Marijuana in Washington

Darrin T. Grondel,
Director
WA Traffic Safety Commission
March 9, 2016
Marijuana Legalized by voters

• I-502, Nov. 6, 2012
• ACLU, Rick Steves & Peter Lewis
• $6 million war chest

Medical Marijuana
• 1998 (public vote)
• No provider list
• No patient registry
• No stringent regulatory oversight

Voters approve I-502 legalizing marijuana

Washington state voters made history Tuesday by legalizing the recreational use of marijuana.

By Jonathan Marik
Seattle Times staff reporter

Washington enthusiastically leapt into history Tuesday, becoming the first state, with Colorado, to reject federal drug-control policy and legalize recreational marijuana use.

Initiative 502 was winning 55 to 45 percent, with support from more than half of Washington’s counties, rural and urban.

The vote puts Washington and Colorado to the left of the Netherlands on marijuana law, and makes them the nexus of a new social experiment with uncertain consequences. National and international media watched as vote counts rolled into I-502’s election-night party in Seattle amid
Marijuana Use Is A Violation Of Federal Law — Cole Memorandum:

Conditions include:

• Prevent youth access

• Prevent an increase in drug impaired driving

• Prevent travel across borders

• Prevent increases in illegal pot grows on government lands (parks)

• Prevent diversion of pot revenue to criminals

• Pot use on federal property is still illegal
Marijuana Regulatory Process

Liquor & Cannabis Board sets up regulatory system
Department of Health establishing rules for medical marijuana
Regulations govern growing, processing, distribution, sales, pesticides and testing of marijuana

202 stores reporting sales of 247 with approved licenses (as of Feb, 2016)

840 producers &/or processor
Current grow canopy: 13.8 million square feet

Sales (as of February 12, 2016):
$2.5 million average daily sales
FY 2015 - $259,785,729 – tax obligation $65 million
FY 2016 - $519,562,009 - tax obligation $100 million
http://lcb.wa.gov/marijuana/dashboard
Marijuana impaired driving:

- Recent meta-analyses show driving high doubles crash risk
- Affects focus, motor coordination, drowsiness, and concentration
- Drivers involved in fatal crashes show a high frequency of combining pot & alcohol = synergistic effect
- Marijuana drug levels/specific type not shown in national FARS crash data
- DUI citations are down
Today’s Marijuana Potency: “Not Your Daddy’s Woodstock Weed”

1973: 3%
2008: 10%
2014 marijuana being sold in stores: 20% - 30% +
Recreational vs. Medical Marijuana

**Recreational:**
- Amount limits, up to either:
  - 1 oz “useable” MJ (bud)
  - 16 oz infused product (brownies)
  - 72 oz liquid (soda pop)
  - 7 grams concentrate (hash oil)
- Illegal to grow your own
- Lab tested, controlled pesticide use
- Age 21+
- Taxed

**Medical pre-2015:**
- Up to 24 oz “useable” MJ
- Can grow up to 15 plants
  - Double that if you are an MJ provider and patient
- No dispensaries, but “cooperatives”
- No lab test, pesticide controls
- Age 18+ (even providers)
- Not taxed (1/3 – 1/4 the cost)
- Need MJ card (not prescription) – tamper resistant
- Doctor, naturopath, PA, nurse practitioner, osteopath

Provide pot to a minor: felony

DUI – 5 ng/ml -- Penalties for illegal grows, quantities
Total Traffic Deaths and the Percent That Involve an Impaired Driver 2004-2014
Increase in pot-impaired driving?

2012-2015Q2 WSP Toxicology Lab Samples:
- Full panel testing on all samples January 2013
- Marijuana DUI increasing
WTSC Drug Abstract Project

- Abstracted detailed toxicology results for matching with existing WA-FARS fatal crash records.
- Detailed toxicology continues to be entered in separate spreadsheet as the FARS case is coded.
- Exploring electronic data linkage approaches to replace manual data abstraction.

<table>
<thead>
<tr>
<th>TEST STATUS</th>
<th>Driver Category 1 Sample</th>
<th>Driver Category 2 Sample</th>
<th>Driver Category 3 Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Tested</td>
<td>Not Tested</td>
<td>1,153</td>
<td>Not Tested</td>
</tr>
<tr>
<td>Tested - Negative</td>
<td>No Drugs, No Alcohol</td>
<td>712</td>
<td>No Drugs, No Alcohol</td>
</tr>
<tr>
<td>Alcohol Only</td>
<td>360</td>
<td>Alcohol Only &lt;.079</td>
<td>46</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Alcohol Only ≥.08</td>
<td>314</td>
</tr>
<tr>
<td>Cannabinoids Only</td>
<td>93</td>
<td>THC Only</td>
<td>56</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Carboxy-THC Only</td>
<td>37</td>
</tr>
<tr>
<td>Cannabinoids + Alcohol Only</td>
<td>137</td>
<td>THC + Alcohol</td>
<td>96</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Carboxy-THC + Alcohol</td>
<td>41</td>
</tr>
<tr>
<td>Cannabinoids + Drugs + Alcohol</td>
<td>43</td>
<td>THC + Drugs + Alcohol</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Carboxy-THC + Drugs + Alcohol</td>
<td>19</td>
</tr>
<tr>
<td>Cannabinoids + Drugs Only</td>
<td>69</td>
<td>THC + Drugs</td>
<td>39</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Carboxy-THC + Drugs</td>
<td>30</td>
</tr>
<tr>
<td>Other Drugs Only</td>
<td>258</td>
<td>Other Drugs Only</td>
<td>258</td>
</tr>
<tr>
<td>Other Drugs + Alcohol Only</td>
<td>101</td>
<td>Other Drugs + Alcohol</td>
<td>101</td>
</tr>
</tbody>
</table>

Total Driver Sample, 2010-2014: 2,926
In 2010, 44.4% of cannabinoid-positive drivers were positive for delta-9 THC.

In 2014, 84.3% of cannabinoid-positive drivers were positive for delta-9 THC.

From 2010-2014, half or more of drivers positive for delta-9 THC exceeded the 5ng/ml per se.
Impaired Driver Crash Factors

- Distracted:
  - No Drugs, No Alcohol: 23.9%
  - Alcohol Only >.08: 18.9%
  - THC + Alcohol >.08: 20.5%
  - THC + Drugs: 4.6%

- Unlicensed:
  - THC Only: 39.8%
  - THC + Drugs: 30.8%
  - THC + Drugs + Alcohol >.08: 44.4%

- Speeding:
  - Carboxy-THC Only: 62.7%
  - THC + Alcohol >.08: 61.1%

Safe Drivers · Safe Vehicles · Secure Identities · Saving Lives
Impaired Driver Restraint Use

- No Drugs, No Alcohol: 12.2%
- Alcohol Only >.08: 39.5%
- THC Only: 11.1%
- Carboxy-THC Only: 16.7%
- THC + Alcohol >.08: 45.2%
- THC + Drugs: 30.3%
- THC + Drugs + Alcohol >.08: 20.0%

Percent of Drivers Improperly or Not Restrained

Safe Drivers · Safe Vehicles · Secure Identities · Saving Lives
Marijuana infused products

- Edibles – control consumption
- Dabs – highly concentrated THC
- E-cigs – hard to spot in schools (no smell)
- Youth coming into treatment are sicker
- Drop in IQ, affects brain development
- Increased access by youth?
Reports of pot-edible exposure to Poison Center spike

14 INCIDENTS THIS YEAR INVOLVED MINORS

Role of legal pot unclear

By BOB YOUNG
Seattle Times staff reporter

The number of King County residents reporting marijuana edibles exposure to the Washington Poison Center has increased this year, with roughly one-third of the reports involving minors.

But it’s unclear what, if any, role legal pot played in the spike.

The number of edible-exposure calls to the poison center from King County totaled 39 through this May; there were 38 such calls in all of last year, according to the center.

Fourteen incidents this year involved minors, including six who were under 6 years old. Last year there were 20 calls, with 11 incidents involving children under 6 years of age.

The majority of child exposures occur unintentionally when kids find and consume pot-infused chocolate or baked goods in homes, say health officials. “Marijuana edibles left lying around on the coffee table or next to snacks can easily fall into the hands of young kids,” said Dr. Alexander Garrard of the Washington Poison Center.

Pot intoxication in children can lead to anxiety attacks, psychotic-like symptoms and respiratory depression, according to health officials. Most cases, though, do not require hospital admissions, Garrard said, as children are evaluated, treated and released.

The data does not indicate if people reporting exposure were intoxicated, Garrard said. That’s why he uses the term “exposures.”

The reports also don’t indicate if the edibles come from medical-marijuana shops, the illicit market or legal retail stores.

“I’d be very surprised if any instances came from legal retail stores,” said Seattle City Attorney Pete Holmes, a sponsor of the state’s legal pot law.

State rules prohibit edibles from featuring cartoon characters in their packaging, or other semblances to popular snacks. Rules also require child-resistant packaging and that every type of edible be approved by state regulators. “Kids are our number one priority” in reviewing edibles for approval, said Brian Smith, spokesman for the state Liquor Control Board.

The legal pot system has only captured about 10 percent of the overall marijuana market, according to a state estimate. That small share suggests that most of the edibles consumed in the state are not bought from legal retail stores.

Steven Kessler, owner of a store on Bainbridge Island, Paper & Leaf, said he’s not selling baked goods, candies or chocolate because of community concerns about children ingesting edibles.

Statewide data on calls to the poison center showed a similar increase in the first quarter of 2015 compared to last year. But Garrard said it’s not clear if there is an actual increase in marijuana-exposure cases, or if more people feel comfortable calling the poison center because marijuana is now legal.

Bob Young: 206-464-2174 or byoung@seattletimes.com
PIRE Roadside Survey
Pacific Institute for Research and Evaluation

• Data collection: June, 2014; Nov. 2014 and June, 2015
• Statewide sample – six counties, five areas within each (Spokane, Yakima, King, Whatcom, Snohomish, Kitsap
• Alcohol and drugs (75 types, with levels)
June Data Collection

- Six counties, 5 locations
- 926 drivers eligible
- 97% (917) breath tests
- 96% (902) saliva
- 74% (711) blood
- 95% K & A surveys

Male drivers age 20 – 34 over-represented:
  * 21% population
  * 45% survey sample
“Have you ever, even once, used marijuana?”

<table>
<thead>
<tr>
<th>69% -- yes</th>
<th>T= 615</th>
</tr>
</thead>
<tbody>
<tr>
<td>31% -- no</td>
<td>T= 273</td>
</tr>
</tbody>
</table>

T = 888 respondents

Those who said they used marijuana in the last year were also asked: “Have you used marijuana within two hours of driving?”

<table>
<thead>
<tr>
<th>44% -- yes</th>
<th>T= 97</th>
</tr>
</thead>
<tbody>
<tr>
<td>56% -- no</td>
<td>T = 123</td>
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</table>

T = 220 respondents
The drivers who said they’d used marijuana within two hours of driving were also asked: *when you used marijuana and drove, how do you think it affected your driving?*

<table>
<thead>
<tr>
<th></th>
<th>Percentage of drivers:</th>
<th>Total number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Did not make any difference in my driving:</td>
<td>62%</td>
<td>60</td>
</tr>
<tr>
<td>Made me a better driver:</td>
<td>25%</td>
<td>24</td>
</tr>
<tr>
<td>I don’t know:</td>
<td>10%</td>
<td>10</td>
</tr>
<tr>
<td>Made my driving worse:</td>
<td>3%</td>
<td>3</td>
</tr>
</tbody>
</table>
Among the drivers surveyed, 877 answered the question: “How likely do you think it is that marijuana impairs a person’s ability to drive safely if used within two hours of driving?”

<table>
<thead>
<tr>
<th></th>
<th>Percentage:</th>
<th>Number of Respondents:</th>
<th>T= 877</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very likely</td>
<td>47%</td>
<td>409</td>
<td></td>
</tr>
<tr>
<td>Likely</td>
<td>19%</td>
<td>162</td>
<td></td>
</tr>
<tr>
<td>Somewhat likely</td>
<td>22%</td>
<td>197</td>
<td>T= 768 (88%)</td>
</tr>
<tr>
<td>Not at all likely</td>
<td>12%</td>
<td>109</td>
<td></td>
</tr>
</tbody>
</table>
881 Survey respondents answered the question: “How likely do you think it is that a person could be arrested for impaired driving after using marijuana within two hours of driving?

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Percentage</th>
<th>Number of Respondents</th>
<th>T= 881</th>
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</thead>
<tbody>
<tr>
<td>Very likely</td>
<td>41%</td>
<td>360</td>
<td></td>
</tr>
<tr>
<td>Likely</td>
<td>23%</td>
<td>204</td>
<td></td>
</tr>
<tr>
<td>Somewhat likely</td>
<td>25%</td>
<td>219</td>
<td>T= 783 (89%)</td>
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<tr>
<td>Not at all likely</td>
<td>11%</td>
<td>98</td>
<td></td>
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</tbody>
</table>
Target Zero: Our Plan For The Future:

Fatalities Involving Impairment

- Performance Gap
- Fatalities
- SYR Rolling Average
- Target Zero Line
- Trend
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