

Marijuana Can't Fly

The Federal Aviation Administration (FAA) is issuing an urgent warning to pilots who may be considering transporting marijuana aboard their aircraft. While a number of states have *legalized marijuana* for medicinal or personal use, *federal law prohibits the knowing transportation of marijuana on aircraft.*



Know the Rules and Penalties

Pilots and aircraft owners involved in transporting marijuana face severe penalties for violating the federal prohibitions.

Federal law *requires* the Federal Aviation Administration to **permanently** revoke the certificates of pilots who knowingly *transport* controlled substances – including quantities of marijuana amounting to more than simple possession – on aircraft. Federal law also *requires* the FAA to revoke the registrations of aircraft used for that purpose for five years.

In addition, *FAA regulations* authorize the agency to *revoke the certificates* of people who knowingly transport aboard aircraft even small quantities of marijuana that amount to simple possession.

The FAA does not want pilots or aircraft owners to face these severe penalties due to confusion between what is allowed under state law and what remains prohibited under federal law.

The Bottom Line

Even if marijuana possession or cultivation is legal in a state, **it is illegal under federal law** to use an aircraft to transport marijuana to, from, or within that state. If you violate the federal prohibitions, you can lose your pilot certificate and your aircraft.

Q&A

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- Q.** Why can't a pilot transport marijuana in a state where possession and use of the substance is legal?
- A.** Marijuana continues to be a federally banned substance. The Federal Aviation Administration regulates both pilots, who must follow federal law and FAA regulations, and aircraft.
- Q.** Does this law pertain to all forms of marijuana such as edibles?
- A.** Yes.
- Q.** What happens to pilots who are caught knowingly transporting marijuana?
- A.** The FAA will investigate the case and, if the investigation warrants, proceed with an enforcement action. Federal law requires the Federal Aviation Administration to permanently revoke the certificates of pilots who knowingly transport controlled substances on aircraft, including quantities of marijuana amounting to more than simple possession.
- Q.** Does this apply only to private pilots or airline pilots too?
- A.** It applies to all pilots.
- Q:** What about airlines? What penalties could they face?
- A.** The FAA is required to revoke for five years the registrations of a U.S.registered aircraft that the owner or operator knowingly uses to transport controlled substances. So an airline would face the loss of the aircraft it used for the operation for five years.
- Q.** Is this a new policy?
- A.** No. Longstanding federal laws address this issue.
- Q:** What is "simple possession?"
- A.** Federal law doesn't assign a weight threshold to "simple possession." A court would determine whether a quantity of marijuana is simple possession based on the totality of circumstances, including but not limited to the amount of the substance and intent of the person who possesses it.
- Q.** Times and attitudes are changing. Is there a chance that the FAA could change this law in the future?
- A.** Congress makes federal laws. Congress would have to pass any new law and the president would have to sign it.
- Q.** What about passengers who bring marijuana aboard planes? What penalties could they face?
- A.** FAA regulations pertaining to carrying prohibited substances aboard aircraft do not apply to passengers. However, federal law involving carrying banned substances aboard aircraft applies not only people serving as airmen on aircraft but also to people with airman certificates who are passengers and are knowingly transporting aboard aircraft controlled substances, including quantities of marijuana amounting to more than simple possession.

