WA State Recreational Marijuana Law
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
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)
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
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.

Sativa strains are used more recreational and can stimulate a user.

Indica strains are used more by medical and evening users.
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
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
This is NOT your 1970's pot, but the boots on the ground know what to do.
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