Legalization Of Cannabis In Canada And Vessel Operation

October 18, 2018

With the coming into force of the *Cannabis Act* and *An Act to amend the Criminal Code* (Bills C-45 and C-46, respectively), Canada has now become the second country in the world to legalize recreational cannabis. Further to this development, Transport Canada has issued a Ship Safety Bulletin, "Legalization of cannabis in Canada and vessel operation - SSB No.: 12/2018" (RDIMS No.: 14523388). This bulletin advises authorized representatives and seafarers of their responsibility to operate vessels safely, and as a practical tip, highlights the laws and policies below:

- Under s. 253(1) of the *Criminal Code*, you may not operate, assist in the operation of, or have the care or control of a vessel while impaired. This applies whether or not the vessel is moving.
- Under s. 14 of the *Safe Working Practices Regulations*, "no person shall be permitted in any working area whose ability to work is, in the opinion of the person in charge of the area, impaired by alcohol or a drug". The term "working area" includes anywhere work is being done on board a ship, and applies to anyone working on a ship in Canada or on any Canadian ship outside Canada.
- Under the newly amended *Non-Smokers' Health Act*, smoking or vaping cannabis in the workplace is prohibited.
- Carrying any cannabis or cannabis products across Canada's borders will remain a serious criminal offence, even if the cannabis is for medical purposes.
- When considering whether to issue a marine medical certificate to seafarers, Transport Canada and marine medical examiners will consider consumption of cannabis in their determinations.

BLG's maritime law experts look forward to answering questions or queries on these or other points. Feel free to reach out to a member of our Maritime Law Group at admiralty@blg.com.

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