

Minnesota Edible Cannabinoids and Traffic Safety

Sergeant Aaron Bommersbach - DRE

District 3200 – 3220 Station



Objectives

- Review DWI Statute
- Law Update
- Cannabis Impairment Indicators
- Impaired Driving Enforcement
 - Modified Romberg Balance Test
 - Lack of Convergence
 - Impairment Timeline
- Drug Recognition Evaluation
- eCharging
- Expectations of Troopers



What is Cannabis?

- Category derived primarily from various species of plants
- This category is the most widely abused illicit drug
- Delta-9 Tetrahydrocannabinol (THC) is the primary psychoactive ingredient in Cannabis



DWI Statute



MSS 169A.20

Subdivision 1. **Driving while impaired crime; motor vehicle.** It is a crime for any person to drive, operate, or be in physical control of any motor vehicle, as defined in section [169A.03](#), [subdivision 15](#), within this state or on any boundary water of this state when:

(1) the person is under the influence of alcohol;

(2) the person is under the influence of a controlled substance;

(3) the person is under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment;

(4) the person is under the influence of a combination of any two or more of the elements named in clauses (1) to (3);

(5) the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the motor vehicle is 0.08 or more;

(6) the vehicle is a commercial motor vehicle and the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the commercial motor vehicle is 0.04 or more; or

(7) the person's body contains any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.



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



SCAN FOR FULL PRODUCT DETAILS



Blue Dream
STRAIN: Hybrid
TYPE: Flower
DATE TESTED: 7/7/2014

REG NO:	THC	CBD	CBN
Client Name	13.2%	1.2%	<0.1%
Client Email			
Client Website	THC : CBD		
Client Phone	11 : 1		

PATIENT: _____ QTY: _____

mcr
VLABS
mcrvlabs.com
info@mcrvlabs.com
(508) 872-6666

This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Do not drive or operate machinery when under the influence of this product. KEEP AWAY FROM CHILDREN.



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



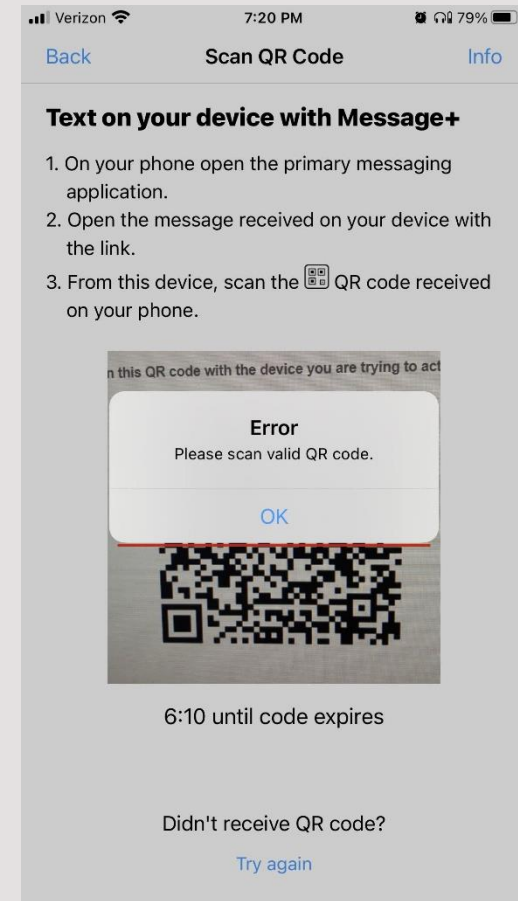
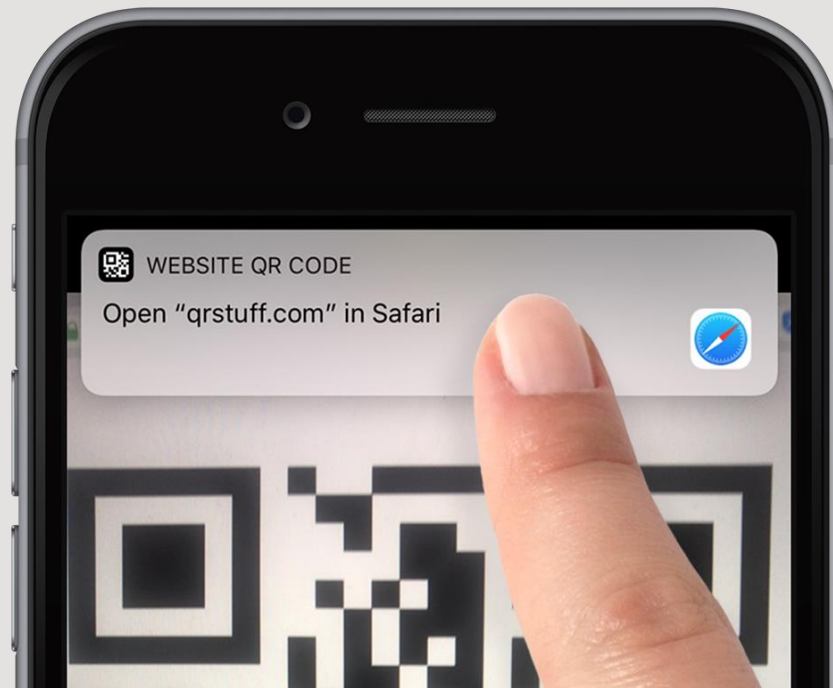
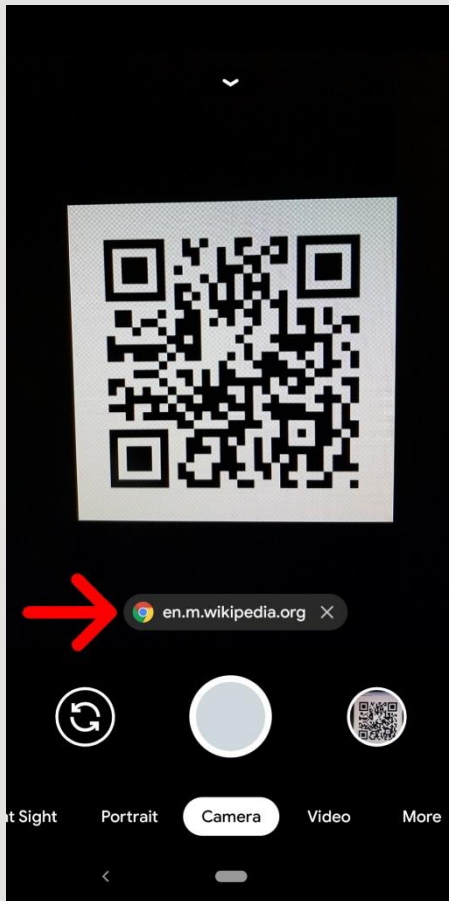
Blaine, MN Smoke Shop



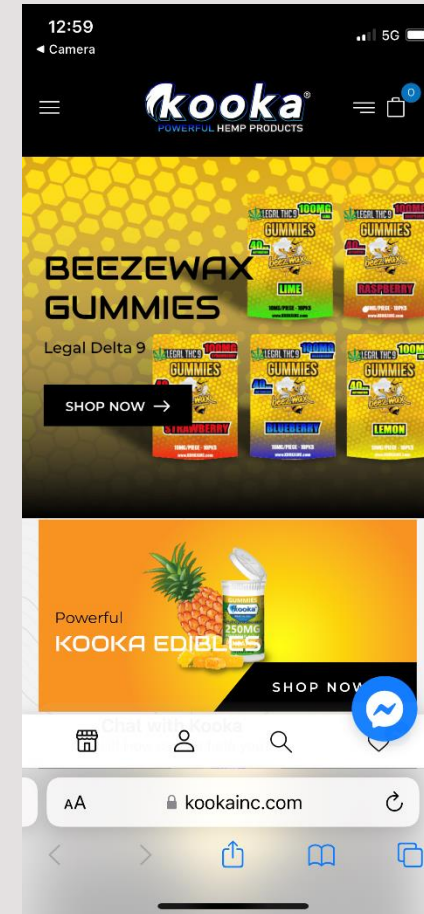
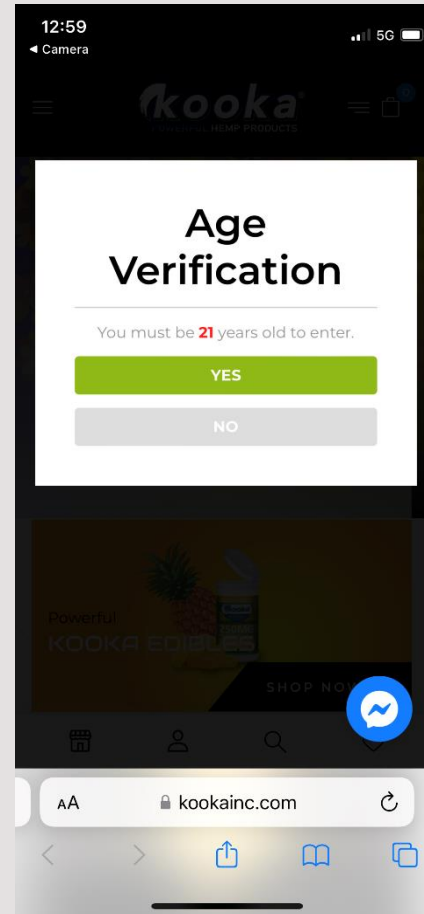
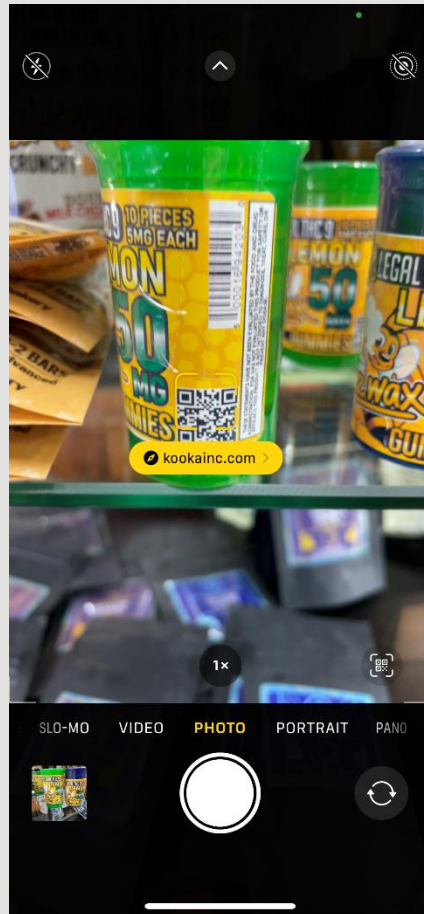
QR Code



QR Code on Phone



QR Code Sample – Real Example



Edible Cannabinoid Product Regulations

- Serving must be 5mg or under (THC)
- No more than 50mg total or under per package
- Mg is total THC (cannot have 5mg of Delta-9 and 5mg of Delta-8, the combination of THC has to equal 5mg or less)
- 50mg Package – must be divided by scoring, wrapping, or other indicators designating the individual serving size of 5mg or less
- CBD – has to be under 0.3% THC
- Cannot be sold in restaurants, bars or other businesses that prepare food and beverages onsite or take away
- Cannot be sold to anyone under the age of 21



Forms of Cannabis:

- Marijuana
- Hashish
- Hash Oil
- Synthetic MJ (Dronabinol and Marinol)
- Marijuana Wax “dabs”



THC Concentrations

- Effects of Cannabis depend on strength of THC in dose consumed.
- Decades ago, peaked at relatively low levels (3-6%)
- Current levels are being reported at more than 30% (Bud) and in the 90's% for some of the wax and other forms.



Cannabis Impairment Indicators



Standardized Field Sobriety

- Still run through the normal SFST battery
 - HGN – will not be present
 - VGN – will not be present
 - WAT and OLS – will show signs of impairment
- General Indicators of Impairment
 - Euphoria
 - Bloodshot eyes
 - Odor of Marijuana
 - Debris in mouth
 - Body tremors
 - Increased appetite
 - *Short Term Memory Loss



Modified Romberg Balance Test

- Administered to check a subject's time estimation, balance, and presence of tremors (eyelid and body).
- Three indicators
 - Time estimation – 30 seconds
 - Tremors
 - Swaying
- Divided attention
 - Results are not tied to specific drug categories



Eyelid Tremor Example



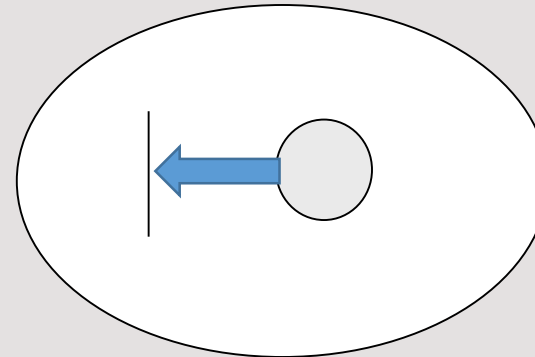
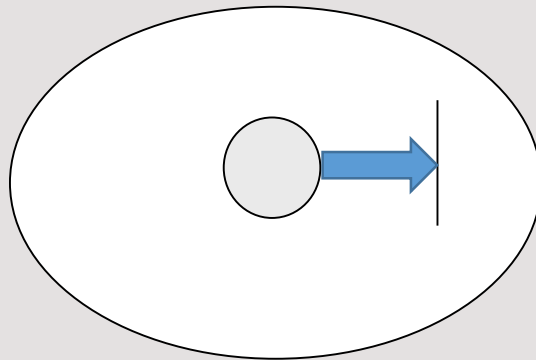
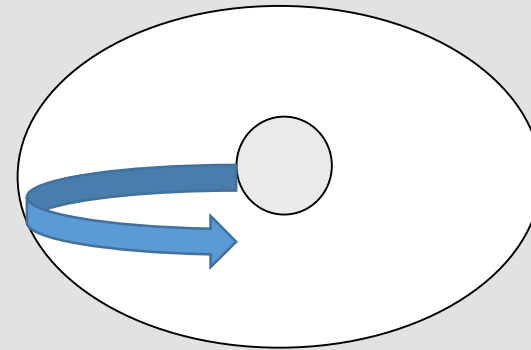
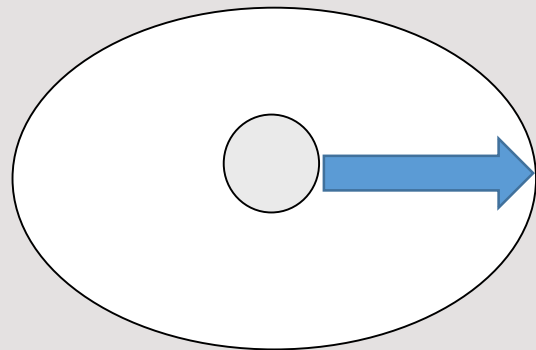
Lack of Convergence

- What is it?
 - The inability of the person's eyes to converge or cross as the person attempts to focus on a stimulus as it is pushed towards the bridge of the nose.
- Drugs Categories that cause LOC
 - CNS Depressants
 - Inhalants
 - Dissociative Anesthetics
 - Cannabis



Lack of Convergence

- Reporting results:



Lack of Convergence Example



Impairment Timeline

- **Smoked: Impairment Peak:** 0-30 mins
 - **High Experience:** 1-3 hours
 - Impairment may last up to 24 hours, without awareness effects.
-
- **Oral/ Edible: Impairment Peak:** 1-3 hours
 - **High Experience:** 4-8 hours
 - Residual effects depend on dose.



Effects of Marijuana on Driving:

- Small amounts of Marijuana can double chances of Motor Vehicle Crashes
- Larger doses can triple the risk
- Risk is almost 2.7 times higher among Marijuana users
- Effects of Marijuana vary between the individual effects of alcohol



THC and Metabolites



THC Metabolites

- **Delta-9-THC** - The main psychoactive substance found in marijuana.
 - AKA: delta-9-tetrahydrocannabinol (9-THC), dronabinol
 - **11- Hydroxy-THC** - The main psychoactive metabolite of THC formed in the body after marijuana consumption.
 - AKA: Hydroxy THC, 11-Hydroxy-9 tetrahydrocannabinol (11-Hydroxy-9-THC), 11-OH-THC
- **Delta-9 + Hydroxy = Impairment****
- **11- nor-9- Carboxy-THC** - The main secondary metabolite of THC formed after marijuana is consumed. It is NOT active, but indicates historical use.
 - AKA: THC-COOH (most often seen this way), Carboxy THC, 11-nor-9-carboxydelta-9-tetrahydrocannabinol (11-nor-9-carboxy-9-THC), 11-COOH-THC



Cannabinoids

Group of active compounds found in marijuana



Various Cannabinoids

- **Cannabidiol (CBD)** - Non-psychoactive (a/k/a not impairing) cannabinoid.
- **Cannabinol (CBN)** - THC metabolite(10% as psychoactive as THC).



Drug Recognition Evaluations



DRE – 12 Step Process

- 1. – Breath Alcohol Test
- 2. – Interview of Arresting Officer
- 3. – Preliminary Examination
 - First Pulse (1 of 3)
 - Initial Angle of Onset (50 – Angle of Onset = Rough BAC (if alcohol))
 - Initial Estimation of Pupil Size
- 4. – Eye Examination
 - HGN
 - Lack of Smooth Pursuit
 - Nystagmus at Maximum Deviation
 - Angle of Onset
- 5. – Divided Attention Tests
 - Modified Romberg Test
 - Walk and Turn
 - One Leg Stand
 - Finger to Nose



12 Step Cont.

- 6. – Vital Signs

- Pulse (60-90 BPM)
 - 3 X

- Blood Pressure (120-140 Systolic / 70-90 Diastolic)
 - 3 X

- Body Temperature (98.6 +/- 1 Degree F)
 - 3 X



12 Step Cont.

- 7 – Dark Room Checks
 - Pupil Size
 - Room Light
 - Near Total Darkness
 - Direct Light

- Ingestion Examinations
 - Nasal Area
 - Oral cavity



12 Step Cont.

- 8. – Check for Muscle Tone
 - Normal
 - Rigid
 - Flaccid
- 9. - Check for Injection Sites
 - Track Marks
- 10. – Interrogation of Subject
- 11. Opinion of Evaluator
- 12. – Toxicological Sample
 - Blood / Urine



eCharging



Processing a DWI - eCharging

- Open eCharging
- Select:
 - Create new eCharging form
 - DWI Forms Wizard (if not CVO/H)
- Go through the steps as you would with an alcohol DWI
- When you get to the BTA, check *“If the Breath Test Advisory was not read, check this box”*
 - In the box, enter note stating “search warrant”
- Start the Search Warrant



Processing a DWI - eCharging

- Search Warrant:
 - If a normal DWI – select both Blood and Urine
 - Submit to judge
 - Collect the sample
 - If CVO/H – **only** select Blood
 - Do not open DWI form, just go straight to search warrant
- Testing:
 - Get blood if at all possible
 - Blood = quantitative
 - Urine = presence



Colorado Law

- **Colorado - Permissible Inference 5 ng/mL** - If at time of driving, driver had 5 ng/mL delta-9 in whole blood, jury may infer defendant was DUI. CO does not have a per se law (statutory assignment of a blood concentration above which is an offense to drive)!



Trooper Expectations



Expectations

- State Patrol:
 - Be the lead agency on detecting and arresting Cannabis Impaired Drivers
 - Assist other agencies with Cannabis DWIs
 - Know the laws and regulations regarding Edible Cannabinoids
- Office of Traffic Safety
 - Reach 500 Drug Recognition Evaluators in Minnesota
 - Enforce the Edible Cannabinoid laws
 - Enforce DWI laws regarding drivers impaired by Cannabis
 - Be a lead agency with edible cannabinoid enforcement



Thank You!

Sergeant Aaron Bommersbach

District 3200 – 3220 Station

Aaron.Bommersbach@state.mn.us

218-683-8410 (O) 612-360-7197 (WC)

