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Dear Prosecutor:

I am writing to advise you of a recent legislative change and its impact on the laboratory testing approach in BCI's Drug Chemistry Section.

Senate Bill 57 ("Decriminalize hemp and license hemp cultivation") changed the ORC definition of marihuana to exclude hemp, defined as cannabis containing not more than 0.3 % THC as calculated on the dried weight. With this definitional change, marihuana cannot be identified solely by historical techniques (microscopic examination and Duquenois-Levine color testing). Quantitative analysis is necessary to ensure the THC content exceeds the statutory 0.3% level.

Prior to Senate Bill 57 no public crime laboratories in Ohio performed any quantitative analysis methods on drug evidence. Ohio BCI is in the early development stages of validating instrumental methods to meet this new legal requirement. I anticipate method validation may take several months. If your county uses another laboratory for testing services, I encourage you to contact them to see what steps they may take regarding the new quantitative analysis mandate. There are private laboratories that are accredited in the quantitative analysis of controlled substances available, if needed.

BCI Laboratory recommends the following courses of action:

- i. Suspend any identification of marihuana testing performed in your local jurisdiction by law enforcement personnel previously trained. The traditional marihuana identification testing methods do not quantify THC content.
- ii. Do not indict any cannabis-related items (Marihuana, hashish, THC-infused foodstuffs, etc.) prior to the crime laboratory you work with being capable to perform the necessary quantitative analysis.
- iii. Be cognizant and willing to work with your crime laboratory in the period immediately following the completion of their method development. There will be a several-month backlog of cannabis-related cases to work which need to be triaged based on statute of limitations (2901.13). BCI Laboratory may ask for a continued moratorium on indicting cases which have a longer statutory period to commence prosecution (i.e. higher misdemeanors and felonies) to ensure all cases receive adequate attention.

If you have any questions or concerns, you may contact me at (740)845-2517,
abby.schwaderer@ohioattorneygeneral.gov.

Respectfully,
s/ Abby Schwaderer, Quality Assurance Manager