Aftermath of Prop 64
It is now lawful for persons over 21 to:

• Possess, process, transport, purchase, obtain or give away not more than 28.5 grams of MJ and not more than 8 grams of concentrated cannabis;

• Possess, plant harvest, cultivate, dry, or process, mot more than 6 living marijuana plants;

• Smoke or ingest marijuana products;

• Possess, transport, purchase, obtain, use, manufacture, or give away marijuana accessories to persons 21 years of age or older without compensation.
Legalization:

- Prop 64
  - DOES NOT legalize the use of marijuana by a driver
  - DOES NOT legalize the use of marijuana by a passenger
  - It DOES NOT legalize driving while under the influence of Marijuana

- Legalization does not negate impairment.
Changing Perceptions

• Above mentioned facts are often “lost in translation”

• 57% of California Voters approved Proposition 64;

• Supporters outraised opponents 12-to-1 raising $25 million for the pro 64 campaign; the opposition raised $2.1 million;

• LA Times and SF Chronicle endorsed the measure.

• None of the news media focused on aspect of “DUI”
Prop 64 has tremendous impact on DUI

• Driving under the influence/Impaired

• Leads to tragic circumstances
Let Us Look @ Colorado...

THE MORNING AFTER

Washington State
Legalized Marijuana

MEANWHILE IN COLORADO..
Stages of Grief

Denial:

Colorado Gov. John Hickenlooper opposed marijuana legalization when it was on the ballot in 2012.

Prior to legalization, opponents of the policy warned of the many things that could go wrong. Law enforcement repeatedly claimed that crime would rise following legalization. Critics warned of a sharp increase in car accidents and other marijuana-related deaths. In the lead-up to Halloween, police and critics fanned fears of kids accidentally eating marijuana-laced candy.
• In March, a 19-year-old Wyoming college student jumped off a Denver hotel balcony after eating a pot cookie with 65 milligrams of THC.

• In April, a Denver man ate pot-infused Karma Kandy and began talking like it was the end of the world, scaring his wife and three kids. Then he retrieved a handgun from a safe and killed his wife while she was on the phone with an emergency dispatcher.
Recent Data from CO:

**Youth MJ Use:**
- Youth past month marijuana use increased **12 percent in the three-year average (2013-2015)** since Colorado legalized recreational marijuana compared to the three-year average prior to legalization (2010-2012).


- Colorado youth past month marijuana use for 2014/2015 was **55 percent higher than the national average compared to 39 percent higher in 2011/2012.**

**Adult MJ Use:**
- College age past month marijuana use **increased 16 percent in the three-year average (2013-2015)** since Colorado legalized recreational marijuana compared to the three-year average prior to legalization (2010-2012).


- Colorado college age past month marijuana use for 2014/2015 was **61 percent higher than the national average compared to 42 percent higher in 2011/2012.**
• **Emergency Department and Hospital related admissions:**
  
  • Number of hospitalizations related to marijuana:
  
  • 2011 - 6,305
  • 2012 - 6,715
  • 2013 - 8,272
  • 2014 - 11,439
  • Jan-Sept 2015 - 10,901

  • The yearly number of marijuana-related hospitalizations **increased 72 percent** after the legalization of recreational marijuana (2009-2012 vs. 2013-2015).
Increase in MJ cases

- **Colorado Stats:**
  - 2011-28% of DUIs were positive for THC
  - 2013-65% of DUIs were positive for THC
  - 48% had THC levels less than 5 ng/mL

- **Washington Stats:**
  - 2009-2012-19.1% of DUI were positive for THC
  - 2013-24.9% of DUI were positive for THC
  - Prevalence of alcohol did not change
  - 60% of MJ cases tested positive for other drugs
  - 56% were at or greater that 5 ng/mL

- OC Crime lab tested 10% of drivers who were above a .08% BAC for drugs in 2015 and 2016
  - 39% were positive for one or more drugs
  - Of those 39%, 57% were positive for MJ
  - 1 in 4 drivers over a .08% also had MJ in their system;
  - 60% of drivers were below 5 ng/ml
PERCEPTION VS REALITY
<table>
<thead>
<tr>
<th>Extract (60)</th>
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<tbody>
<tr>
<td>Lemon Drop Crumble</td>
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<tr>
<td>Platinum Girl Scout Cookies</td>
</tr>
<tr>
<td>Blue Dream Crumble</td>
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<tr>
<td>Candyland Crumble</td>
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<tr>
<td>West Coast Cure* Diablo OC</td>
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<tr>
<td>West Coast Cure* Corleone</td>
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<tr>
<td>West Coast Cure* Holy Water</td>
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<tr>
<td>West Coast Cure* Chocolate</td>
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</tbody>
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E-Pens & E-Cigs & Vaporizers

- Vape Pens
- Healthier Alternative
- What’s in the vape pen?
Marketing Tactics:
The Need for Education & Training
COLLABORATIVE EFFORT 2011- PRESENT
• In 2010 Orange County agencies (OCDA and OC Crime Lab) determined there was a rise in DUI-Drug cases.
• In 2011 OCDA applied for a grant from the California Office of Traffic Safety (OTS) for DUID collaboration.
• Program involved 3 part collaboration and presented a unique model for testing, investigation and prosecution.
• 3 Institutions, working towards a common goal.
The Orange County DUI- Drugs program

- Grant from the Office of Traffic Safety
  Approved by the Board of Supervisors for the past 6 years:

<table>
<thead>
<tr>
<th>2011</th>
<th>2014</th>
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<td>2012</td>
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<td>2013</td>
<td>2016</td>
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Goals of the OC DUID program

• Train and dedicate misdemeanor vertical prosecutors to handle DUID cases.
• Train officers to become certified DREs (Drug Recognition Experts).
• Provide latest testing equipment and staffing for the OC Crime Lab.
Prosecution:
• We have trained over 25 Deputy District Attorneys to become DUID experts; We currently have 8 DUID attorneys (2 in each branch court);
• Our OCDA team received a NHTSA Public Safety Award in 2016;
• In 2017 we will have been asked to take on an expanded training role in the Southern CA region.

Law Enforcement:
• We received 100% participation from Orange County police agencies in the law enforcement training component; To date, we have trained over 250 officers to be Drug Recognition Experts (DRE)
• We created a uniform DUI investigation form that is used by every police agency in the County.

OC Crime Lab:
• We have a dedicated toxicology section at the OC Crime Lab.
• In 2014, OCCL received an Achievement Award from the National Association of Counties;
• 1 DUID Trained Toxicologist
• Reported Drug Concentrations for 3 Drugs
• Outdated Methodology and Technology

• 4 DUID Toxicologists and 2 in Training
• Reporting Concentrations for 72 Drugs
• Updated Methods and Technology
• Published Research
• Enhanced Unknown Screening Capabilities
• Capacity Enhancements for MJ Legalization
• Statewide DUID Toxicology Training
• Continued Method Development
• Continued DRE Support
We have some...
Regulation:

“Edible products must be produced in serving sizes that have no more than 10 milligrams of THC and no more than 100 milligrams of THC for the total package”
Privateer Holdings Closes $100m Funding Round, Pledges $5m to Repair Drug War Damage

Raised over 200 million dollars since inception

Valued at 600 million dollars

Heavily investing into edible products
Leafly® - The world’s leading cannabis website and mobile application, with more than 14 million visits per month and the world’s largest database of user-generated reviews of cannabis strains, products and dispensaries. Leafly helps patients and consumers make informed decisions about cannabis and where to find quality products at the right price.
• The Goodship® - One of the industry’s most popular and beloved cannabis-infused edibles brands, The Goodship makes “damn fine edibles,” from delectable cookies and brownies to delicious confections and sweets. The Goodship’s products are currently available in Washington.

• The Goodship brand is a local favorite for its best-in-class products, innovative programming, and whimsical, community-driven spirit.
Privateer closes $100M round at $600 invest in cannabis startups

Posted Jan 25, 2018 by Ingrid Lunden

It's high times for the marijuana industry, which has been flourishing in recent years as more regions move to decriminalise the use of it for medical and other purposes. Now, Privateer Holdings, one of the big investors in the space, has raised $100 million to back more cannabis startups and capitalise on that trend.
Per Se levels

• 18 states have zero tolerance per se laws for MJ
• 5 states have per se levels for THC
• The 5ng/mL level in Colorado
• People can be impaired at lower than 5 ng/mL or not impaired at 15 ng/mL;
• AAA study of AZ, CA, CO, MT, TX, WI;
  - 50% of the drivers had THC levels less than 4 ng/mL;
• The science is fractured and the analysis has to be case specific;
• Green Labs are coming to CA.
DEFENSE TEAM TACTICS
A new way of thinking

- Prosecution: Vertical Prosecutors
- LE: Focus on report writing, courtroom testimony, adjusting protocols and ARIDE/DRE training
- Crime Lab: Better equipment, statewide training, expert and dedicated toxicologists.
Education and Awareness

• Reaching out to High Schools, Hospitals and Universities
• Partnering with MADD
• Partnering with the California Office of Traffic Safety
• California Impaired Driving Blueprint
  • Collaborated on Prosecution and education and outreach portions
ADVISE THE PUBLIC OF CHOICES and CONSEQUENCES

• Chose to *SMOKE/INJEST*
• Chose to *DRIVE*
• Chose to put every person on the road at RISK.
• Consequence = Conviction for DUI(D)
THIS ANGERS US

Mom overdoses in car with baby in backseat

Suspect in DUI crash that killed MMA fighter’s son rearrested on manslaughter charge, police say
• Hoon.Chang@da.ocgov.com
• Do not hesitate to contact us with any questions, talk out issues, need training, and or access to materials/videos.