

LEGAL MARIJUANA

WA STATE'S CHALLENGES FOR LAW ENFORCEMENT AND COMMERCIAL VEHICLE DRIVERS

Captain Thomas J. Foster

Washington State Patrol



DISCUSSION POINTS

▶ The Law

- ▶ Code of Federal Regulation
- ▶ Revised Code of Washington

▶ Training and education for Troopers and Officers

- ▶ Drugs that impair training
- ▶ New Liquor and Cannabis Board regulations

▶ Industry

- ▶ WTA and driver education
- ▶ LE role in education





LEGALIZATION EFFECTS

CMV Drugs in System or Vehicle WA

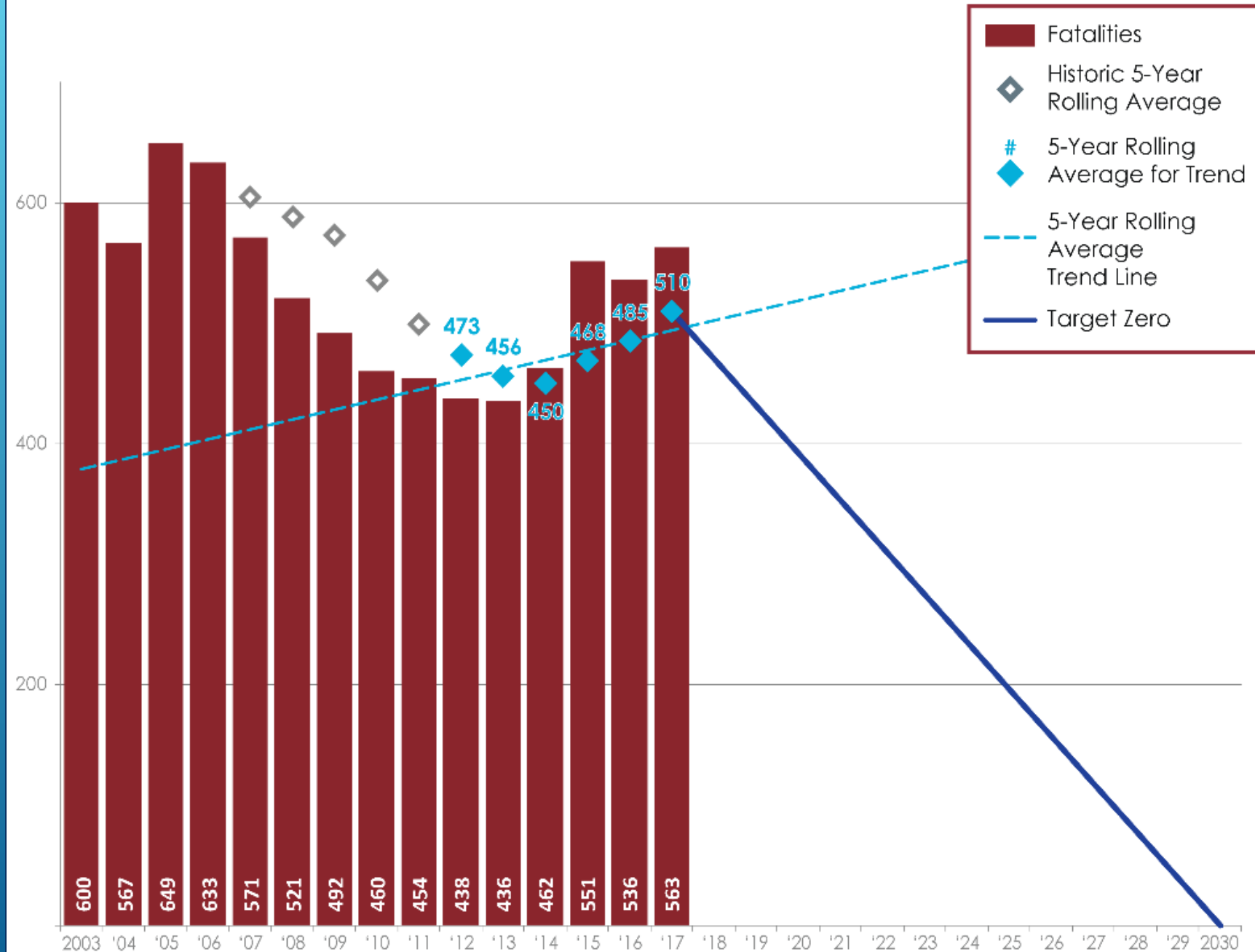
| Year | Total stops | Drivers OOS |
|------|-------------|-------------|
| 2012 | 14 | 12 |
| 2013 | 13 | 12 |
| 2014 | 13 | 9 |
| 2015 | 21 | 18 |
| 2016 | 24 | 24 |
| 2017 | 47 | 47 |



AFTER YEARS
OF DECLINE,
TRAFFIC
DEATHS
INCREASED IN
2015 AND
REMAIN HIGH.

Compared to 2012-2014,
traffic deaths **increased 23%**
in 2015-2017.

Traffic Fatalities in Washington State (2003–2017)



LEGALIZATION EFFECTS

- ▶ 291% increase in possession violations involving Commercial Motor Vehicles
- ▶ Most violations occur in the non-CDL CMV
- ▶ Confusion amongst drivers



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291% increase

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- ▶ Confusion amongst drivers



THE LAW

▶ Initiative 502

- ▶ Adults over 21 may purchase and possess marijuana
- ▶ Up to one ounce of useable marijuana
- ▶ 16 oz. of edibles, 72 oz. liquid, 7 grams of concentrate
- ▶ Purchase only legal at State-licensed facilities


▶ RCW 69.50 – Uniform Controlled Substance Act

- ▶ Drastically revised after I502



ContactPrivacy PolicyAccessibility

Select Language

Washington State
Liquor and Cannabis Board

Home

Licensing Services

Enforcement

Education

Careers

Business Portal

Enforcement and Education

Enforcement

—

Enforcement Bulletins

Locate Office

Contact Officer

Contact Customer Service

Report a Violation


Violations and Due Process

Enforcement and Education

The Washington State Liquor and Cannabis Board (WSLCB) Enforcement and Education Division is responsible for enforcing state liquor, cannabis and tobacco laws and regulations. Officers provide education to liquor, cannabis and tobacco licensed businesses, communities, and local law enforcement agencies.

Enforcement officers are limited-authority, commissioned law enforcement officers. Enforcement operations include premises visits, compliance checks, undercover operations, and complaint investigations, while educational efforts include liquor and marijuana law briefings, technical assistance visits, and "Responsible Alcohol, Cannabis and Tobacco Sales" classes.

Division headquarters is located in Olympia, while captains, lieutenants,



The image shows the official badge of the Washington State Patrol. It is a shield-shaped emblem with a central circular seal featuring a portrait of George Washington and the text "SEAL OF THE STATE OF WASHINGTON" and "1889". The word "WASHINGTON" is arched across the top, and "STATE PATROL" is arched across the bottom. The shield is flanked by two stylized wings.

THE LAW

- ▶ **49 CFR 392.4 Drugs and other substances**
 - ▶ (a) No driver shall be on duty and possess, be under the influence of, or use, any of the following drugs or other substances:
 - ▶ (1) Any 21 CFR 1308.11 Schedule I substance
 - ▶ (d) As used in this section, “possession” does not include possession of a substance which is manifested and transported as part of a shipment.
- ▶ **21 CFR 1308.11 Schedule of Controlled Substances**



THE LAW

- ▶ **Specific Washington Administrative Code (WAC) provide rules**
 - ▶ Proper licensing, age of driver, etc...
 - ▶ Sealed packaging in a locked compartment
 - ▶ Shipment notification to LCB
 - ▶ Manifest on LCB form
- ▶ **RCW 69.50.382 – Common Carriers may transport or deliver marijuana**



TRAINING – LCB RULES

The Marijuana Transporter



WAC 314-15-085 Regulates transportation of Marijuana



TRAINING

The Marijuana



WAC 314-55-085 Regulates transportation of marijuana



(1) Notification of shipment. Upon transporting any marijuana or marijuana product, a producer, processor, retailer, or certified third-party testing lab shall notify the WSLCB of the type and amount and/or weight of marijuana and/or marijuana products being transported, the name of transporter, information about the transporting vehicle, times of departure and expected delivery. This information must be reported in the traceability system described in WAC [314-55-083](#)(4).



TRAINING

The

Transportation of product

- ◆ (5) **Transportation of product.** Marijuana or marijuana products that are being transported must meet the following requirements:
 - ◆ (a) Only the marijuana licensee, an employee of the licensee, a transportation licensee, or a certified testing lab may transport product and/or occupy a transporting vehicle;
 - ◆ (b) Drivers and/or occupants of a transporting vehicle must be twenty-one years of age or older;



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TRAINING

The Transport

- ◆ (5) Transport product requirements
- ◆ (a) Only licensed may transport vehicle;
- ◆ (b) Driver be twenty



(7) All marijuana plants, clones, seeds, lots, batches, intermediate products, end products, vendor samples, and sample jars must remain physically tagged during transport.




TRAINING

The

The Marijuana industry is highly regulated and controlled

Washington Marijuana Transportation Manifest ID 5456175003136596 Page 1 of 2

| | | | | |
|---------------------|---|---|---------------------------------------|--|
| Date: | Nov 07, 2015 | Licensee's License #: | 412149 | Barcode |
| Licensee's Name: | BMF WASHINGTON | Vehicle ID #: | IGCVCEHXEZ191307 |  5456175003136596 |
| Licensee's Address: | 1725 OCEAN AVE BLDG 15 RAYMOND, WA 985772813 | Vehicle Color / Make / Model / License Plate: | 2014 White Chevy Silverado C14300A | |
| Licensee's Phone: | 2068412455 | Transporter's Name: | James Loyd | |
| Transporter ID: | LOYD*JT182RG | Transporter's Date of Birth: | 12/07/1982 | |
| | | Transporter's Signature: | | |

Stop #1 of 1 (18 Items)

| | | | |
|-------------------------------|--|------------------------------|------------------------|
| Destination Licensee Name: | MARY MART | Approx. Departure Date/Time: | Nov 09, 2015, 06:00 AM |
| Destination License #: | 415037 | Approx. Arrival Date/Time: | Nov 09, 2015, 06:00 PM |
| Destination Licensee Address: | 3005 6TH AVE STE B TACOMA, WA 984066202 | | |
| Destination Licensee Phone: | 2533271675 | | |

* These directions are for planning purposes only. You may find that the suggested route takes you outside the State of Washington; per RCW 69.50.342 you must plan your route so that you remain within the State of Washington at all times.

Travel Route:

Head north on WA-7 N/Pacific ave s toward tula lake rd s. Turn right onto 108th st s. Merge onto WA-512 w via the ramp to I-5/Seattle/Portland. Take the exit onto I-5 N toward Tacoma/Seattle. Take exit 132 for s 38th st. Keep left, follow signs for Washington 16 wing harbor/bremerton. Keep right to continue on Exit 1A, follow signs for Sprague Ave and merge onto S Sprague ave. Turn left onto s cedar st. continue onto s alder st. Turn right onto 6th ave.

Instructions: If the quantity received is less than the quantity shipped, check the box in the appropriate field below and indicate the actual quantity received.

Stop 1, Items 1-16 of 18 Manifest ID 5456175003136596

| # | Batch / Lot ID | Item Description | Shipped | Received |
|----|------------------|---|---------|----------------------------|
| 1 | 6033484270018641 | Liberty Reach, 1g, PURE Tanker, Blue Dream | 13.00 | <input type="checkbox"/> 0 |
| 2 | 6033484270020192 | Liberty Reach, 0.5g, JuJu Joint PURE, Tangerine Power | 25.00 | <input type="checkbox"/> 0 |
| 3 | 6033484270020193 | Liberty Reach, 0.5g, JuJu Joint PURE, Jack Herer | 30.00 | <input type="checkbox"/> 0 |
| 4 | 8594207717083381 | Liberty Reach, 0.5g, JuJu Joint PURE, Jack Herer | 2.00 | <input type="checkbox"/> 0 |
| 5 | 4587811913855847 | Liberty Reach, 1g, Pre-Pack, Sin Valley OG Kush | 4.00 | <input type="checkbox"/> 0 |
| 6 | 6033484270020071 | Jackpot Seaweed, 1g, Pre-Pack, Lucky Charms | 16.00 | <input type="checkbox"/> 0 |
| 7 | 6033484270020083 | Jackpot Seaweed, 1g, Pre-Pack, Lucky Charms | 100.00 | <input type="checkbox"/> 0 |
| 8 | 6033484270020089 | Jackpot Seaweed, 1g, Pre-Pack, Pie Face | 168.00 | <input type="checkbox"/> 0 |
| 9 | 6033484270020153 | Liberty Reach, 1g, Pre-Pack, Presidential OG Kush | 250.00 | <input type="checkbox"/> 0 |
| 10 | 6033484270020154 | Liberty Reach, 1g, Pre-Pack, Presidential OG Kush | 50.00 | <input type="checkbox"/> 0 |

- (i) All marijuana plants eight or more inches in height or width must be physically tagged and tracked individually;
- (j) A complete inventory of all marijuana, seeds, plant tissue, seedlings, clones, all plants, lots of usable marijuana or trim, leaves, and other plant matter, batches of extract, marijuana concentrates, marijuana-infused products, and marijuana waste;
- (k) All marijuana, usable marijuana, marijuana-infused products, marijuana concentrates, seeds, plant tissue, clone lots, and marijuana waste must be physically tagged with the sixteen digit identification number generated by the traceability system and tracked;

Intermediate
rs must



TRAINING – IMPAIRMENT RECOGNITION



TRAINING

Overall Course Goal

- This course will *assist* WSP personnel to observe, identify and articulate the suspicions of impairment related to drugs, alcohol or a combination of both in order to make notification and request additional resources to further investigate.



July 22, 2016



TRAINING

Identifying the Effects of Drugs on the Human Body is Dependent in part on:

- Recognizing changes in behavior
- Recognizing observable signs and symptoms related to an impaired individual



July 22, 2016



TRAINING

Identifying the Effects of Drugs on the Human Body is Part on:

Pupil Size

▣ Pupil size will be affected by several categories of drugs, and also by some medical conditions or injuries.

▣ Drugs causing pupil dilation:

- **CNS stimulants**
- **Hallucinogens**
- **Cannabis**



Changes in behavior

Observable signs and
to an impaired



TRAINING

Identifying the Effects of Drugs on the Human Body is rt on:

Central Nervous System (CNS) Depressants

- Alcohol
- Barbiturates (Secobarbital)
- Non barbiturates (GHB/Soma)
- Anti-Anxiety
Tranquilizers (Valium/Xanax)
- Anti-Depressants (Prozac/E
- Muscle relaxants



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to an impaired



TRAINING

Identifying the Effects of Drugs on the Human Body is

Central Indicators of (CNS) CNS Stimulant Influence

- Alcohol
 - Barbiturates
 - Non-narcotic sedatives
 - Antipsychotics
 - Tranquilizers
 - Antidepressants
 - Muscle relaxants
- People under the influence of CNS Stimulants tend to be hyperactive, indicated by nervousness, extreme talkativeness and an inability to sit still
 - They also are usually unable to concentrate, or to think clearly for any length of time

behavior

signs and
impaired



TRAINING

Identifying the Effects of Drugs on the Human Body is

Indicators of Cannabis Influence

- Marked reddening of the Conjunctiva (white part of the eyeball)
- Body tremors
- Odor of marijuana
- Disoriented
- Relaxed inhibitions
- Difficulty in dividing attention

behavior

signs and
impaired





14 FT 11 IN

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OVERSIZE LOAD

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INDUSTRY

**The bottom line is...
if you drive a commercial vehicle
in the state of Washington,
you may not possess marijuana in
that vehicle.**

What is a Commercial Vehicle?

RCW 46.32.005

For the purpose of this chapter "commercial motor vehicle" means a self-propelled or towed vehicle used on a highway in interstate or intrastate commerce to transport passengers or property, when the vehicle:

- (1) Has a gross vehicle weight rating or gross combination weight rating or gross weight or gross combination weight of 4,536 kilograms or more (10,001 pounds or more); or
- (2) Is designed or used to transport more than eight passengers, including the driver, for compensation; or
- (3) Is designed or used to transport more than fifteen passengers, including the driver, and is not used to transport passengers for compensation; or
- (4) Is used in transporting materials found by the secretary of transportation to be hazardous under 49 U.S.C. Sec. 5103 and transported in a quantity requiring placarding under regulations prescribed by the secretary under 49 C.F.R., subtitle B, Chapter I, subchapter C.

A recreational vehicle used for noncommercial purposes is not considered a commercial motor vehicle. "Recreational vehicle" includes a vehicle towing a horse trailer for a noncommercial purpose.

Finding Your Vehicle's GVWR

The GVWR can be found in several places:

- A label on the inside frame of the driver's door
- In the engine compartment
- In the owner's manual or sales brochure

For trailers, you may find a label towards the front of the trailer on the left side.

| | |
|---|-----|
| MFD. BY: | |
| DATE OF MFR. MO | YR |
| INC. VEH. MFD. BY: | |
| DATE OF INC. VEH. MFR: | |
| MO | YR |
| GVWR: | |
| KG (| LB) |
| GAWR-FRONT: | |
| KG (| LB) |
| WITH _____ TIRES, | |
| RIMS, @ _____ KPA, | |
| (_____ PSI) COLD _____ | |
| GAWR-REAR: | |
| KG (| LB) |
| WITH _____ TIRES, | |
| RIMS, @ _____ KPA, | |
| (_____ PSI) COLD _____ | |
| THIS VEHICLE CONFORMS TO ALL APPLICABLE U.S.A. FEDERAL MOTOR VEHICLE SAFETY STANDARDS IN EFFECT IN: | |
| MO | YR |
| VEHICLE IDENTIFICATION NUMBER: | |
| VEHICLE TYPE: | |

Marijuana and Non-CDL Commercial Trucks



INDUSTRY

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What is a Commercial

RCW 46.32.005

For the purpose of this chapter, the term "motor vehicle" means a self-propelled vehicle used on a highway in interstate commerce to transport passengers or property:

- (1) Has a gross vehicle weight combination weight rating combination weight of 4,5 (10,001 pounds or more);
- (2) Is designed or used to passengers, including the or
- (3) Is designed or used to fifteen passengers, includ used to transport passeng
- (4) Is used in transporting secretary of transportation 49 U.S.C. Sec. 5103 and requiring placarding unde by the secretary under 49 ter I, subchapter C.

A recreational vehicle use purposes is not considered a vehicle. "Recreational vehicle towing a horse trailer for a

Legal Marijuana

Although Washington State law allows the possession and use of marijuana, federal law continues to prohibit possession and use by commercial motor vehicle operators as defined in the Code of Federal Regulations (CFR).

Further, the CFR states that no driver shall be on duty and possess, be under the influence of or use ... any Schedule I substance. Marijuana and any of its derivatives are Schedule I substances. (49 CFR 392.4 ; 21 CFR 1308.11)

Washington Administrative Code (WAC)
446.65.010 adopts the CFR into
Washington State statute.



Commonly seen CMVs where marijuana possession is prohibited.



INDUSTRY

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What is a Commercial

RCW 46.32.005

For the purpose of this chapter, the term "commercial motor vehicle" means a self-propelled motor vehicle used on a highway in interstate commerce to transport passengers or property:

- (1) Has a gross vehicle weight or combination weight rating of 4,500 pounds or more;
- (2) Is designed or used to transport passengers, including the driver;
- (3) Is designed or used to transport more than fifteen passengers, including the driver;
- (4) Is used in transporting property for hire or for the transportation of goods or materials for the trade or business of the owner or operator.

A recreational vehicle used for pleasure is not considered a commercial motor vehicle. "Recreational vehicle" means a motor vehicle designed for the transportation of persons and their property for pleasure.

Legal Marijuana

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Washington Administrative Code (WAC) 446.65.010 adopts the CFR into Washington State statute.



Commonly seen CMVs where marijuana possession is prohibited.









THANK YOU

- ▶ If you'd like a copy of:
 - ▶ Either presentation mentioned
 - ▶ Signs of impairment for non-commissioned staff
 - ▶ Transportation of marijuana
 - ▶ Tri-fold pamphlet for non-CDL drivers
- ▶ Reach me at

thomas.foster@wsp.wa.gov

