

# How to Update Your Fleet Policy for Marijuana Legalization

Answers to common questions from  
fleet managers

**LeasePlan**

What's next?

# 01-09

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# Introduction

**By late summer,  
marijuana will be legal  
in Canada.**

**Is your fleet ready?**

All employers must adapt to legalization—and businesses that employ drivers have even more to consider. The government intends to expand and toughen impaired driving laws to address legal cannabis.

Our objective in assembling this information is to help you to learn from the best practices of others. Consider reviewing your policies against these points, to see if you can better protect your company against unexpected liabilities, and perhaps improve driver behaviour.

Don't be caught off-guard. As a fleet manager, keep on top of proposed changes. Get a head start: update your company driving policy and educate drivers now.

Here are some important questions you might have regarding this change.

# Essential Fleet Management Questions about Legalized Marijuana

## How Should I Address Marijuana Legalization?

We strongly recommend a zero-tolerance policy for all types of impairment.

Having a bright-line rule will simplify options for your company and drivers.

People might assume that legal marijuana means unrestricted use. Emphasize that strict consequences apply to impaired driving regardless of cause. Drinking is legal but you can't drive impaired—same with marijuana.

Bear in mind, there's no established "safe limit" for the amount of tetrahydrocannabinol (THC), the main mind-altering chemical in marijuana, in the bloodstream. People vary on how much THC causes significant impairment. Factors include not only the amount consumed, but also the frequency of consumption.

The clearest policy would be to ban all smoking in company vehicles. No cigarettes, no vaping, no pot. (Differentiate between using marijuana and simply carrying it (in legal quantities) in the car.)

Finally, be comprehensive and have your HR department develop not only a vehicle policy, but a company-wide drug policy that applies in the office as well.

## What is the Legal Limit for Cannabis in the Bloodstream?

Drivers can be convicted for exceeding the legal limit for THC in the bloodstream.

Within two hours of driving, drivers with two nanograms, but less than five, of THC per milliliter of blood would face a summary conviction and a fine of up to \$1,000. Because this is not deemed a criminal offence, it would not appear in the Canadian Police Information Centre, in an employment check, or in a passport application.

Drivers with five nanograms or more would be charged with a [hybrid offence](#), possibly leading to a fine and jail time—akin to being caught with a blood alcohol concentration over 0.08. (Note: for those who consume both marijuana and alcohol at the same time, the legal alcohol limit is lowered to 0.05.)

## Can I Subject Drivers to Random Drug Testing?

Marijuana legalization does not open up the door for employers to do random drug testing.

While drugs and alcohol undoubtedly can impair work performance, testing for substance use in the workplace is controversial regarding privacy rights, discrimination, and managerial overstepping.

Only workplaces that are highly safety sensitive or inherently dangerous can consider random drug testing. Non-random testing of specific employees is more acceptable. But there must be a strong reason to target an employee. For example, you might require someone who returns to work after substance abuse rehab to submit to testing.

## Any Special Rules on Marijuana Edibles or Capsules?

Whether your drivers consume marijuana from smoking, eating a cookie, or swallowing a capsule, they are at risk for impaired driving.

Therefore, your policy should prohibit all methods of consumption before and during work hours.

Keep in mind the different effects of different methods of consumption. For example, the effects of smoking marijuana kick in within seconds. The effects of ingesting marijuana take anywhere from 15 minutes to two hours to appear, but effects last longer and can be stronger than those from smoking. Capsules can be very concentrated and thus extra potent.

To cover all forms of marijuana, your policy should address these wide-ranging duration times. Don't assume that everyone uses cannabis in the same way.



## How Long Do the Effects of Marijuana Last?

It's tricky to predict how long marijuana's mind-altering effects will last. There are numerous factors that vary from person to person.

One important factor is the method of consumption. The effects of smoking marijuana last from one to three hours, while eating marijuana in food or capsules has a duration of four to six hours.

Note that THC can remain in the bloodstream for 24 - 48 hours. So driver might fail a drug test even after they are no longer impaired.

Establish a clear policy prohibiting employees from consuming marijuana—in any form—within eight hours of their work shifts.

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01-03

Hours the effect of smoking marijuana lasts in the body

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04-06

Hours the effects of marijuana ingested through food or capsules last in the body

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24-48

Hours that THC can remain in the bloodstream

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## Can Drivers Become Impaired from Second-hand Smoke?

Just as nicotine can affect bystanders, marijuana can impair those in proximity to a smoker.

Drivers who become impaired by second hand smoke might still pass drug tests, but legal precedents are few and there are no guarantees.

Therefore it's better to err on the side of caution. In your policy, prohibit employees from being in an area where others are smoking marijuana before and during work hours.



It is illegal to drive drug-impaired and it's just as dangerous as driving drunk. Cannabis, like many other drugs, slows your reaction time and increases your chances of being in a collision.

[www.ontario.ca](http://www.ontario.ca), May 9, 2018

# 50%

**of cannabis users don't think drugs affect their driving much**

## Is Medical Marijuana Subject to Different Rules?

Medical marijuana is an especially challenging aspect of legalization.

Currently, those who need marijuana for medical uses cannot go over the legal limit.

In your policy, consider both fairness among employees and support for those with medical needs. Require everyone, whether recreational and medical users, to inform HR and get company approval for use. State that some traces are allowed in the bloodstream, but they must always be below the legal limit.

## What Happens if a Driver is Stopped for Impaired Driving?

# 1 in 4

**Number of cannabis users who report having driven under the influence**

Police can pull drivers over and require them to be tested for marijuana:

- if they are driving erratically, or
- if the police smell marijuana after they pull drivers over for another reason.

Police can have drivers take the standard field sobriety test. If a driver fails that test, they can be required to take a drug recognition evaluation. If the driver fails that test as well, police could then demand a urine sample.

Inform your drivers of these standard procedures, so that they're less rattled if stopped. Advise them to call your HR department immediately.



## Can Drivers Transport Marijuana into the US?

Since only some states have legalized marijuana, we don't recommend transporting it across the border.

Your drivers could end up breaking the law (or becoming tangled in red tape).

In Canada, however, drivers are allowed to transport limited quantities of marijuana in their vehicles. In all provinces, the legal [limit for public possession](#) is 30 grams of dried cannabis.

For consistency, treat transport of marijuana in Canada as you do transport of alcohol. Many fleet policies let drivers use company cars for personal use to transport alcohol. If that is your policy, let drivers similarly transport marijuana in company cars.

If you do allow drivers to carry marijuana, require it to be stored in a container in the car trunk—and limited to 30 grams at most. Emphasize the strict rule against carrying any form of pot in their vehicles if crossing the border into the US.

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## Conclusion

All Canadians will be affected in some way by legalized marijuana.

Employers, especially those managing drivers, will be even more directly involved. Take the initiative to learn what's legal. Update your company policy accordingly. Advise your drivers sooner rather than later. Your company can act with clarity and will be prepared come summer when the Cannabis Act makes history.

Note: this paper provides advice only. It is your responsibility to ensure that your company's policies are legally appropriate and applicable in your province. At LeasePlan, our mission is to provide innovative, sustainable vehicle leasing solutions whoever you are and wherever you need to be — so you can focus on what's next.

We manage your fleet, so you can manage your business.







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