



The use of recreational cannabis was legalized in Canada on October 17, 2018, making Canada the first country in the world to do so. With sales administered by the provinces, uncertainty about what happens when you cross the border, and no sure way to measure intoxication, there are more questions than answers for business aviation operators and passengers. CBAA is pleased to provide some guidance on what the government is saying and a summary of policies adopted by some aviation-related organizations.

*To access more information on cannabis and aviation please visit the CBAA member forum and search for the keyword CANNABIS*

## What you need to know:

- **DOMESTIC TRAVEL** It is legal to transport a small amount (30g) of cannabis for personal use
- **INTERNATIONAL TRAVEL:** 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. This includes cannabis consumed for medical purposes.

### WHAT TRANSPORT CANADA SAYS

- **CARs (SORJ96-433) Section 602.03**, which sets out the rules governing alcohol and drug use by crew members **IS STILL IN FORCE:**

*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.***

## How the aviation community is responding:

In the absence of prescriptive direction from Transport Canada, airlines, many management companies, Nav Canada and others have developed their own policies, generally divided into two different approaches:

- **FITNESS TO WORK:** NAV CANADA has adopted policy that requires air traffic controllers to report for work fit and not impaired or under the influence of cannabis but allows them to use cannabis off duty.
- **OUTRIGHT BAN:** Air Canada, WestJet and Jazz are among a number of airlines that have imposed complete on and off duty bans for a number of safety-critical professionals, including pilots, crew and maintenance. However, bans on off-duty use are likely to be challenged by unions.

**Please note that the CBAA does not recommend any specific policies related to the use of cannabis, but urges members to develop their own, in consultation with legal and human resources professionals when necessary.**

*For more information, contact Lindsay Berndt, Membership & Communication Services Manager, lberndt@cbaa.ca or 613 236 5611 ex. 221*

**This document does not constitute legal advice**