered a user and the chain of administrative consequences begins immediately.

A positive test for cannabis in a pilot's system will result in the loss of the pilot's medical clearance certificate with automatic and immediate termination of pilot duties with the carrier.

A candidate who has used cannabis, even on one occasion, should be aware that traces of the substance may remain in the body long after use.



## SECTIONS OF THE REGULATION

Pursuant to CARs 424.04(1) and 404.06(1), no medical certificate may be issued or renewed, and no existing medical certificate may be used to exercise the privileges of a permit, license, or qualification for a person:

- (a) subject to a confirmed or suspected diagnosis of a cannabis use disorder (or other substance use disorder with concurrent cannabis use) that has not been satisfactorily evaluated and/or treated according to Civil Aviation Medicine;
- (b) who has a cannabis use disorder that may affect aviation safety or interfere with the reliability of the duties performed;
- c) who has not abstained from cannabis use for at least 28 days;
- (d) who has a persistent cannabis use disorder.

In accordance with CARs 404.04(2) and (3), in order for Civil Aviation Medicine to evaluate the issuance or renewal of a medical certificate, individuals who disclose or are suspected of using cannabis must provide additional information including:

- (a) past or current diagnoses of a cannabis use disorder or any
- (a) Past or current diagnoses of a cannabis or other substance use disorder, including treatment, follow-up, remission status, and relapse;
- (b) any substance use problem, such as alcohol or other drug use, such as loss of control, social impairment, risky use, legal or employment problems tolerance, withdrawal or other concerning characteristics (such as DSM diagnostic criteria);  
DSM (Diagnostic and Statistical Manual of Mental Disorders) diagnostic criteria for substance use disorders);
- (c) details of current cannabis use, including type of product, frequency, dose, mode of ingestion and reason for use
- (d) any medical conditions underlying or related to cannabis use
- (e) any use of other medications or substances that may interact with cannabis;
- (f) the results of any additional physical examination, evaluation or testing required by Civil Aviation Medicine.