

Many people take substances to achieve various effects. Some of those substances are pre-scribed by medical practitioners, some are not prescribed but are taken for medical or health reasons, and some are taken for recreational or pleasure purposes. Some recreational drugs are legal to use (e.g. alcohol, caffeine, nicotine) and some are not.

For the purpose of this Medical Information Sheet (MIS) the non-alcohol recreational drugs that are of a concern to aviation safety include:

- All illegal drugs;
- Medicines that are used other than for prescribed medical purposes;
- All drugs with psychoactive (mind altering) properties—including synthetic analogues of illegal drugs that may not, themselves, be illegal.

This MIS does not cover the following, although each of these may also lead to aviation safety concerns:

- Alcohol, nicotine, caffeine and related community-accepted substances (There is a separate MIS concerning alcohol consumption on the CAA website<sup>1</sup>);
- Medicines that are prescribed by a doctor;
- Other medicines and supplements that do not have any psychoactive properties.

### Why are recreational drugs a problem?

Recreational drugs have a wide range of effects, and different people can respond / react to them in varying and different ways. In general terms the effects that are of aviation safety concern include:

- Changes to mental function, thinking, and decision making;
- Changes to the sensory functions of the body;
- Reduction in co-ordination and physical performance;
- Potential for incapacitation; and
- Changes to behaviour.

Some of these effects can occur because of the drug itself, and some can occur afterwards (like a hangover), or because of withdrawal from the drug.

### I take something and believe it's safe. How can I be sure?

If you are taking **any** drug, supplement, medicine (prescription or other), then you should tell your Medical Examiner and seek his or her advice concerning the substance. You should not assume a substance is safe because a friend or someone else has told you so.

### I only use drugs occasionally, and would never use when I am flying, and only fly when I am safe. What's the problem?

The CAA does not consider any ongoing pattern of use of psychoactive drugs to be compatible with safe aviation.

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<sup>1</sup> <https://www.aviation.govt.nz/assets/publications/medical-information-sheets/mis014-alcohol-consumption-and-medical-aviation-safety.pdf>

## The drugs I use are not illegal. What's the problem?

The CAA does not consider any ongoing pattern of use of psychoactive drugs to be compatible with safe aviation. The fact that a particular drug is not illegal does not make it a safe substance to use—either from a personal health perspective or from an aviation safety perspective.

## I tried drugs once, but have not used anything for years and years. Will that stop me getting a medical certificate?

No. Many people experiment with drugs, especially as adolescents and young adults. Having used drugs in the past does not, in itself, stop you from being issued a medical certificate. In such a case the CAA will seek additional information to confirm that the drug use is all in the past and that you have not used any drugs for a sufficiently long time.

## When I apply for a medical certificate, and admit to having used drugs in the past, aren't I going to be punished for telling the truth?

It does sometimes feel that way! However, the vast majority of people who have experimented with drugs in their youth, and not used since, are issued CAA medical certificates. The difficulty is that some other people claim to have only used drugs a long time ago but have not actually stopped using them.

This leads to the CAA seeking additional information to confirm your past drug use history and the fact that you are no longer using. Once that has been established, everything else being acceptable, you can anticipate unrestricted medical certification.

Not only does the law require you to tell the truth in these matters, it's also a much better thing to do. Once the information has been confirmed and your honesty established, the issue is much less likely to cause you problems in the future. You will have properly and correctly disclosed that aspect of your history, CAA will have investigated, and your medical file will record that the matter has been resolved and determined to be adequately safe.

Of course, if you have used drugs and do not honestly disclose that information then you will be at risk of prosecution and punishment via the courts system.

## I used to use drugs but have been through a rehab program and do not use anymore. Can I fly?

To be issued a medical certificate, with a past history of use of (or addiction to) recreational drugs, you will need to satisfy the CAA that:

- Your drug use problem has been adequately treated;
- You are no longer using any recreational drugs;
- You are not at a high risk of resuming drug use;
- Your past use has not left you with any complications that might be unsafe from an aviation perspective.

A past drug user who satisfies the CAA on all of these counts and is issued a medical certificate, can expect the possibility of further medical surveillance testing over time.

## I understand the concern about professional pilots, but I'm just a private (recreational) pilot. Surely it's ok to occasionally use drugs and fly for fun.

The CAA does not consider any ongoing pattern of use of psychoactive drugs to be compatible with safe aviation. The main difference between professional pilots (and Air Traffic Controllers) and private/recreational pilots is the intensity and degree of testing and surveillance that is undertaken.

## I used drugs in the past, but am ok now. I never thought I needed to report this to the CAA though. What should I do now? Will I be prosecuted?

You must advise the CAA of any past or current drug use. Not only is this the law, but it will also reduce the repercussions you face in the long run.

When you make such a report further information will almost certainly be sought from you. That information will be aimed at confirming the information provided and ensuring that the current risk is adequately low.

Whether or not the matter is further investigated, for possible prosecution, will depend on the facts of the case ... but that likelihood will always be reduced by early full disclosure.

## Someone has reported me to the CAA, claiming that I use drugs. This is not true. What will happen now?

The CAA does receive reports of this type where someone is telling us about a potential safety problem relating to someone else. Sometimes that information is received from an anonymous source. When we receive this sort of information, we first assess the validity and reliability of the source, the informant, and then the magnitude and safety relevance of the matters being raised.

If the CAA is satisfied concerning the reliability for the source and the importance of the information, then a decision is made as to the most appropriate way to follow the matter up. Usually either further information is sought from the subject pilot to confirm there is not a significant safety problem or, if the information already suggests a serious safety problem, the subject pilot's medical certificate may be suspended while further information is sought.

The further information that is requested will depend on the details of the case but may involve GP notes, blood tests, drug screening tests, and counsellor reports or notes. Any further action will depend on the information that is received.

## Am I required to have a random drug test, or a drug screening when I apply for a CAA medical certificate?

Random drug screening is not required for routine CAA medical certification. Drug safety is, however, an important part of aviation safety and many aviation industry employers and other groups have drug testing programs as a part of their overall workplace health and safety effort.

The CAA does require drug tests when there are concerns about an individual pilot and their relationship with drugs. Those tests are often required at short notice and may be undertaken at the time of medical certificate application or at any time during the duration of the medical certificate.

## Looking at the law

### Civil Aviation Rule Part 67: Medical Standards

The class 1, 2 and 3 medical standards require an applicant to have no medical condition that is of aeromedical significance.

Those standards also require an applicant to:

Not have any history or diagnosis of the use of any psychoactive substance that, having regard to any relevant general direction, interferes or is likely to interfere with the safe exercise of the privileges or the safe performance of the duties to which a medical certificate relates (Rules 67.103(c)(4), 67.105(c)(4), and 67.107(c)(4)); and

Not be taking any psychoactive substance that, having regard to any relevant general direction, interferes or is likely to interfere with the safe exercise of the privileges or the safe performance of the duties to which a medical certificate relates (Rules 67.103(c)(5), 67.105(c)(5), and 67.107(c)(5)).

The reference to *aeromedical significance* is expanded further in Rule 67.3(a): “A medical condition is of aeromedical significance if, having regard to any relevant general direction, it interferes or is likely to interfere with the safe exercise of the privileges or the safe performance of the duties to which the relevant medical certificate relates”.

Rule 67.3 further defines *psychoactive substances* as meaning ‘alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile substances but excludes coffee\* and tobacco’.

### General Directions

There are no current General Directions that relate to recreational drugs.

\* Although this rule only explicitly refers to ‘coffee’ it is reasonable to interpret that as including similar caffeine containing beverages that do not contain other psychoactive agents.

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