

GENERAL INFORMATION	
KEYWORDS	Category 3 aviation medical certificate, category 4 aviation medical certificate, mental health, medication, cannabis
FILE NO.	Q-4435-28
SECTOR (Marine or Aviation)	Aviation
SPECIFIC JOB	Unknown
DIAGNOSIS (Primary, Secondary, etc.)	Primary: Post-traumatic stress disorder (PTSD) Secondary: Possible autism spectrum disorder - Asperger's syndrome Tertiary: Fibromyalgia
REVIEW	
DATE OF DETERMINATION	February 24, 2020
MEMBER	Dr. Robert Perlman
DETERMINATION	The Minister's decision is confirmed.
REASONS FOR THE DETERMINATION	<p>Refusal to issue a category 3 or category 4 aviation medical certificate — The Minister of Transport's evidence clearly shows that the applicant has been using cannabis every night since 2017, primarily to control her sleep and reduce anxiety related to PTSD, as well as the pain caused by fibromyalgia. The refusal to issue a medical certificate was validly based on paragraphs 3.3(a) and 4.3(b) of the <i>Canadian Aviation Regulations</i> Standard 424.17(4), Physical And Mental Requirements Table, Medical Category 3, and on the Transport Canada (TC) Civil Aviation Medicine Cannabis Policy (Cannabis Policy). TC's Cannabis Policy prohibits the general use of cannabis and requires a 28-day abstinence period between the consumption of cannabis and the next flight. Currently, cannabis use by pilots in general is considered unacceptable by almost all national regulatory bodies in the field of aviation. According to extensive case law, the Minister has discretionary power as to how to apply the <i>Aeronautics Act</i> and in the issuance of or refusal to issue an aviation document, public safety being paramount. The applicant is not ready to stop her chronic cannabis use, citing her need for medical treatment with low-dose cannabis. Taking "small" daily doses of cannabis, which may be indirectly supported by the research articles filed in evidence by the applicant cannot be considered "safe" based on the evidence.</p>
APPEAL	
DATE OF DECISION	
MEMBERS	
DECISION	
REASONS FOR THE DECISION	
OTHER/COMMENTS	

