

# **LEGAL MARIJUANA: A STATE PERSPECTIVE**

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**WA State Recreational Marijuana Law**

A close-up photograph of a cannabis plant, showing several large, serrated, palmately compound leaves. The leaves are a vibrant green color and are arranged in a fan-like pattern. The background is dark and out of focus, highlighting the intricate details of the plant's foliage.

**It's Here....**

**Legal Marijuana!**

**Initiative 502, Enacted into law Dec 6, 2012**

# What does it mean?

- Possession of up to 1 ounce of marijuana, 72 ounces of marijuana-infused liquid, and 16 ounces of marijuana-infused solid product
- Over age 21 (zero tolerance for under 21)
- Creates per se level of 5 nanograms of marijuana (blood)
- Assigns administrative control to Liquor Control Board

# State v. Federal?

- Marijuana still a controlled substance under Federal Law
- Tribal and military lands still follow federal law
- Surrounding border states do not have legal recreational marijuana
- Commercial motor vehicles have different standards, and no reference in our WA law

The background of the slide is a close-up photograph of cannabis plants. The leaves are green and serrated, with some small buds visible. The lighting is natural, highlighting the texture of the leaves.

# Legal Challenges

A Prosecutor's Perspective

# Impairment versus Per Se Levels

- **Per Se Level in WA is 5 nanograms THC**
- **Based on very limited European research**
  - ▣ Whole blood versus serum blood
- **NOT tied to impairment**
  - ▣ Unlike the .08 for alcohol



# Toxicology and Testing Constraints

- ISO Accredited lab in WA State
- Testing limited to reporting out at 2 nanograms or above
- Statute also contains provisions for potency testing of evidential marijuana (but no testing protocols in place yet)

'Bud' of cannabis plant





# Public Perception and Misinformation

- Jurors have bought into common misperception that MJ-impaired drivers are SAFER
  - WA the majority of MJ-involved crash cases involve speed
- Confusing MJ of the 70s with the MJ of today
- Don't understand that use is distinct from driving under the influence

A photograph of cannabis plants with serrated green leaves and developing buds. A horizontal banner with a green-to-white gradient is overlaid across the middle of the image, containing the title text.

# Training for MJ Enforcement and Prosecution

# Training Methods and Strategies

- Immediate information distribution via available channels:
  - Academy webpage
  - Online training module for all 900 WA State troopers
  - TSRP Newsletter
  - Prosecutor's Association



# Sample Training Topics



**Delta-9**  
**Tetrahydrocannabinol (THC)** is the primary psychoactive ingredient in cannabis.  
**Carboxy-THC** is the inactive metabolite.

# Training Methods and Strategies

- Live Regional trainings
  - Partnered with local DRE Instructors
  - Some included SFST refresher
  - MJ signs and symptoms by DRE and legal training by TSRP
- State-wide Impaired Driving Training Symposium
  - Bringing CO and MT TSRP experts to present
  - Focus on MJ from all sides: patrol, prosecutor, DRE, instructors, court/probation/treatment

A photograph of cannabis plants with green serrated leaves and small developing buds. The plants are growing in a field or garden setting. The image is split horizontally, with the top half showing a close-up of the leaves and the bottom half showing a wider view of the plants.

# Educating the Public

# Public Perception

- Local news station holds informal 'smoking lab' using citizens on driving course while using MJ.

<http://www.youtube.com/watch?v=YdX0oJ9eOQk>





# Jurors, Police Chiefs & Citizens

- Educating jurors in voir dire
- Ensuring local officials (chiefs, sheriffs, elected prosecutors, city officials) are aware of:
  - Elements of the law
  - Longstanding ability and training of officers to detect drug-impaired drivers (including MJ)
  - Prosecutorial standards
- Citizens: Jurors, Teachers, Your Neighbor...

# What are we Looking For?

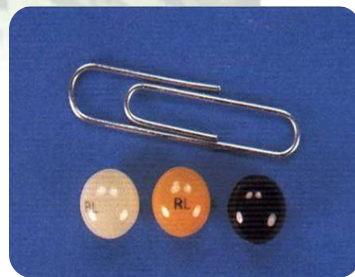
## Signs and Symptoms of Use


- Marked reddening of the conjunctiva
- Odor of marijuana
- Marijuana debris in the mouth
- Body tremors
- Eyelid tremors
- Dilated Pupils
- Increased appetite
- Relaxed inhibitions
- Impaired Perception of Time and Distance
- Green tongue



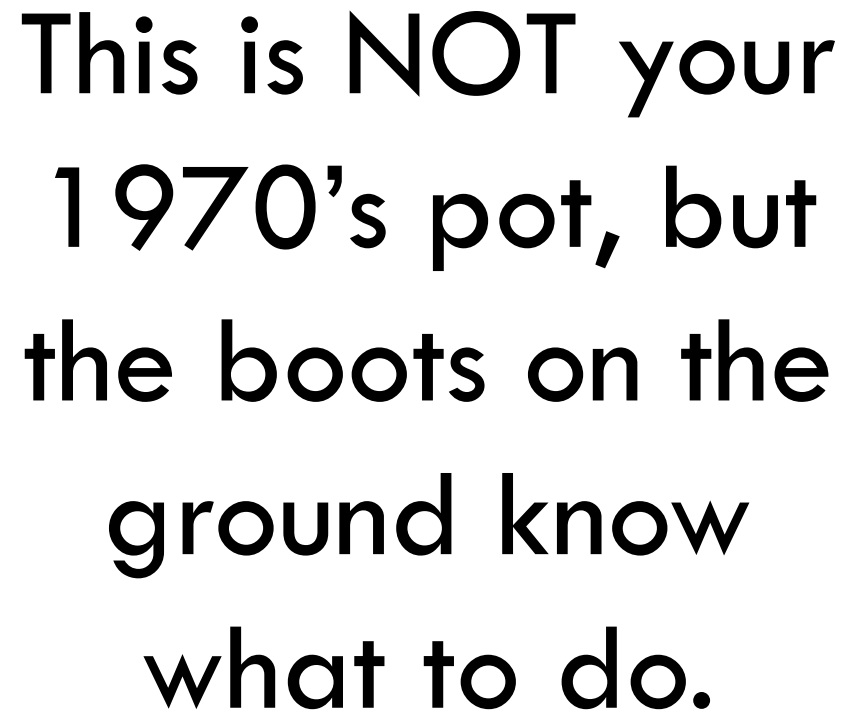
# What are we Looking For?

## Forms of Use and Ingestion





Bottom  
Line?



This is NOT your  
1970's pot, but  
the boots on the  
ground know  
what to do.

# Contact Info

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