



# SHIP SAFETY BULLETIN

Bulletin No.: 12/2018  
 RDIMS No.: 14523388  
 Date: 2018-10-12  
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**Subject: Legalization of cannabis in Canada and vessel operation**

***Purpose***

Recreational cannabis will be legalized in Canada on October 17, 2018. This bulletin reminds authorized representatives and seafarers of their responsibility to operate vessels safely, taking into account the implications of the *Cannabis Act* and related amendments.

The new laws are:

- the *Cannabis Act* (Bill C-45)
- *An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts* (Bill C-46)

***Scope***

This bulletin applies to:

- authorized representatives, [as defined in the Canada Shipping Act, 2001](#)
- seafarers carrying out their duties on Canadian vessels
- in some cases, seafarers carrying out their duties on foreign vessels

***Background***

As of October 17, 2018, the *Cannabis Act* (Bill C-45) will legalize, regulate and restrict access to cannabis. This Act is a strict legal framework for controlling the production, distribution, sale, possession and use of cannabis in Canada.

The new legislation will allow adults to possess and use small amounts of cannabis. This will no longer be a criminal offence in Canada.

In addition, *An Act to amend the Criminal Code* (Bill C-46) will set out 3 new drug-impaired driving offences. The 3 offences are for having specified levels of a drug within 2 hours of driving.

**Keywords:**

1. Cannabis
2. Canada Labour Code
3. Canada Shipping Act, 2001

**Questions concerning this Bulletin should be addressed to:**

AMSP	Transport Canada
Marine Personnel and Pilotage	Marine Safety and Security
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	330 Sparks Street, 8 <sup>th</sup> Floor
	Ottawa, Ontario K1A 0N8

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Under Bill C-46, it will be illegal to drive while having:

- a THC\* level between 2 and 5 nanograms (ng)
- a level above 5 ng
- a blood alcohol concentration of 50 mg per 100 mL of blood, in addition to a THC level of more than 2.5 ng

\*THC is the main psychoactive compound in cannabis.

Please note: current impaired-based drug driving offences will continue to apply.

### ***What you need to know***

Being impaired by any drug or alcohol while carrying out your work duties can affect your ability to perform. Impairment could negatively impact your watch-keeping duties and other duties related to safety. This, in turn, could have a negative impact on the overall safety of navigation and in marine transportation, including the safety of the public and marine personnel.

Cannabis impairs your ability to:

- focus
- make decisions
- follow instructions
- handle equipment and tools
- safely operate a vehicle

Operating a vehicle, which includes a vessel, while impaired by cannabis risks property and people's lives. It could come with severe consequences for you, your colleagues and your job status.

### ***Criminal Code: vessel operation***

Under subsection 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. It also applies whether you are using alcohol or drugs, or both.

### ***Occupational health and safety requirements including those in Canada Labour Code: impairment and cannabis in the workplace***

Both employers and employees are responsible to prevent the risk of cannabis impairment at work.

[Learn more about impairment and cannabis in the workplace](#)

The *Cannabis Act* includes amendments to the *Non-Smokers' Health Act* to prohibit the smoking and vaping of cannabis in the workplace. On October 17, the same restrictions

for tobacco and vaping will apply to cannabis. This will protect non-smokers from second-hand smoke.

## **Obligations specific to seafarers**

### **Work safely**

Under the *Canada Shipping Act, 2001* (CSA, 2001) and its regulations:

- You must work in a way that does not jeopardize the safety of the vessel or of any person on board
- You must report to the master any change that could affect your ability to work safely

If you have reasonable grounds to believe that a person or vessel has contravened or intends to contravene an obligation in the CSA, 2001, you should notify Transport Canada. You can request that we keep your identity confidential.

### **Maintain your medical fitness**

The *Marine Personnel Regulations* require most seafarers who work on board a Canadian vessel to get a marine medical certificate issued by Transport Canada. These certificates attest that a seafarer is fit to work at sea.

Consumption of cannabis is a factor that marine medical examiners and Transport Canada will consider when we issue these certificates.

### **Never work on board a vessel while impaired**

Section 14 of the *Safe Working Practices Regulations* states that “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.”

“Working area” includes anywhere work is being done on board a ship. The regulations apply to anyone working on a ship in Canada, or on any Canadian ship outside of Canada.

### **Crossing international borders**

Carrying any cannabis or cannabis products (legal or illegal) across Canada's borders will remain a serious criminal offence, with individuals convicted of engaging in such activities liable for prosecution.

Import and export of cannabis will still be illegal:

- after cannabis is legalized in Canada
- when you travel to or return from places with legalized or decriminalized cannabis
- if the cannabis is for medical purposes

***More information***

For more information on Bill C-45, we encourage you to read the following Government of Canada web pages:

- [Cannabis laws and regulations](#)
- [Introduction of the \*Cannabis Act\*: Questions and answers](#)
- [Impairment and cannabis in the workplace](#)