

Marijuana Impairment

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Investigative Services Section



Objectives

- Cannabis Trend
- Minnesota Medicinal Update
- Edible Cannabinoids
- Breakdown of Cannabis/Marijuana
- Discuss the impairing chemicals in Marijuana
- Cannabis Impairment
- HF 100 / SF 73 Update



The Trend

- In 2019: Persons 12 years and older...
 - 50.2% indicated they've used MJ in their life
 - 49.2% in 2018
 - 20.8% indicated they've used MJ in the past year
 - 19.4% in 2018
 - 11.5% indicated they've used MJ in the past month
 - 10.1% in 2018



Why do we care?

- In states where marijuana has been legalized...
 - In 2018
 - Emergency-room visits related to marijuana increased by 54%
 - Hospitalizations increased by 101%
 - Suicides where toxicology tests indicated marijuana had been used increased from 7.6% in 2006 to 23% in 2017
 - In Colorado
 - The cost of marijuana to taxpayers is nearly \$5.00 for every \$1.00 gained in tax revenue
 - Marijuana-related DUIs cost approximately \$25 million in 2016



Minnesota Medicinal Marijuana

History

- 2014 - Mark Dayton signed the bill
 - Cancer, Glaucoma, HIV/ AIDS, Tourettes, ALS, seizure disorders, Multiple Sclerosis, Crohn's Disease, painful terminal illness with less than 1 year to live.
- July 1, 2015 - distribution began
 - Only liquid, pill, or vape
- Two distributors - 13 locations
 - Green Thumb
 - Green Goods of Minnesota



Medicinal Marijuana Today

- 19 qualifying conditions
 - Cancer
 - Glaucoma
 - HIV/AIDS
 - Tourette Syndrome
 - ALS
 - Inflammatory bowel disease
 - Seizures
 - Sickle Cell Disease
 - Chronic Pain
 - Irritable bowel syndrome (Aug 1, 2023)
- Severe and persistent muscle spasms
- Terminal illness (life expectancy under 1 year)
- Intractable pain
- PTSD
- Autism
- Obstructive Sleep Apnea
- Alzheimer's
- Chronic Motor or Vocal tic disorder
- Obsessive-compulsive disorder (Aug 1, 2023)

MN Chapter 4770 – Medical Cannabis

- Packaging and Labeling
 - Plain
 - Designed to maximize the shelf life
 - Tamper-evident
 - Child-resistant
 - Must not bear a reasonable resemblance to any commercially available product
 - Packaged to minimize its appeal to children
 - Must not depict images other than the medical cannabis manufacturer's business name or logo

MN Chapter 4770 – Medical Cannabis

- Labeling Requirements
 - Patient's registry identification number, Name, Date of birth
 - Name and date of birth of the designated registered caregiver
 - Name of patient's parent or legal guardian
 - Patient's address
 - Name and address of medical cannabis manufacturer
 - Chemical composition of medical cannabis
 - Recommended dosage
 - Directions for use
 - All ingredients with common names
 - Including: Color, artificial flavors, preservatives
 - Listed in descending order by predominance of weight

MN Chapter 4770 – Medical Cannabis

- Labeling Requirements – Cont.
 - Date of manufacture and batch number
 - Notice with the statement, including capitalization:
 - "This product has not been analyzed or approved by the United States Food and Drug Administration. There is limited information on the side effects of using this product, and there may be associated health risks. Do not drive or operate heavy machinery when under the influence of this product. KEEP THIS PRODUCT OUT OF REACH OF CHILDREN."
 - Notice with the statement:
 - "This medical cannabis is for therapeutic use only. Diversion of this product is unlawful and may result in the revocation of the patient's registration."

What does Medical Cannabis Look Like?

- Oral Solutions (oils)
- Sublingual Spray
- Oral Capsules
- Vaporization Oils
- Topical Formats

- NOT (March 2022):
 - Leaves
 - Buds
 - Edibles



Can Medical Cannabis Impair You?

- What do you think?
- Can It?



The Answer.....

- It depends on...
 - Type of medication
 - Dosage
 - Person
 - Chemicals
 - Other medications
 - Anything else?

Can You Drive While on Medical Cannabis?

- No!
- Back to the labelling requirements in Minnesota...
 - “This product has not been analyzed or approved by the United States Food and Drug Administration. There is limited information on the side effects of using this product, and there may be associated health risks. **Do not drive or operate heavy machinery when under the influence of this product.** KEEP THIS PRODUCT OUT OF REACH OF CHILDREN.”

Minnesota State Statute 152.72



MSS 152.72

- Subd. 1
 - Edible Cannabinoid Product = any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug
- Subd. 3
 - Non-intoxicating cannabinoids = no more than 0.3% THC



MSS 152.72

Subd. 5

- Labelling can be accessed through scan-able QR code via phone
- Name, location, contact phone number and website of the manufacturer
- Name and address of the laboratory used
- Accurate statement of the amount of cannabinoids



MSS 152.72

Subd. 6

- Must not:
 - Bear the likeness or contain cartoon-like characteristics
 - Be modeled after a brand of products primarily consumed by children
 - be packaged in a way that resembles the trademarked, characteristic, or product-specialized packaging of any commercially available food or product
 - Be packaged in a container that includes a statement, artwork, or design that could reasonably mislead any person to believe that the package contains anything other than THC.
 - If the package contains multiple servings, they must be separated or scorn
 - Package must show: Serving size, cannabinoid profile, list of ingredients and "keep this product out of the reach of children"
 - Each dose – 5mg or less (combined amount). Each package – 50mg or less



Examples



More Examples



Breakdown of Marijuana

Cannabis v Marijuana

- Cannabis
 - All products derived from the plant *Cannabis Sativa*
 - Contains about 540 chemicals
- Marijuana
 - Parts of or products from the plant *Cannabis Sativa* that contain tetrahydrocannabinol (THC)



THC v CBD

- Tetrahydrocannabinol (THC)
 - Psychoactive Ingredient
 - Recreational users want high THC as it gives them the most high
- Cannabidiol (CBD)
 - Non-psychoactive
 - Medical benefits
 - Medical marijuana has higher CBD than recreational



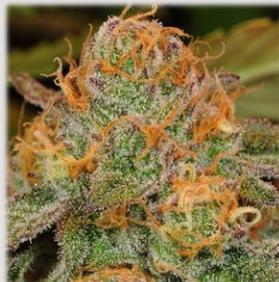
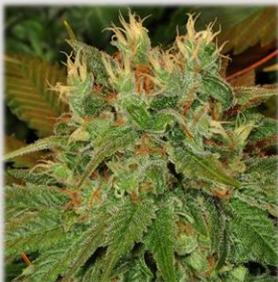
Life Cycle of Cannabis

- Germination (3-10 days)
 - When the seed sprouts
- Seedling (2-3 weeks)
 - When the plant develops its first cotyledon leaves
- Vegetative (3-16 weeks)
 - Juvenile stage - grows stalks, branches, stems and fan leaves
- Flowering (8-11 weeks)
 - Produces buds



Trichomes

- Tiny crystal-like resin gland
 - Contains more than 50% of THC/CBD in the plant



WHEN TO HARVEST YOUR CANNABIS



CLEAR TRICHOME

Not enough potency yet.
decreased yield



CLOUDY TRICHOME

Energetic High



AMBER TRICHOME

Body / Couchlock High



MIXED TRICHOME

Combined effect head and body high



Types of Marijuana

- Sativa
- Indica
- Hybrid



Weed Maps

Sativa

- Origin
 - Hot, dry climates – Africa, Central America, SE Asia, W Asia
- Plant
 - Tall and thin – Up to 12 feet high. Take longer to mature
- CBD to THC Ratio
 - Lower CBD and Higher THC
- Common Effects
 - “Mind High”
 - Anxiety-reducing
 - May feel productive and creative
- Popular Strains
 - Acapulco Gold (0.1% CBD / 15-23% THC), Panama Red, Durban Poison



Healthline

Indica



- Origin
 - Afghanistan, India, Pakistan, and Turkey. Adapt to harsh, dry, and turbulent climate of the Hindu Kush Mountains
- Plant
 - Short and Stocky. Bushy greenery and chunky leaves. Faster growing, more buds.
- CBD to THC Ratio
 - Higher CBD, Lower THC
- Common Effects
 - Relaxing - May reduce nausea and pain, increasing appetite
- Popular Strains
 - Hindu Kush, Afghan Kush (6% CBD / 16-21% THC), Granddaddy Purple



Healthline

Hybrid



- Origin
 - Typically grown on farms or greenhouses from combo of Sativa and Indica
- Plant
 - Depends on the combination
- CBD to THC Ratio
 - Many are grown to increase THC. Each is unique to combination
- Common Effects
 - Can be anything depending on combination
- Popular Strains
 - Pineapple Express (<0.1% CBD / 23% THC), Trainwreck, Blue Dream (<1% CBD / 30% THC)



Healthline

MANY DIFFERENT STRAINS OF CANNABIS

STRAIN IS USED TO DIFFERENTIATE BETWEEN CANNABIS SATIVA AND INDICA. IT REFERS TO THE SPECIFIC BREED OF EACH INDIVIDUAL PLANT. OVER THE YEARS, FAMILIAL STRAINS HAVE DIVIDED INTO SPECIFIC SUBSECTIONS, THOUGH STRAINS MAY LINAGE, THE DIFFERENCES ARE NUMEROUS



SATIVA STRAINS

Sativa strains have an uplifting effect and offer a cerebral high that includes:

- Laughing uncontrollably
- Engaging in in-depth conversations
- Thinking creatively

Sativa strains grow tall and thin - the plant can grow up to 20 feet in an outside garden. Popular strains include:

AMNESIA HAZE

Beloved by morning users, it offers an uplifting boost.

CHERRY AK

With a sweet, fruity smell and taste, this strain can help elevate a bad mood.



INDICA STRAINS

Indica strains have a relaxing, sedative effect, often used to:

- Reduce stress
- Relieve pain
- Limit anxiety

Indica strains are a bushy plant that can grow between 3 and 6 feet tall and are suitable for growing indoors. Popular strains include:

BUBBA KUSH

With a coffee and chocolate taste, this strain has a heavy tranquilizing effect.

HEROJUANA

To battle insomnia, this strain induces a heavy, relaxing sleep.



HYBRID STRAINS

Hybrid strains offer a mix of effects, combining the traits they inherited from their parent strains. Hybrids are known to:

- offer a relaxing body effect
- Create balance of mind and body
- Limit anxiety

Of the roughly 779 strains, over half of them are hybrids. Popular strains include:

BLUE DREAM

Offers a total relaxation while energizing the mind.

GIRL SCOUT COOKIES

This strain is a more extreme version of Blue Dream, so go easy!

GREEN CRACK

Users are rewarded with a blast of exhilarating energy.

SOUR DIESEL

Despite a diesel smell, this strain offers the highest happiness quotient.

NORTHERN LIGHTS

This pure indica is known to have come from the "mother plant".

SKYWALKER OG

This strain is known for its healing properties for those with PTSD.

HEADBAND

Great for pain relief and a feeling of elation.

PINEAPPLE EXPRESS

This sweet, tropical strain leaves one feeling happy and euphoric.



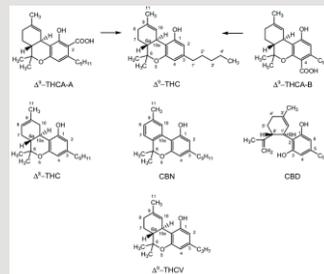
GreenCandi

The Impairing Chemical in Marijuana

- Tetrahydrocannabinol (THC)
 - What is it?
 - Responsible for most of the psychological effects
 - Impairing chemical in marijuana

- Types of THC?

- THCA
- THCv
- Δ-8
- Δ-9
- Δ-10



Tetrahydrocannabinolic Acid

THCA

- Not psychoactive or mind-altering
- Source of other three types
 - Decarboxylation - add sunlight and heat
- Benefits:
 - Epilepsy
 - Nausea
 - Arthritis
 - Inflammation
 - Fibromyalgia
 - Chronic Pain
 - Diabetes
 - MS/ALS - muscle spasms



DocMJ

Tetrahydrocannabivarin

THCV

- Byproduct of THCA
- No mind-altering properties in *low doses*
- May feel effects more rapidly
- Appetite Suppressant
 - Can help lose weight
- Benefits:
 - Diabetes - especially type II
 - Pain and Swelling
 - Anxiety
 - Tremors from Parkinson's and ALS
 - Brain lesions from late-stage Parkinson's
 - Epilepsy
 - Alzheimer's
 - Osteoporosis and related conditions - stimulates bone growth



DocMJ

Delta-8 Tetrahydrocannabinol

▪ $\Delta 8$ -THC

- After Delta-9 ages and is exposed to oxidation
- Not as potent as Delta-9 – Still produces high
 - Euphoric feeling tends to be less intense than Delta-9
- Benefits:
 - Decreases nausea and vomiting
 - Neuroprotectant – helps protect brain cells
 - Reduces anxiety
 - Stimulates appetite
 - Helps relieve pain (analgesic)
 - Can reduce tumor size
 - Helps cause the release of acetylcholine
 - Involved in memory and learning

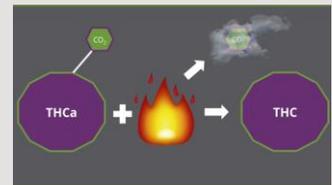


DocMJ

Delta-9 Tetrahydrocannabinol

▪ $\Delta 9$ -THC

- Commonly referred to as THC
- Main psychoactive compound
- Concentration much higher in female plants
- Produces high
- Benefits:
 - Reduces anxiety
 - Improves sleep
 - Increases appetite
 - Relieves pain
 - Decreases nausea and vomiting
 - Helps protect brain cells
 - Promotes brain growth
 - Helps PTSD sufferers
 - Enhances our senses
- Antibacterial properties
- Antioxidant effects
- Reduces swelling and pain
- Acts as a bronchodilator – opens airways
- Relaxes muscles
- May battle tumors?
- Anti-convulsant or anti-seizure properties



DocMJ

Delta-10 Tetrahydrocannabinol

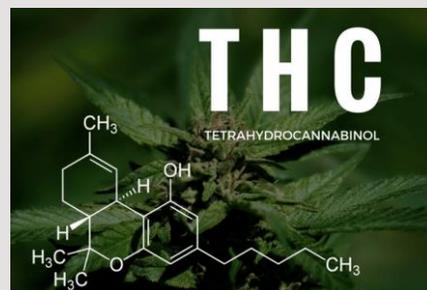
- Less potent than delta-9
- Commonly processed from hemp-derived CBD
- Commonly reported to provide energizing effects (more like a sativa)
 - More of a head buzz
- Clear appearance
- Creating:
 - Crude CBD or CBD isolate
 - Use derivatives of Vitamin C and Carbon **or** solvents and acids



Leafy.com, Observer.com, & Vaping360.com

THC Levels

- Mid 1990's
 - Averaged 2% to 4%
- 2014
 - Averaged 14%, some strains leveling 37%
- CBD
 - 0.3%
- Edibles
 - Unknown due to manufacturer
- Wax (Dab)
 - 60% to 99.99%
- Leafline Labs Products
 - 5mg to 1200mg THC
 - 1200mg would be used for Chronic Pain or like conditions



Healthline

Shatter/Dab/Wax/Resin/Hash



DWI Enforcement



Effects of Cannabis

- Relaxation
- Euphoria
- Relaxed inhibitions
- Disoriented
- Altered time and distance perception
- Lack of concentration
- Impaired memory
- Altercations in thought process
- Drowsiness
- Sedation
- Mood changes



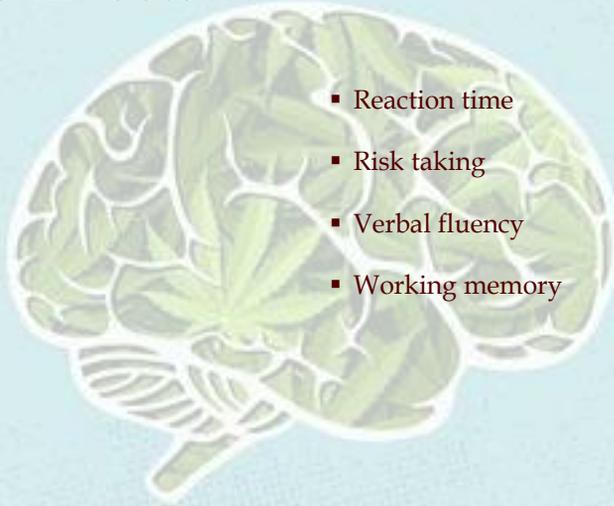
Other characteristics

- Odor of marijuana
- Debris in mouth (green tongue)
- Red, bloodshot eyes
- Body tremors
- Eyelid tremors



Cannabis Effects...

- Attention
- Concentration
- Decision-making
- Impulsivity
- Inhibition
- Reaction time
- Risk taking
- Verbal fluency
- Working memory



Field Sobriety Testing

- If possible, conduct:
 - Horizontal Gaze Nystagmus
 - Walk and Turn
 - One Leg Stand
 - Modified Romberg Balance Test
 - Lack of Convergence
 - Take a pulse



What will you see?

- No HGN (poss. LOSP)
- Lack of Convergence
- Poor balance
- Elevated pulse
 - Duck on a pond
- Eyelid and body tremors
- Residue
- Slurred speech
- Possible dilated pupils

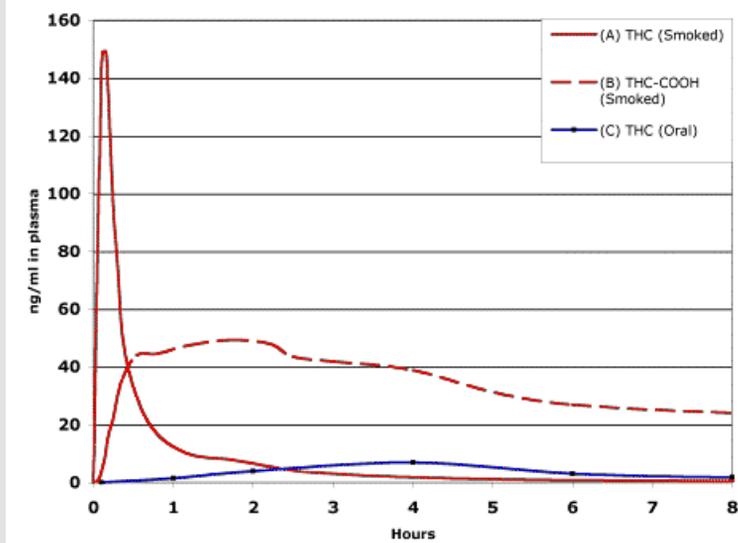


Lack of Convergence





Blood Levels of THC & Metabolite



BCA Results

MINNESOTA DEPARTMENT OF PUBLIC SAFETY
Bureau of Criminal Apprehension - Forensic Science Laboratory

Lab No. XXXXXX
Report No. 1

Results of Laboratory Examination

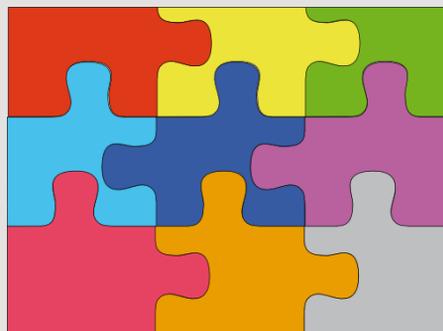
The following are results confirmed by Liquid Chromatography/Mass Spectrometry:

<u>Type of Drug:</u>	<u>Concentration</u>	<u>Associated Expanded Uncertainty</u>	<u>Units</u>
delta-9-tetrahydrocannabinol (delta-9-THC)	2.95	±0.52	ng/ml
11-hydroxy-delta-9-tetrahydrocannabinol (an active metabolite of delta-9-THC)	1.07	±0.16	ng/ml
11-nor-9-carboxy-delta-9-tetrahydrocannabinol (an inactive metabolite of delta-9-THC)	65	±15	ng/ml
delta-8-tetrahydrocannabinol (delta-8-THC)	Not Detected		
Cannabidiol (CBD)	Not Detected		
Cannabinol (CBN)	Not Detected		
Cannabigerol (CBG)	Not Detected		



Totality of the Circumstances

- Officer's training & experience
- Driving Conduct (if applicable)
- Observations
- Admissions
- Performance on field sobriety tests
- DRE Exam
- Test Results



What is a DRE?



Drug Recognition Expert (Evaluator)

- Highly trained
- Determine whether an individual is under the influence of drugs
- Determine whether an individual is under the influence of a combination of substances
- Determine whether the person is injured or ill
- Identify what category(ies) of drug(s) someone is on
- Document their observations



Training

- 9-day classroom
 - Pre-School
 - DRE School
- Certification trip out of MN
- Final Knowledge Exam
- Recertification
 - 2 yearly instructor-witnessed evaluations
 - 8 hours of continuing education



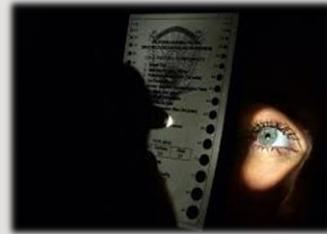
12 Step Process

1. Breath Alcohol Test
2. Interview of Arresting Officer
3. Preliminary Examination
4. Eye Examination
5. Divided Attention Tests
6. Vital Signs



12 Step Process

7. Dark Room Checks
8. Check for Muscle Tone
9. Check for Injection Sites
10. Interrogation of Subject
11. Opinion of Evaluator
12. Toxicological Sample



H.F. 100 / S.F. 73

Cannabis Legalization



New Laws

- Goes to Schedule III instead of Schedule I Controlled Substance
- Bill would go into effect - July 1st
- Elimination of Penalties – August 1st
- Home grow legalized – August 1st
- Retail licenses for commercial dispensaries
 - Application Process
 - Preference goes to:
 - High poverty areas
 - Those with criminal convictions for possession and sales of marijuana



Money and Control

- Cannabis Tax – 10%
 - 80% would go to State government
 - 20% would go to Local governments
- Local Control:
 - Bill states local jurisdictions cannot keep stores out of their jurisdictions
 - State government has control over that



Possession Limits

- At residence:
 - 2 pounds of flower
 - 8 cannabis plants
- One time purchase and possession in public limits:
 - 2 oz of Flower
 - 8 grams of Concentrate
 - 800 mg of edibles



DWI Statute

- Edited (7):
 - The person's body contains any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, an artificially derived cannabinoid, or tetrahydrocannabinols; or
- Added (8):
 - The person is under the influence of cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, an artificially derived cannabinoid, or tetrahydrocannabinols



Open Container in a Motor Vehicle (169A.36)

Subd. 2.

Use; crime described.

It is a crime for a person to use cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, or any other product containing an artificially derived cannabinoid in a motor vehicle when the vehicle is on a street or highway.

Subd. 3.

Possession; crime described.

It is a crime for a person to have in possession, while in a private motor vehicle on a street or highway, any cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, or any other product containing an artificially derived cannabinoid that:

- (1) is in packaging or another container that does not comply with the relevant packaging requirements in chapter 152 or 342;
- (2) has been removed from the packaging in which it was sold;
- (3) is in packaging that has been opened or the seal has been broken; or
- (4) is in packaging of which the contents have been partially removed.



Oral Fluid Roadside Testing Pilot Project

September 1, 2023



MINNESOTA
STATE PATROL

funding

Workshop Development Skills Coaching Teaching Knowledge

TRAINING

DRUG RECOGNITION EXPERT
MINNESOTA STATE PATROL

MINNESOTA STATE PATROL

Questions



Thank you!

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