

CLARK COUNTY COUNCILORS WORKSESSION
CANNABIS OVERVIEW AND UPDATE
DECEMBER 13, 2017

Worksession Purpose:

Information work session on the status of cannabis in the county and the impacts of cannabis use.

Agenda

1. Introduction (Jim Rumpeltes, County Manager)
2. State law highlights and alignment with federal law and neighboring communities (Gary Albrecht, Community Planning)
3. County code, code violations, and licensing issues (Marty Snell, Community Development)
4. Excise tax distributions (Willy Traub, Budget Office)
5. Impacts on law enforcement (John Horch, Sheriff's Office)
6. Impacts on health and youth (Dr. Alan Melnick, Public Health)
7. Marijuana and substance abuse disorders (DeDe Sieler, Community Services)
8. Discussion

Washington State Department of Health

Medical Marijuana History in Washington

First Came Medical:

1998: I-692 approved by voters

[Initiative 692 permitted patients \(PDF\)](#) with certain terminal or debilitating conditions to use medical marijuana. I-692 also granted affirmative defense to criminal prosecution for qualifying patients and their primary caregivers who possess no more than a 60-day supply.

2007: 60-day supply defined

An amendment to I-692 defined a 60-day supply. In 2008 WAC 246-75-010 defined the 60-day supply for patients as no more than 24 ounces of usable marijuana and no more than 15 plants. [Note: This has since been repealed with subsequent law.]

2009: Ogden Memo changed federal government's enforcement policy

Obama administration said it [wouldn't prosecute any patients who abide by the law](#) in their state. However, people who are in the business of cultivating, selling or distributing marijuana, and those who knowingly facilitate such activities, are in violation of the Controlled Substances Act, regardless of state law.

2010: Increase who can authorize

An amendment to I-692 increased the types of [healthcare professions allowed to authorize marijuana](#) for medical use from just medical doctors and osteopathic physicians to also include physician assistants, advanced registered nurse practitioners and naturopathic physicians.

2011: Seattle law enforcement policy changed

Under Seattle Police Chief John Diaz, marijuana enforcement guidelines were changed to: "With competing and inconsistent laws, the SPD is going to exercise discretion when investigating cases involving medical marijuana patients, recognizing that some medical marijuana patients and designated providers may have difficulty obtaining marijuana for medicinal use."

2011: SB 5073 passes but is partially vetoed by governor

The [state legislature passed a bill \(PDF\)](#) that changed the requirements for authorizing medical marijuana to qualifying patients. Conditions and criteria for providing a recommendation are clearly established in [chapter 69.51A RCW](#).

The bill also would have legalized medical marijuana dispensaries, but Gov. Gregoire vetoed most of it, citing a concern that state workers could be prosecuted under federal law.

The law did provide:

- Guidance for healthcare practitioners authorizing medical marijuana,
- Patient protections, and
- Ability to form collective gardens.

The law didn't authorize:

- Commercial production or processing.

- Sales or other transactions for consideration.
- Regulation or any type of government oversight.
- The “right” to use medical marijuana.
- Legalization or arrest protection for patients.

Then Came “Recreational”

2012: Voters approve Initiative 502

[I-502 allows adults age 21 and older \(PDF\)](#) to possess up to one ounce of marijuana obtained from a state-licensed and regulated marijuana store. All products pass through the state’s system from private producers, to the processors to the retail stores.

Hallmarks of the legal marijuana market:

- Regulation and enforcement.
- Seed-to-sale tracking.
- Testing and labeling requirements.
- Serving size limits.
- Product restrictions.
- Taxation.

2013: Cole Memo outlines regulatory expectations

Following the passage in 2012 of initiatives in Washington and Colorado, Deputy U.S. Attorney General James Cole provided a memo for all U.S. attorneys. The memo is titled [Guidance Regarding Marijuana Enforcement \(PDF\)](#). The guidance “rests on the expectation that states and local governments that have enacted laws authorizing marijuana-related conduct will implement strong and effective regulatory and enforcement systems.”

The guidance lists nine enforcement priorities of particular importance to the federal government in preventing the following:

- Distribution of marijuana to minors;
- Revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
- Diversion of marijuana from states where it is legal under state law in some form to other states;
- State-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
- Violence and the use of firearms in the cultivation and distribution of marijuana;
- Drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- Growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- Marijuana possession or use on federal property.

And Finally ... Alignment

2015: Legislature passes Cannabis Patient Protection Act (SB 5052) and Marijuana Taxation Reform (HB 2136)

[SB 5052](#) creates:

- Regulation of the medical use of marijuana.
- Specific requirements for patients under the age of 18.
- A single system of licensed production, processing and retail sales by July 1, 2016.

- Consistent testing, labeling and product standards.

Under SB 5052 the Department of Health tasks were:

- [Create a standard authorization form](#)
- Setup a 30-plus reporting mechanism (ended June 30, 2016).
- [Write rules for three components of the law:](#)
 - Product compliance.
 - Authorization database.
 - Certified medical marijuana consultant.
- [Research and write reports on:](#)
 - Specialty clinics.
 - Scheduling options.
- [Continuing education for authorizing professions](#)

[Under HB 2136 \(PDF\)](#), the Department of Health tasks were:

- Define products beneficial for medical use that will be exempt from sales tax when purchased by qualifying patients or designated providers who hold recognition cards.
- Define products with a low THC/high CBD ratio that are “beneficial for medical use” and will be exempt from sales tax when purchased by any person.

2017: Legislature passes SB 5131

[SB 5131](#) allows authorized patients and designated providers that are entered into the medical marijuana database and hold a recognition card to purchase immature plants, clones, or seeds from a licensed producer (i.e., grower)

Source: <https://www.doh.wa.gov/YouandYourFamily/Marijuana/MedicalMarijuana/LawsandRules/HistoryinWashington>

Accessed on: November 28, 2017

MARIJUANA PRODUCERS IN CLARK COUNTY AS OF DECEMBER 2017

Marijuana Producer	City	Status	County	
			CLARK	Grand Total
MARIJUANA PRODUCER TIER 1	BATTLE GROUND	ACTIVE (ISSUED)	1	1
		PENDING (NOT ISSUED)	1	1
	BATTLE GROUND Total		2	2
	VANCOUVER	ACTIVE (ISSUED)	5	5
		PENDING (NOT ISSUED)	1	1
	VANCOUVER Total		6	6
	WASHOUGAL	ACTIVE (ISSUED)	1	1
CLOSED (PERMANENT)		1	1	
WASHOUGAL Total		2	2	
MARIJUANA PRODUCER TIER 1	Total		10	10
MARIJUANA PRODUCER TIER 2	BATTLE GROUND	ACTIVE (ISSUED)	1	1
		BATTLE GROUND Total		1
	BRUSH PRAIRIE	ACTIVE (ISSUED)	1	1
		PENDING (NOT ISSUED)	1	1
	BRUSH PRAIRIE Total		2	2
	RIDGEFIELD	ACTIVE (ISSUED)	2	2
	RIDGEFIELD Total		2	2
	VANCOUVER	ACTIVE (ISSUED)	3	3
CLOSED (PERMANENT)		3	3	
PENDING (ISSUED)		2	2	
VANCOUVER Total		8	8	
MARIJUANA PRODUCER TIER 2	Total		13	13
MARIJUANA PRODUCER TIER 3	BATTLE GROUND	ACTIVE (ISSUED)	1	1
		BATTLE GROUND Total		1
	VANCOUVER	ACTIVE (ISSUED)	1	1
		VANCOUVER Total		1
	WOODLAND	ACTIVE (ISSUED)	3	3
		WOODLAND Total		3
MARIJUANA PRODUCER TIER 3	Total		5	5
Grand Total			28	28

Source: Washington State Liquor and Cannabis Board. Accessed on November 28, 2017.

<https://lcb.wa.gov/records/frequently-requested-lists>

Note: select Marijuana License Applicants

MARIJUANA PROCESSORS IN CLARK COUNTY AS OF DECEMBER 2017

MARIJUANA PROCESSOR	City	Status	County	
			CLARK	Grand Total
	AMBOY	PENDING (NOT ISSUED)	1	1
	AMBOY Total		1	1
	BATTLE GROUND	ACTIVE (ISSUED)	3	3
		PENDING (NOT ISSUED)	1	1
	BATTLE GROUND Total		4	4
	BRUSH PRAIRIE	ACTIVE (ISSUED)	1	1
		PENDING (NOT ISSUED)	1	1
	BRUSH PRAIRIE Total		2	2
	CAMAS	ACTIVE (ISSUED)	1	1
		PENDING (NOT ISSUED)	2	2
	CAMAS Total		3	3
	RIDGEFIELD	ACTIVE (ISSUED)	2	2
	RIDGEFIELD Total		2	2
	VANCOUVER	ACTIVE (ISSUED)	10	10
		CLOSED (PERMANENT)	3	3
		PENDING (ISSUED)	2	2
		PENDING (NOT ISSUED)	1	1
	VANCOUVER Total		16	16
	WASHOUGAL	ACTIVE (ISSUED)	1	1
	WASHOUGAL Total		1	1
	WOODLAND	ACTIVE (ISSUED)	3	3
	WOODLAND Total		3	3
MARIJUANA PROCESSOR	Total		32	32
Grand Total			32	32

MARIJUANA RETAILERS IN CLARK COUNTY AS OF DECEMBER 2017

City	Status	County	
		CLARK	Grand Total
BATTLE GROUND	ACTIVE (ISSUED)	2	2
BATTLE GROUND	Total	2	2
CAMAS	ACTIVE (ISSUED)	1	1
	CLOSED (PERMANENT)	1	1
CAMAS	Total	2	2
LA CENTER	CLOSED (PERMANENT)	1	1
LA CENTER	Total	1	1
RIDGEFIELD	ACTIVE (ISSUED)	1	1
RIDGEFIELD	Total	1	1
VANCOUVER	ACTIVE (ISSUED)	14	14
	CLOSED (PERMANENT)	1	1
	PENDING (ISSUED)	1	1
	PENDING (NOT ISSUED)	3	3
VANCOUVER	Total	19	19
WASHOUGAL	PENDING (NOT ISSUED)	1	1
WASHOUGAL	Total	1	1
Grand Total		26	26

Code Enforcement – History of Pending Case (Stickey's)

- September 17, 2014 - Emerald Enterprises files lawsuit in Cowlitz County challenging Clark County prohibition on marijuana retail sales
- December 17, 2014 - Cowlitz Superior Court finds Clark County's prohibition constitutional
- December 23, 2014 - Emerald Enterprises appeals the Cowlitz decision to the Court of Appeals
- December 23, 2015 - Emerald Enterprises is found to be conducting marijuana retail sales at location in the Hazel Dell area of Clark County
- Notice and Orders issued
 - January 11, 2016 regarding operation of a marijuana retail facility
 - February 4, 2016 regarding revocation of occupancy permit sent
- Appeal filed with Clark County Hearings Examiner:
 - January 20, 2016 regarding N&O on operation of a marijuana retail facility
 - No appeal on revocation of occupancy permit but heard at administrative hearing anyway
- March 1, 2016 - Administrative hearing decision confirming both Notice and Orders
- March 21, 2-16 - Appeals to Clark County Superior Court
- August 23, 2016 - Clark County Superior Court affirms the Hearing Examiner decision
- August 29, 2016 - Emerald Enterprises appeals the Clark County Superior Court decision to the Court of Appeals
- May 8, 2017 – Court of Appeals grants County motion to consolidate the two appeals into a single appeal
- October 16, 2017 - Oral arguments made to the Court of Appeals
- County awaits an appellate decision

FY 2016-17 Distributions to Local Governments for Marijuana Enforcement

Fiscal Year runs June-to-June [Source: https://lcb.wa.gov/records/frequently-requested-lists](https://lcb.wa.gov/records/frequently-requested-lists)

City Name	FY16 Dist	FY17Dist
Battle Ground	\$ 35,586	\$ 26,497
Camas	\$ -	\$ -
La Center	\$ -	\$ -
Ridgefield	\$ -	\$ -
Vancouver*	\$ 790,516	\$ 524,791
Washougal	\$ -	\$ -
Yacolt	\$ -	\$ -
Aberdeen	\$ -	\$ 12,179
Airway Heights	\$ 9,646	\$ 13,082
Anacortes	\$ 8,366	\$ 9,805
Arlington	\$ 87,181	\$ 54,994
Auburn	\$ 19,516	\$ 39,329
Bainbridge Island	\$ 729	\$ 16,420
Bellevue	\$ 102,275	\$ 78,872
Bellingham	\$ 102,287	\$ 74,447
Bingen	\$ 16,867	\$ 8,217
Blaine	\$ 4,672	\$ 3,835
Bremerton	\$ 9	\$ 27,991
Buckley	\$ 100,721	\$ 93,878
Chehalis	\$ 6,964	\$ 24,460
Clarkston	\$ 1,047	\$ 11,430
Colville	\$ 13,311	\$ 9,464
Covington	\$ 4,564	\$ 14,633
Des Moines	\$ 55,915	\$ 50,432
East Wenatchee	\$ 20,225	\$ 8,115
Edgewood	\$ 17	\$ -
Ellensburg	\$ 18,363	\$ 46,819
Ephrata	\$ 7,294	\$ 5,695
Everett	\$ 108,780	\$ 137,105
Ferndale	\$ -	\$ 4,567
Forks	\$ -	\$ 2,727
Gold Bar	\$ -	\$ 3,440
Goldendale	\$ 1,186	\$ 2,310
Grand Coulee	\$ -	\$ 718
Granite Falls	\$ 11,068	\$ 18,999
Hoquiam	\$ 3,448	\$ 11,842

City Name	FY16 Dist	FY17Dist
Lake Forest Park	\$ -	\$ 3,331
Lake Stevens	\$ 26,140	\$ 20,493
Lakewood	\$ -	\$ 50
Longview	\$ 61,241	\$ 47,795
Millwood	\$ 133,585	\$ 84,905
Moses Lake	\$ 10,418	\$ 11,351
Mount Vernon	\$ 36,344	\$ 30,142
Mountlake Terrace	\$ -	\$ 3,386
North Bonneville	\$ 4,698	\$ 4,732
Oak Harbor	\$ 15,833	\$ 27,397
Ocean Shores	\$ 9,651	\$ 6,215
Olympia	\$ 53,476	\$ 50,303
Omak	\$ 2,331	\$ 6,630
Pasco	\$ -	\$ 1,473
Port Angeles	\$ 18,710	\$ 15,940
Port Orchard	\$ 65,212	\$ 40,109
Port Townsend	\$ -	\$ 15,138
Prosser	\$ 37,949	\$ 23,764
Pullman	\$ 26,958	\$ 25,268
Raymond	\$ 3,313	\$ 1,284
Renton	\$ 11,710	\$ 47,543
Seattle	\$ 383,168	\$ 374,664
Sedro-Woolley	\$ 14,128	\$ 12,150
Sequim	\$ -	\$ 6,279
Shelton	\$ 4,886	\$ 18,386
Shoreline	\$ 26,322	\$ 26,727
South Bend	\$ 1,337	\$ 2,747
Spokane	\$ 94,065	\$ 109,424
Spokane Valley	\$ 57,982	\$ 68,291
Sunnyside	\$ 14	\$ -
Tacoma	\$ 447,884	\$ 494,634
Tenino	\$ 1,239	\$ 5,267
Tumwater	\$ 6,501	\$ 10,420
Union Gap	\$ 93,722	\$ 85,036
Walla Walla	\$ -	\$ 37,446
Wenatchee	\$ 18,599	\$ 22,959

City Name	FY16 Dist	FY17Dist
Issaquah	\$ 20,656	\$ 37,469
Kenmore	\$ 249	\$ 7,611
Kirkland	\$ 19,163	\$ 43,341
Lacey	\$ 17,451	\$ 26,733

City Name	FY16 Dist	FY17Dist
Winthrop	\$ 5,922	\$ 1,986
Yakima	\$ 86	\$ -
Cities Total	\$ 3,261,497	\$ 3,195,908

* Revenue change is likely due to legalization of recreation sales in Oregon. Washington started recreational sales 7/8/14 and Oregon started in the spring of 2016.

FY 2016-17 Distributions to Local Governments for Marijuana Enforcement

Fiscal Year runs June-to-June [Source: https://lcb.wa.gov/records/frequently-requested-lists](https://lcb.wa.gov/records/frequently-requested-lists)

County Name	FY16 Dist	FY17Dist
Clark County	\$ -	\$ -
Asotin County	\$ 1,571	\$ 17,145
Benton County	\$ 56,924	\$ 35,647
Chelan County	\$ 27,899	\$ 34,439
Clallam County	\$ 28,066	\$ 37,418
Cowlitz County	\$ 91,862	\$ 71,693
Douglas County	\$ 30,338	\$ 12,172
Ferry County	\$ -	\$ 4,994
Grant County	\$ 26,568	\$ 26,648
Grays Harbor County	\$ 19,649	\$ 45,353
Island County	\$ 23,749	\$ 41,096
Jefferson County	\$ 51,135	\$ 22,707
King County	\$ 965,307	\$ 1,085,925
Kitsap County	\$ 98,925	\$ 126,780
Kittitas County	\$ 27,545	\$ -
Klickitat County	\$ 27,080	\$ 15,790
Mason County	\$ 7,330	\$ 27,579
Okanogan County	\$ 12,380	\$ 12,924
Pacific County	\$ 6,976	\$ 6,047
San Juan County	\$ 8,387	\$ 7,862
Skagit County	\$ 88,255	\$ 78,144
Skamania County	\$ 7,046	\$ 7,098
Snohomish County	\$ 349,753	\$ 357,624
Spokane County	\$ 442,917	\$ 413,553
Stevens County	\$ 19,966	\$ 14,196
Thurston County	\$ 118,000	\$ 139,084
Whatcom County	\$ 160,439	\$ 124,273
Whitman County	\$ 40,436	\$ 37,902
Counties Total	\$ 2,738,503	\$ 2,804,092

High-Level Excise Tax Distribution Estimate

The table below makes the assumption that population primarily drives demand and that Snohomish County is demographically similar to Clark County in the unincorporated areas. Using these assumptions and cannabis excise tax data on Snohomish County for 2016 and 2017 from the Washington State Liquor and Cannabis Board, we can make the following estimates in yellow below for Clark County cannabis excise tax revenue had sales been permitted in the unincorporated areas of the county for the fiscal years 2016 and 2017 (June-to-June).

County	2015 Unincorporated Population	2016 Distribution	2017 Distribution
Snohomish	330,260	\$ 349,753	\$ 357,624
Clark	218,718	\$ 231,698	\$ 236,840

Marijuana Impact Report on Local Law Enforcement

Prepared by Commander John Horch, Clark-Vancouver Regional Drug Task Force
(CVRDTF)

Since the legalization of recreational Marijuana in 2014, the CVRDTF and other local law enforcement agencies have been dealing with the following issues regarding marijuana.

1. Increase in Community Complaints /Concerns

The CVRDTF is currently receiving more marijuana related complaints than before the legalization of recreational marijuana in 2014. Some of the most common complaints are; backyard grows which produce obnoxious odors, threatening behavior to neighbors who file complaints and sales to youth.

The last marijuana report to the Clark County Council reported a total of 33 marijuana complaints had been received by the CVRDTF from August of 2015 – February 2016. Since that time there has been a 12 % increase with marijuana complaints and within the last 7 months a 49 % increase for a total of 112 complaints since February 2016. These complaints do not include calls made directly to 911 or by other means, only ones reported to the task force. **(Attachment #1)**

While the CVRDTF is committed to investigating all narcotics complaints, our main efforts and resources are directed to the Opioid (Heroin) and Methamphetamine problems within the area. However, every marijuana complaint is reviewed by the CVRDTF and prioritized according to the information. Patrol units can respond to an initial complaint, however they do not have the time, resources or expertise to investigate marijuana grows or illegal distribution organizations. Therefore the CVRDTF is tasked to investigate the majority of these complaints.

The following excerpt is from our marijuana complaint log and is a typical example of what neighbors of marijuana dealers/growers are upset about.

Oct 2017 "We believe this person XXXXXXX is growing and distributing marijuana again. He has a fan from his house pointing at our house; before he was arrested with selling without a license and money laundering when he was growing the smell of mj was always blowing into our back yard especially when it was harvesting time. He actually was very open to us who asked. It is happening again, also he is keeping really late hours which he had been doing before when he was harvesting before. Neighbors and we have talked, all of us have been seeing both girlfriends coming and going from the house carrying small packages and boxes at all hours. Please investigate him again we as a community are tired of this. Thanks. Also XXXX has retaliated before when he assumed we have said something to police. Please keep our name anonymous. I don't mind talking to you but we do live next door and he has been showing aggression towards us for things the other neighbors have been reporting".

Another issue that the CVRDTF has come across on more than one occasion is the involvement of young children with marijuana grows. In one instance the parents of a seven year old decided to include their child with their illegal black market grow. They even went so far as to provide her with a laboratory coat

printed with a marijuana plant. The child was involved with tending the grow and also counting the proceeds of their crop with their money counter. **(Attachment #2)**

Another concern from the community has been the advertisement and packaging of marijuana and marijuana infused products. For investigative purposes members of CVRDTF have entered retail marijuana shops within the City of Vancouver and witnessed the manner in which some of products are labeled and packaged. **(Attachment #3)**

2. Officer Safety and Environmental impact

Anytime narcotics and large amounts of money are present, the potential for violence increases dramatically. Just one example was in the spring of 2016 the CVRDTF investigated a large scale marijuana black market operation in Salmon Creek area. An Easter egg hunt in this quiet neighbor was disrupted when the subjects from this operation had a dispute and chased one another through the neighborhood threatening each other with firearms.

Another example of violence in Clark County was during a 2017 death investigation. The homicide suspect admitted to be extremely “high” on marijuana before the incident.

Butane Hash Oil (BHO) labs are another hazard facing law enforcement. These labs are set up for removing the high concentration of THC from marijuana in oil form. These labs have some of the same characteristics with regards to explosions as methamphetamine labs do. To date the CVRDTF has not investigated any BHO labs within Clark County, however there have been several in the Portland and Seattle area that have exploded and caused serious injury and death. In July of 2017 two people died in a Portland home from a BHO lab explosion.

Another officer safety concern is the chemicals and weapons located at outdoor grow operations. Outdoor grows are highly profitable and therefore are protected at all costs. Weapons are located at almost every grow site. The majority of outdoor grows in Washington are on the east side of the Cascades due to climate, however there are still a number of illegal outdoor grows within Clark County. The chemicals used on these outdoor grows (indoor as well) are extremely hazardous to the environment. The growers also pilfer natural water supplies and dump waste into them as well. **(Attachment #4)**

3. Liquor Cannabis Board

The CVRDTF has a good and professional relationship with the local LCB office and its officers. However at the state level the LCB has sometimes been less than cooperative when requesting assistance or information. The local officers readily admit they do not have the personnel to inspect and routinely check on all the local marijuana retail stores, processors or manufacturers within Clark County. During some of the inspections they will find illegal grows and sales taking place within that state licensed business. The following is an example of the lack of regulation control they have one manufacturing license they had granted. In Woodland Washington, within Clark County jurisdiction, a large warehouse complex had been growing marijuana for over three years. The LCB finally inspected this grow a few months ago and discovered it was operating completely outside of the law. The 5,200 plant grow was dismantled and shut down by LCB. This business was allowed to operate for three years.

4. Clark County and Statewide Traffic Incidents

Local traffic units have reported a “marked increase” with the number of DUI arrests and traffic accidents associated with Marijuana since 2014. In addition to this local increase, the entire state of Washington has also seen an increase. All of the studies listed below have noted a proportional increase in accidents and fatalities since the legalization in 2014. Some of the reports differ in the amount of increase however the report from the HIGHWAY LOSS DATA INSTITUTE appears to be one of the most independent studies which states;

“While HLDI has been monitoring changes in collision claim frequencies in these states (WA,CO,OR) since 2014, this is the first publication from HLDI on recreational marijuana sales and insurance losses. Results from single state analyses as well as the combination of the three states indicate that collision claim frequencies increased significantly when retail sales commenced. When states are examined individually, the frequency of collision claims increases between 4.5 and 13.9 percent. A single analysis that combined the three states with legal recreational use found a smaller yet significant increase of 2.7 percent.”

1. *Highway Loss Data Institute*
2. *Northwest HIDTA (High Impact Drug Trafficking Area) Marijuana Impact report #2*
3. *AAA foundation Marijuana involved crashes in Washington*
4. *Washington Traffic Safety Commission Marijuana report*
5. *Washington Institute for Public Policy*

Note - almost every one of these reports recognize that the data obtained for analysis is still new and more time is needed to get a more comprehensive picture of the effects of legalized marijuana.

5. Other

The CVRDTF meets on regular basis with the other nineteen Washington State task forces to discuss current narcotic trends. The issues we are seeing locally with marijuana are being experienced throughout the entire state. Other task force commanders have commented that the legalization of recreational marijuana has only multiplied marijuana complaints and investigations. **(Attachment #5)**

During many of our narcotics investigations, myself and detectives from the CVDTF will interview drug users. Many of these subjects admit that after some time of being “clean”, they resorted back to using marijuana which led them back to Heroin and other drugs.

The marijuana of today is not the same potency as of years ago. The active ingredient in marijuana is THC and the percentages today are 3-10 times higher than in the past. Thirty years ago 3-5 % THC was considered average. Today 5-30 % is considered average and some products containing hash oil have up to 80% THC levels.

End of report.

Date Received	<p style="text-align: center;"><u>Attachment #1</u></p> <p style="text-align: center;">2017 Clark-Vancouver Regional Drug Task Force Marijuana Complaints</p>
1/2/2017	XXXXX is purchasing BHO / Dabs from several people-he thinks the stuff is "laced" with Meth. He needs to share this info. With someone but doesn't want to leave all the details on our recorder.
1/17/2017	XXXXX had a marijuana grow at his house and that he was overgrowing and had 40 plants. Has a grow room upstairs at his house. Transports 10-15 pounds to Albuquerque NM.
1/18/2017	Large groups of teenagers outside smoking pot. Drug deals in plain sight. Becoming a neighborhood problem.
1/28/2017	Possible Marijuana grow operation. Structure behind garage in back yard used in warm weather, possibly attic used in house in colder weather or year round? Strong skunk smell around house and yard. Many "quick visitors" that appears high. Also frequent short trips. (Deliveries?). White pickup license# XXXXX. Many other old broken cars there. Please help. A young toddler lives here. Also a pit bull in the backyard, and another in the house and front yard. Be careful.
1/26/2017	RP believes this is a drug grow house due to the strong odor of mj. In addition bright lights in the garage day and night. Caller is retired PPB says he's not sure who lives at the house, difference faces come and go. More details in an email if anyone is interested.
2/18/2017	Grow Marijuana, has lots of processed
2/19/2017	XXXXX is distributing large quantities of methamphetamine, pain pills such as Xanax and OxyContin, large quantities of marijuana and concentrated extracted oil. His girlfriend XXXXX drives him around as he does not have a license. XXXXX lives in a 5th wheel trailer in XXXXX's parent's driveway. He has 3 firearms, 2 of which are handguns and an AR-15 that keeps next to his bed, the far side away from the entrance of the trailer. He has a safe in the bathroom with cash and product. He doesn't put money in the bank. He packages his Meth in ounces, the pills are in bags of 100, the Marijuana is in ounces, and the dabs are in 7 gram intervals.
2/22/2017	Caller said there is suspect drug activity happening at the duplex to the East of her. She said it is a Hispanic family that lives there. The caller says the son comes home from school during the day and smokes Marijuana. The caller said the son seems to be dealing to cars that show up.
3/21/2017	XXXXX is said to be selling marijuana and growing it out of his RV. Reporting party is trailer park manager.
3/24/2017	XXXXX reported that he witnessed adults buying marijuana for juveniles. He watched hand to hand trades of money; the adult went in and came out with marijuana. Jeff lives in area and says people are always hot boxing MJ in their car.
3/25/2017	There is a cottage in which someone is growing marijuana all year. Small odor coming out at certain time of years. Caller said that they have trimming parties and the smell is strong.
4/24/2017	Growing, processing, and selling mj. Carries a gun and taser.

4/27/2017	XXXXX is using Snapchat (XXXXX) to sell pot, dabs, edibles, and pills to teenagers in XXXXX Park. RP can give lots of details to a detective.
5/1/2017	Marijuana being used by minors at this house and the father is part of it. Cars coming and going, staying only a few minutes at a time, smoking/getting high in cars in front of house and on the side and in back. Minors all appear to be 14-18.
5/10/2017	The couple that lives here has two kids (between 8-12). The couple grows marijuana and blatantly sells outside the house (every 6-8 weeks after a harvest). Female goes out delivers packages and gets money. No effort to hide. They drive nice, new cars with little income. RP's grandkids play with the kids that live there and the kids talk openly about pot smoking. Possible homeowner (Mom) does not know what is going on but Dad might.
5/18/2017	XXXXX - the man who lives here is growing marijuana in his garage. The Orange grow light and black tarp are visible each time he opens the garage. He usually opens the garage in the evenings after 6. Anyone who drives by can see it. Unfortunately he has young children who live in the house and are Being exposed to this. The neighbor children are now all aware of his growing operation. Sadly the home is unkempt and the children are not supervised.
5/21/2017	There is a Hispanic male that we believe is renting a converted garage from whoever lives in the main house. He is approximately 5'6" tall, black hair, sunglasses, always has a back pack, and is sitting outside smoking in the driveway and waiting most of the time. We constantly witness multiple cars a day, more so every other Friday (pay day) arriving to the house. The Hispanic male will come to the car and hand off items, or hop in the car and go for a quick ride and then be dropped back at the house. The main cars we have been keeping track of and that make a regular appearance every day or every few days are: A late 90's XXXXX- XXXXX, Washington. A 2013ish Silver 4 door XXXXX LIC- XXXXX (regularly dressed in clothing displaying marijuana plants), Washington. A burgundy 1995 XXXXX 4 door LIC- XXXXX, Washington. Late 90 XXXXX and Silver LIC unknown. In addition to the above information, there are at least two known children living at the address, one roughly 8 years old, the other 5 years old.
5/22/2017	This address has marijuana grow operation in the garage and 3 minor children live at this address as well as many children play at the house as well. You will notice an air conditioner in the garage window and the garage has black plastic draped in one of the bays.
5/25/2017	Believes they are selling Marijuana, heard it may be the Marijuana wax. The caller said there is a lot of short term traffic.
5/26/2017	Growing Marijuana at this address-his young children are helping him; you can see the operation when his garage is open.
6/1/2017	XXXXX says residents at his rental (XXXXX) have been complaining of a heavy marijuana smell coming from the house next store (XXXXX). They said there are fans blowing the smell out so it is very, very strong to the point that they can smell it when they are inside and outside.
6/2/2017	Growing, processing, and selling mj. and hash. He brags that he doesn't have to pay taxes. Carries a gun and Taser. Has been reported a few times.

6/7/2017	Yellow house on that property. He is growing weed. People come for short periods of time-appears to be drug deals. Specifically a white XXXXX WA XXXXX with Hispanic Male.
6/19/2017	Not sure how many people live in this house. Selling pot and "wax" to minors. Caller witnessed a friend's son buying from them. He's 18. Constant flow of traffic on a daily basis. Lots of shady characters.
6/22/2017	Selling drugs, heard it's Marijuana and Ecstasy. Lot of traffic.
6/26/2017	XXXXX is growing, processing MJ - making hash. Sells to caller's friends, niece, nephew and many others. He grows in room in back of garage. He has a Taser and a gun-be careful. Caller has made many tips. Another tip left on 7/3. Keeps calling 8/15 left another tip....
6/28/2017	There is reason to believe this rental house is being used as a grow house and processing facility. XXXXX Elementary & XXXXX Middle Schools are within 1,000 feet. It is located at the end of a cul de sac in a quiet, family-oriented neighborhood. Cars are seen coming and going at all hours, illegally parking on the narrow streets, people clearly smoking marijuana in their cars. At certain times, a foul processing stench emanates from the house and permeates the neighborhood. Please do your best to shut down this operation! We want our neighborhood back.
6/29/2017	XXXXX has a black and red trailer filled with drugs at this location. (No information about how caller knows this?) He is dealing drugs out of it along with XXXXX and XXXXX. (Again, nothing further to back this up) Drugs such as coke, mj, ecstasy, Xanax, molly, lsd, mushroom, etc. Apparently there are cameras on the trailer. (?)XXXXXX may be living at Oak Tree Apts. Referred by dispatch to Commander Horch, logged accordingly.
7/1/2017	Grow operation in the basement, selling mj from there. All kinds of traffic, in and out, staying for a few minutes at a time.
7/2/2017	I live in XXXXX condos. Behind me is a trailer court. I've reported this before but it is WAY worse There's been a lot of hammering, sawing and odor of marijuana - they have erected a small barn shaped building and done something with the trailer There are fans running constantly - not little house fans, and the STRONG, now continuous odor of marijuana - no doubt. We are having work men doing repairs and they confirmed my suspicions The odor is so strong it is uncomfortable to sit on my patio. I have talked to their manager and it has only gotten worse. I can't tell you the exact address - I don't want to drive in there - it's a dead end road. You are welcome to walk behind my condo and sniff. I am out of town until late the 5th... it is the trailer under the huge tree - behind my marked condo. Thank you
7/21/2017	This house has backyard marijuana grow. It is 615 feet from XXXXX school, a k-12 education building.
7/25/2017	These people are growing marijuana. I can see at least 4 plants through the fence. I believe they are selling assorted drugs. Cars are always pulling up, stay a short time and leave. Quite often early in the morning, around 6:30 am. I find that unusual...I have observed drinking and driving, smoking pot and driving, and urinating in public. I have started to photograph the cars with license plates. There is unusual activity in the garage. I'm really worried that they are manufacturing. I live next door and hear and see kids and adults all day and night. It's been going on for a long time and I feel it's getting worse. I know I can only prove they're growing pot, but there's got to be something you can do.

7/28/2017	This is the second time I'm writing - I have no idea if you got my first complaint. (It was on 7/1/17-CR) I live in XXXXX. Directly behind me is a single wide mobile home/trailer, it is most likely a marijuana growing house. I did drive over to look at it - it's been painted nicely but ratty plywood, wads of newspaper cover the windows on the inside. They have built a barn shaped shed (WAY too nice for the cruddy neighborhood) Fans run all the time. I think they have harvested the last crop since my last email. But the odor was confirmed by the paint and maintenance crews working on my building. There is also a weird 12"x12" (or smaller) on the roof - does not appear to be a solar panel. NEW - the last 3 nights, 2:20, 1:40 and 2:40 AM there has been a loud BANG/clang coming from it. VERY loud - woke the dog. Honest – I'm not a crazy old lady. I am a nurse practitioner and I've worked with drug addicts for YEARS. I'm not making this up ;0 How do I know if you get my concerns?
7/30/2017	Another tip about XXXXX: XXXXX bought opiates from XXXXX on 7/22/17 at 8:30 pm at Esther short park in Vancouver WA. He was driving a black XXXXX. She has a 17 year old son XXXXX that is suspected of dealing as well. She has 3 children in her care all under the age of 18. I have been told she receives opiates via mail and have a witness. Her home address is XXXXX and she lives in a gray house.
8/10/2017	XXXXX (living at this address with his girlfriend XXXXX - daughter of the property owner XXXXX who lives elsewhere) has built a "grow room" in the garage for growing marijuana plants. He has been overheard multiple times saying that he is selling pot in order to hide his income from support enforcement. He does NOT have a job and owes back child support, so this is likely true. They have two minor children that stay their regularly - XXXXX's son XXXXX and XXXXX' son XXXXX.
8/16/2017	POSSIBLE MJ DRUG RELATED BEHAVIOR. NEIGHBOR, XXXXX at XXXXX Ave said mother, XXXXX and BF live at residence. XXXXX's son, XXXXX (15), using/sharing MJ with neighborhood friends (SAME AGE).8/15
8/17/2017	Marijuana maybe other things like Xanax. Teen girl XXXXX and teen possible 18, though, boy XXXXX that goes by XXXXX. Drives red XXXXX, 90's? They are dealing and ripping people off. XXXXX lives near XXXXX area in east Vancouver in a duplex type home. The two were questioned by cops on august 13th around 2:30 am but not taken in and they (XXXXX) had pot on him. They look innocent and lie well.
8/25/2017	At XXXXX, Woodland WA (Clark county side), is a large scale marijuana drying and packaging operation maintained by XXXXX. Once the product is ready for delivery and distribution XXXXX, XXXXX proceeds to park in the Woodland park and ride (dark XXXXX) and waits for XXXXX. They then proceed to take the Marijuana to an unknown location for distribution. As they are driving they are smoking the Marijuana, putting themselves and others at risk. The growers name is XXXXX or XXXXX XXXXX, Address unknown. XXXXX has been increasingly leaving her children home alone at all times, day and night. They are ages 9-11. Her husband works out of town and is not aware of this. My life has been threatened if I told anyone but I cannot I good conscience not report this knowing about the children please, I'm begging you. Keep this anonymous.
8/26/2017	Foul smell coming from large metal building, suspect they are harvesting cannabis. Same bad smell last summer. The caller hears a lot of night time noise from the building. There are non-owner people living there.
8/30/2017	Saw approx. 100 Marijuana plants in back yard. They are putting up a wrought iron fence

	and have had an electric shock fence.
9/1/2017	Illegal mj grow no license and/or mj card. Convicted felon. (Resident information confirmed per CCSO Case #XXXXX). Also called on 8/29
9/7/2017	Caller sounded like a kid. Said these people are dealing mj to minors
9/11/2017	Subject is growing, processing, and selling marijuana, also making hashish. Does this in the back of his garage. (There are previous calls)... also called on 9/28 Also called on 10/25 (caller's voice always sounds a little slurred... Fyi) Called again 10/13
9/11/2017	XXXXX is shipping marijuana and possibly illegal Rx pills across state lines. Using Vancouver post offices, mainly the one closest to Washougal. He drives a tan XXXXX. He is getting money wire transferred to a Vancouver Wal-Mart. He is a known RX pill dealer in the past and he may be shipping more than marijuana. He also has 2 unregistered firearms, one which he carries and has pointed at someone out of rage. He has a history of domestic violence. He recently had a package seized. He has 2 brothers XXXXX and XXXXX that are also involved. Additional tip 9/11/17 that XXXXX may be using Fed Ex or UPS since his packaged got seized by the post office. 9/14 full name is XXXXX, goes by XXXXX
9/16/2017	Just walking by on NE 8th Av there is a really potent smell and can see pot plant above the fence. There is also a large aggressive Pitbull.
9/18/2017	10ft. Marijuana plants in this illegal grow.
9/22/2017	Lots of plants-probably an illegal grow-criminals live there...sent over from dispatch Operator 215
9/23/2017	XXXXX's son, XXXXX, posted a photo on Facebook showing that he is growing his own Marijuana
9/24/2017	Marijuana growing visibly in the back yard of this residence. It is growing in the SE corner of their backyard. About 4 days ago they covered under a blue tarp. It was above there 6 ft. wood fence before that.
9/24/2017	A lot of in and out traffic at all hours of the day. One guy in particular shows up in either a XXXXX purple WA XXXXX, a blue XXXXX with or plates or a green XXXXX.(I have both the plates but, I would have to look them up. After he shows up it's like a revolving door of tweakers and other low lives. Criminals are coming and going constantly and some stay there nights on end. (It's basically a flop house for felons). I am sick and tired of having to live next door to this house. I try to get every plate that comes and it's mostly the same and it's everyday to multiple times a day and most stay for less than a minute. Some of them try to intimidate me into minding my own business and I tell them Criminal/Drug activity in my neighborhood is my business

9/27/2017	There are about a dozen 10 ft. tall pot plants growing in containers on the west side of the house. There are 4 small children living in that house. I have a teenaged daughter and these plants are visible from my yard. Please address the situation as it is sending a message to our daughter that activities like this are of no concern to the public. 9/27/17 update Over the last few days this number has more than doubled... It appears they are bringing them outside in the warm weather for further growth. It is really starting to smell around my property. If you would like to come to my property to view please let me know.
10/2/2017	Drug activity in the past. No one lives there but vans come and go once a week. Suspect a lab or mj grow. Caller has made a report before, she really has no concrete evidence of drug use other than windows covered, activity at the house once a week same time each weekend. Is calling around to different county offices. Clearly frustrated that the place is a mess. Windows are blocked and large garbage bags everywhere.
10/4/2017	Strong smell of mj coming from neighbors adjacent (directly south of the playground) to them, some parents have complained about the smell when they drop their kids off and their "licenser" had some concerns as well. Is this a legal grow? Is it ok to be growing mj this close to a preschool? 10/9 A parent of one of the children at the daycare also called about the grow/smell coming from the house.
10/9/2017	MJ plants being grown in neighboring back yard. Strong smell of burnt MJ coming in RP's house.
10/11/2017	We believe this person XXXXX is growing and distributing marijuana again. He has a fan from his house pointing at our house; before he was arrested with selling without a license and money laundering when he was growing the smell of mj was always blowing into our back yard especially when it was harvesting time. He actually was very open to us who asked. It is happening again, also he is keeping really late hours which he had been doing before when he was harvesting before. Neighbors and we have talked, all of us have been seeing both girlfriends coming and going from the house carrying small packages and boxes at all hours. Please investigate him again we as a community are tired of this. Thanks Also XXXXX has retaliated before when he assumed we have said something to police. Please keep our name anonymous. I don't mind talking to you but we do live next door and he has been showing aggression towards us for things the other neighbors have been reporting.
10/12/2017	An officer at VPD (XXXXX) told RP to call us. Her 15 year old son left a friend's house high on MJ. He got arrested (parents turned him in). Caller says her son got high at XXXXX's house-she is providing MJ to minors. High school kids there all the time getting high.
10/13/2017	Near our business in Hazel Dell there is a notorious drug house. The whole neighborhood has been blighted by it for more than a decade, including King's Way Church and school right across the street. There are constant crack heads going in and out and dumping trash, including needles, etc.
10/16/2017	XXXXX's 13 year old son told him that XXXXX is on snapchat and is selling mj (maybe more) to kids. The 13 year old son was at a friend's house when the friend "ordered up" and "XXXXX" made a delivery. XXXXX has screenshots of XXXXX's Snapchat if interested.

10/18/2017	Drug dealing going on, many cars coming and going, RV parked in street, people living in it. I have reported this residence numerous times and still they continue to deal out of the house. Constant traffic down our street, need help with this issue.
10/21/2017	XXXXX gets prescriptions (oxy and morphine) from the VA and sells them immediately to others. "Old man, gray hair, overweight". He's getting new "scrip" 10/17 ... should be lots of traffic in and out of his house while he sells it.
10/25/2017	RP put in ad in Craigslist last week to sell his car. Someone sent him a text saying they would trade drugs for the car (3lbs of mmj?) The number that sent him the text was: XXXXX
11/15/2017	XXXXX drives a blue XXXXX WA plates XXXXX (might be XXXXX) / Her ex-husb, XXXXX drives a XXXXX OR XXXXX / Another male drives a XXXXX XXXXX (WA?). All neighbors have seen drug dealing at this house, small boy lives there, blocks from two different schools, cars that drive recklessly. XXXXX and XXXXX are doing regular runs where they are seen hiding things in different places in their cars before leaving. Called again on 11/17 - believes their kid goes with on drug deals. Believes they deal pills, heroin, mj...
11/21/2017	Related to tip #693. Caller is the pres. of homeowners' assoc. She is still concerned about this house; it's in disrepair and appears to have drug activity. Near an elementary school, concerned about a grow this close to a school.
11/26/2017	These people have so many people coming and going of really questionable nature, it's well known in the neighborhood that XXXXX sells pot. I just really worry about the little ones in his house being exposed to all of this, please do something.
11/28/2017	Caller saw an ad on Craigslist (under ride share section), ad said he (XXXXX) was a teacher and a soccer coach, would furnish rides, drugs, 420 friendly. There's a picture of the guy.

Children-Attachment 2



Candy-Attachment 3





Hazardous Chemicals

- Pesticides/insecticides
- Fertilizers
- Herbicides
- rodenticides
- Lithium/lead acid batteries

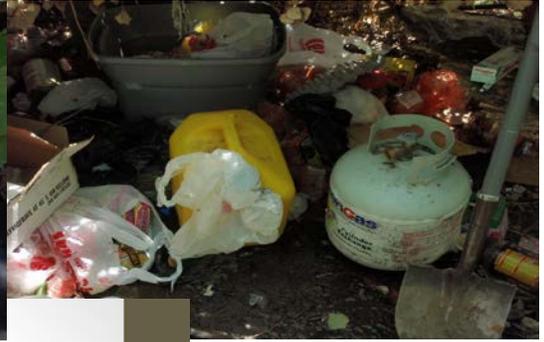
Furadan

- Highly toxic insecticide banned in most countries
- Light pink when in liquid form
- Mixed with water for application
- Dries as white residue on leaves
- Kept in containers other than original

Rodenticides

- Used by growers to protect crop against rodents such as mice, rats, chipmunks and squirrels
- Can work their way up the food chain through predation
- California research linking rodenticides from outdoor marijuana grows to fisher mortality in national forests





Diversion of water

- Growers divert water from nearby streams using black poly pipe
- Sometimes reservoirs are built to have reserve water during drought or to batch mix chemicals for application to crop.
- According to research, a marijuana plant uses 6 gallons of water a day.
- Last year in Washington approximately 60,000 marijuana plants were eradicated
- During a full growing season they would have used at least 43.2 million gallons of water (based on 120 day growing cycle)



Growers will not hesitate to protect their investment



Black Market-Attachment 5

MJ Shipments to the East Coast

February 28, 2017
9301 NE 117th Ave

Local trucking company noticed odor of MJ coming from vehicle.
Hidden compartment under bed contained 50 lbs of processed MJ.

Gun safe in back seat contained another 50 lbs.



Epidemiologic Data on Marijuana Use in Clark County

Below are descriptions of the data sources used in this handout:

Healthy Youth Survey (HYS): HYS is a biennial survey among 6th, 8th, 10th and 12th graders across Washington State, which asks questions about drug and alcohol use, as well as other health related risk factors. HYS survey questions have been asked throughout the U.S. for over 25 years and have been extensively tested for reliability and validity. Survey questions are reliable if they consistently produce the same results under the same circumstances. We believe these results are reliable because:

- Survey questions were tested with youth before the survey was administered.
- Multiple survey questions ask the same question but in a different way, and if answers do not match up, the survey is thrown out.
- HYS uses clear, concise wording in questions, which students are less likely to misinterpret.
- Students are asked if they have used “loziderb” (a fake drug). If students answer yes to this question, their survey is thrown out. The name of the fake drug is changed every few years.

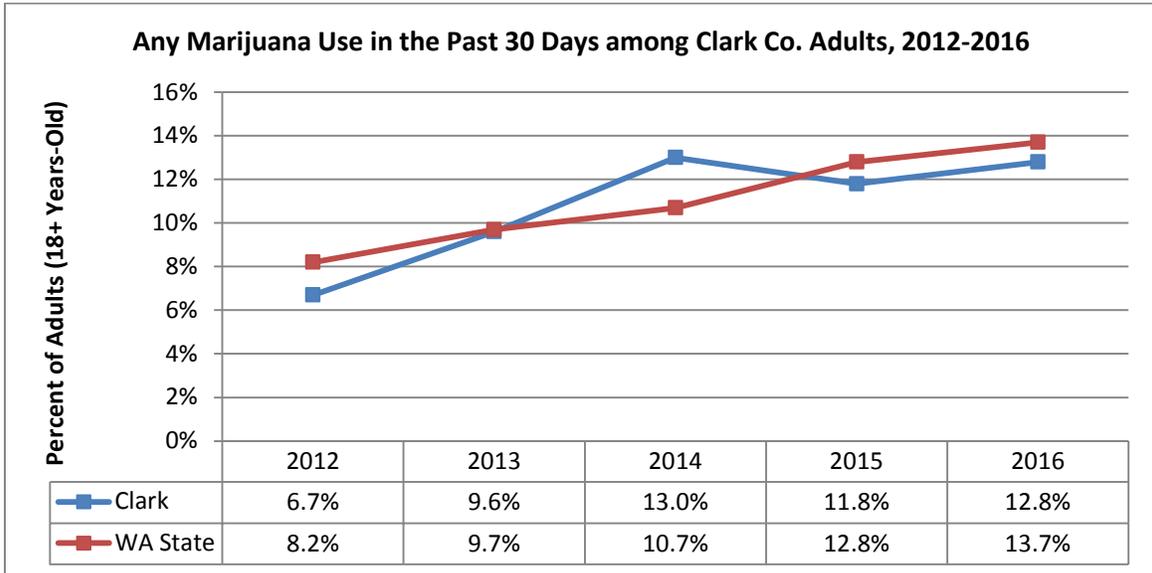
Survey questions are valid if they accurately measure what they were intended to measure. We believe these results are valid because:

- Anonymous surveys, such as HYS, tend to be more accurate than telephone or face-to-face surveys.
- Questions are kept as consistent as possible over time. Although under reporting may occur, it is consistent over time, which allows us to accurately look at trends.

Behavioral Risk Factor Surveillance System (BRFSS): BRFSS is a yearly telephone survey that is conducted by the Washington State Department of Health in partnership with the Center for Disease Control and Prevention (CDC). This survey is used to measure changes in the health and health behaviors, such as substance use, physical activity and diet, of people in our state. Washington State residents 18 years of age and older are randomly selected to participate in the survey. The reliability and validity of BRFSS survey questions have been continuously tested since BRFSS began in 1984. We believe the results from BRFSS are reliable and valid because:

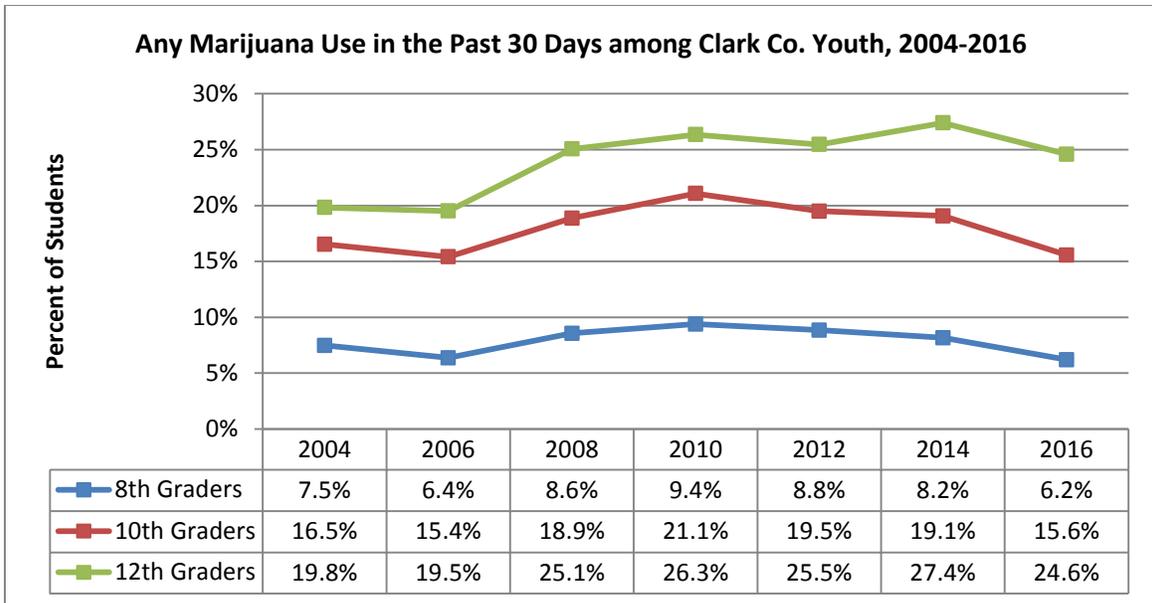
- Questions are tested among potential respondents before use in the survey.
- Multiple survey questions ask the same question but in a different way, and if answers do not match up, the survey is thrown out.
- Survey participation is completely confidential.
- Survey results are continuously compared to results from other national surveys.
- Multiple scientific studies have tested respondent’s answers to their medical records and physical measurements and found a high correlation between the two.

- Questions are kept as consistent as possible over time. Although under reporting may occur, it is consistent over time, which allows us to accurately look at trends.



Data source: Behavioral Risk Factor Surveillance System (BRFSS) 2012-2016. Washington State Department of Health, Center for Health Statistics, Community Health Assessment Tool (CHAT), June 2017

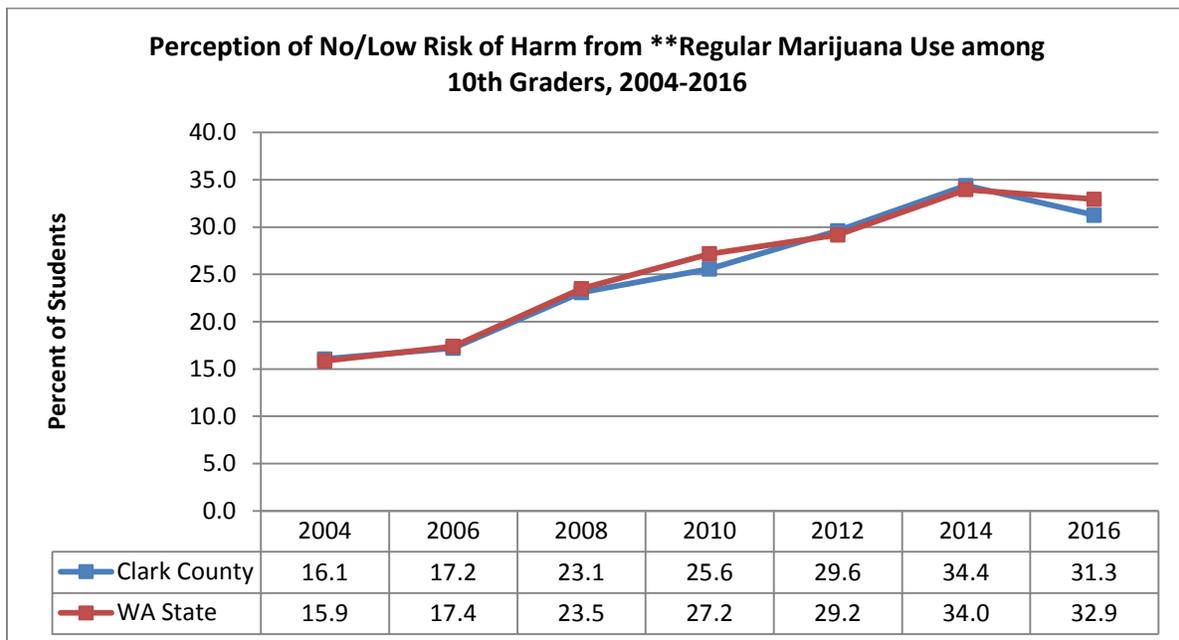
Any Marijuana use in the Past 30 Days among Clark County Youth, 2012-2016			
Population	2012	2014	2016
8th Graders	8.8%	8.2%	6.2%
10th Graders	19.5%	19.1%	*15.6%
12th Graders	25.5%	27.4%	24.6%
*Statistically significantly lower than the 2014 rate.			
Data Source: Washington State Healthy Youth Survey (HYS) 2012 - 2016.			



Data Source: Washington State Healthy Youth Survey (HYS) 2004-2016.

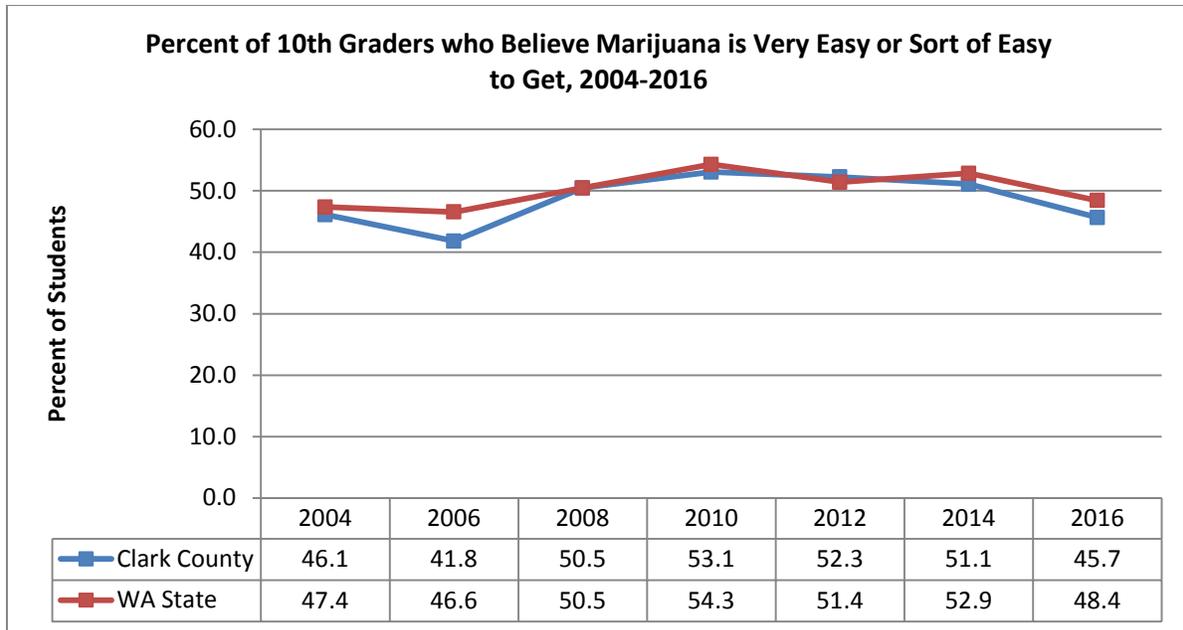
Marijuana-Related Risk Factor Among Clark County 10 th Graders, 2012- 2016			
Clark County 10 th Graders	2012	2014	2016
Perceive no or low risk of harm from **regular marijuana use.	29.6%	34.4%	31.3%
Believe marijuana is very easy or sort of easy to get.	52.3%	51.1%	*45.7%

*Statistically significantly lower than the 2014 rate.
 **Regular marijuana use is defined as using marijuana at least once or twice a week.
 Data source: Washington State Healthy Youth Survey (HYS) 2012 - 2016.



Data Source: Washington State Healthy Youth Survey (HYS) 2004-2016.

**Regular marijuana use is defined as using marijuana at least once or twice a week.



Data Source: Washington State Healthy Youth Survey (HYS) 2004-2016.

Driving Under the Influence of Marijuana among Youth and Adults, 2014-2016					
Population	Measure	Clark County		Washington State	
		2014	2016	2014	2016
All 10 th Graders	Driven within 3 hours of using marijuana (at least once in past month)	8.6%	8.8%	9.1%	9.3%
	Passenger of driver who had been using marijuana (at least once in past month)	17.6%	17.1%	19.0%	17.6%
All 12 th Graders	Driven within 3 hours of using marijuana (at least once in past month)	17.0%	15.0%	16.8%	16.5%
	Passenger of driver who had been using marijuana (at least once in past month)	24.8%	23.1%	25.9%	25.2%
All Drivers (age 18+)	Driven within 3 hours of using marijuana (at least once in past year) *(2014-2016)	3.9%		3.9%	
Marijuana Users (age 18+)	Driven within 3 hours of using marijuana (at least once in past year) *(2014-2016)	33.0%		32.8%	

Data Sources: Washington State Healthy Youth Survey (HYS) 2014 & 2016. Behavioral Risk Factor Surveillance System (BRFSS) 2014-2016. Washington State Department of Health.
 *Due to small numbers, data from 2014, 2015 and 2016 were combined for analysis

Cannabis in Clark County, WA

White Paper

March 18, 2016

Contributors

John Horch, Drug Task Force
Kevin Allias, Drug Task Force
Gordon Euler, Community Planning
Marty Snell, Community Development
DeDe Sieler, Community Services
Trista Zugel Bensel, Budget Office
Marlia Jenkins, County Manager's Office

Contents

Page

2	Purpose of white paper
2	County policy purpose
2	State law highlights
3	Conflict between state and federal law
4	Availability in neighboring communities
4	Volume of use estimates and demand
5	Black markets and legal markets
5	State licenses within Clark County
7	County code violations
7	2016 excise tax distributions
7	Impacts on local law enforcement
10	Health impacts
11	Impact on youth
12	Marijuana and substance abuse disorders
12	County election results for I-502
14	Appendix A
	October 19, 2009 Memorandum for Selected United States Attorneys

Purpose of white Paper

The purpose of this white paper is to provide data and context on the impact of legalization of marijuana in Clark County in light of the state's legalization and the county's local ban.

County policy purpose

Between 2011 and 2014 Clark County adopted several resolutions pertaining to regulation of medical and recreational marijuana production, processing and sale. The end result is a policy that prohibits production, processing and retail in unincorporated Clark County. A zoning code amendment specifies the zoning categories in which permits would be issued, but the code prohibits the county from accepting applications until marijuana is no longer illegal on the federal level.

Findings in the adopting resolutions cite the following as rationale for the policy:

1. Conflict between state and federal regulations.
2. Improper location could cause serious harm to vulnerable populations, including youth.
3. Concern for protection of county employees if they accept applications contrary to federal law.

Clark County does not need to address changes brought about by Senate Bill 5052 (see below), unless the county decides to revisit the ban.

The Clark County Sheriff supports the ban. The Sheriff concludes buyers can purchase from legal retail establishments in Vancouver, Battle Ground or elsewhere. The Sheriff also states his office would decline monies from the excise tax distribution.

State law highlights

Initiative 502 stated the following intent:

The people intend to stop treating adult marijuana use as a crime and try a new approach that:

- (1) Allows law enforcement resources to be focused on violent and property crimes;
- (2) Generates new state and local tax revenue for education, health care, research, and substance abuse prevention; and
- (3) Takes marijuana out of the hands of illegal drug organizations and brings it under a tightly regulated, state-licensed system similar to that for controlling hard alcohol.

This measure authorizes the state liquor control board to regulate and tax marijuana for persons twenty-one years of age and older, and add a new threshold for driving under the influence of marijuana.

According to the State of Washington Liquor and Cannabis Board, Initiative 502 legalized marijuana use for adults however there are a number of restrictions.

- Age Limit – Only adults age 21 and older can purchase and possess marijuana.
- Purchase Limits – Adults age 21 and over can purchase up to one ounce of useable marijuana (the harvested flowers, or “bud”), 16 ounces of marijuana-infused edibles in solid form, 72 ounces in liquid form, and 7 grams of marijuana concentrates.

- Buying and Selling – Marijuana can only be sold and purchased at state-licensed retail stores. A valid photo ID is required, and no one under 21 is allowed on the retail premises. Many retail marijuana stores only accept cash.
- No Resale or Giveaways – It remains a felony for anyone who is not a licensed retailer to sell or provide marijuana to anyone else. Providing or selling marijuana to a minor under the age of 18 can result in up to 10 years in prison and up to a \$10,000 fine.
- Public Use – It is illegal to consume marijuana in view of the public.
- Driving – It is illegal to drive under the influence of marijuana with more than 5 nanograms of active THC per milliliter of blood. Doing so may result in significant legal penalties.
- Travel – It is illegal to take marijuana outside of Washington. Doing so may result in significant legal penalties

State law requires a minimum separation of 1000 feet between marijuana operations and the following establishments. Local governments may reduce this separation except for schools and playgrounds.

- Elementary or secondary school
- Recreation center or facility
- Public transit center
- Playground
- Child care center
- Public park
- Arcade

Distance is measured by the shortest straight line distance from the property line of the licensed premise to the property line of entity above.

Senate Bill 5052 passed in July of 2015 effectively eliminated the medical marijuana market and made its regulation the same as the recreational market. It takes effect in July of 2016. The goals of the act are to clarify the meaning of medical marijuana, protect patients through regulation, allow tax breaks for patients purchasing in retail stores if they are registered in a database, and protect patients who register in the database from potential prosecution.

Conflict between state and federal law

According to a representative of the state liquor and cannabis board (February, 2016) communities allowing cannabis and following the state law have not suffered intrusion on local activity from federal government enforcement agencies. Communities that follow the relaxed location provision of Bill 5052 have not experienced federal intervention. While there is a conflict in law, there does not appear to be a conflict in practice, as long as the state law is followed.

Former Attorney General Eric Holder provided guidance on this issue in a memo dated October 19, 2009 which is attached as an appendix to this paper. The Department of Justice is under increasing pressure from senators to monitor the results of state level marijuana legalization.

Availability in neighboring communities

Marijuana retailing is permitted in Cowlitz County including Kelso and Longview. It is allowed in Skamania County. It is also allowed in Oregon.

Benton, Chelan, and Douglas counties have moratoriums on retail marijuana, although cities within the jurisdictions may allow it. Franklin, Garfield, Pierce, Walla Walla and Yakima counties ban retail marijuana, although individual cities may allow it. All other counties allow retail marijuana, although individual cities may have bans or moratoriums.

Volume of use estimates and demand

The LCB commissioned studies in 2013 as background for allocating the number of licensed retail stores in Washington. The following observations were prepared by BOTEC Analysis Corporation

- I-502 stores are likely to draw 25 percent of use away from medical access points and the illegal black market.
- Between 9 and 11 percent of the Clark County population uses marijuana (2014 estimate)
- Clustering of customers will also result a desire by vendors to cluster stores, as entrepreneurs try to capture market share and minimize the distances their customers need to travel.

If these estimates are correct:

	2014
County unincorporated population	204,610
71 percent of population is over 21 years old	145,273
10 percent of population uses marijuana*	14,527
Legal market share is 25 percent of adult users	3,632
Potential number of unincorporated adult population interested in legal retail access	3,632

**The National Survey on Drug and Use and Health estimates 19.6 percent of the US population between 18 and 25 years of age uses marijuana. Approximately 6.6 percent the population over 26 years of age are users. This table uses the estimates from the BOTEC analysis.*

The legal marijuana market is in its infancy in the State of Washington. It is highly fluid and the statistics and analytical tools needed to understand the market are in their rudimentary phases. Because of Clark County's location, these dynamics are closely connected to the Portland metro market and the changing laws in Oregon, which are more liberal than Washington.

A representative of the state liquor and cannabis board indicated, at present, there is no reliable model for estimating change in demand that might be associated with allowing marijuana retail or production establishments in unincorporated Clark County. The representative noted this business is in its infancy, with less than 24 months of operation. They are attempting to estimate demand, but more data points are required.

Black markets and legal markets

Because data is limited and the situation is fluid, particularly in border communities such as Vancouver and Clark County, the relationship between the black and legal market is complex and changing. The Center for Cannabis and Social Policy (Seattle, WA) notes the following relationships which should be monitored for validity and change to understand the dynamics.

- As retail store prices drop, they become more competitive with the black market.
- As the number of retail establishments in convenient locations expands, and prices drop, consumers are more likely to shift to the legal market.
- Consumers in areas where retail is not available are more likely to use the black market because of convenience.
- The legal market is available only to adults. Persons under 21 by definition are forced to buy from the black market.
- Impending changes for medical marijuana may lure experienced producers and retailers from medical to retail operations.
- Washington is not a “closed system”. Changes in the marijuana legality and markets across the west coast will influence prices, accessibility, and quality.

State licenses within Clark County

Retail outlet allocation

The state allocates retail store licenses to each county. In January 2016, Battle Ground had 2 retail allotments and Vancouver had twelve. Camas, Washougal and Clark County banned retail outlets. Their allotments were 1,1, and 6 respectively.

Producers and Processors

New applications for marijuana production and processor licenses are not currently available. The license application period ended in December 2013. Clark County application status is:

Production

Status	Total Countywide 1/2016	Unincorporated County 2/2016
Issued\Active	17	7
Closed	1	1

Pending\Issued	2	0
Pending\Not issued	31	12

Processors

Status	Total Countywide 1/2016	Unincorporated County 2/2016
Issued\Active	15	6
Closed	1	1
Pending\Issued	1	0
Pending\Not issued	17	8

Retail licenses as of January 2016

New applications for marijuana retailing are accepted by the State of Washington.

Retail

Status	Total Countywide 1/2016	Unincorporated County 2/2016
Issued\Active	10	1
Closed	2	1
Pending\Issued	0	0
Pending\Not issued	62	9

State License Violations September 2014 to December 2015

Enforcement by the state includes written warnings, fines, suspensions, license cancellation, and destruction of harvestable plants, and applies to production, processing and retail operations.

Data from the LCB on violations with Clark County addresses reveals fines and written warnings are the most commonly applied enforcement actions. They are evenly applied across most violation categories. A true party of interest violation, however, is likely to lead to cancellation of a license (4 of 6 violations had this result). Only one violation in this time period cited criminal conduct.

The Center for Cannabis and Social Policy comments the LCB budget for enforcement is very limited noting the statewide goal of creating a tightly regulated legal system. If the LCB increases direct charges to operators from licensing and enforcement, prices may rise, which may have the intended effect of driving consumers back other black markets. They observe regulation is falling to communities, because communities want to protect consumers and avoid intervention from federal officials.

County code violations

The LBC issues licenses but does not inform applicants of local bans, moratoriums or other requirements. The licensee is responsible for checking local requirements. The county is responsible for enforcement actions against persons violating codes in unincorporated Clark County.

The Community Development Department administers code enforcement actions against any party establishing retail or, processing, or production operation in unincorporated Clark County. As of February, 2016 the county has had one retail violation case. The case was heard by the hearings examiner and the retailer was found in violation of county code, and was ordered to stop operation. Starting on March 1, 2016 the business started to accrue daily citations for zoning and occupancy violations of \$500 per day. As of March 18, 2016 the business continues to accrue penalties. Next steps include but are not limited to posting the illegal business with a "Do not Occupy" notice. If this occurs, continued occupancy could result in arrest and prosecution.

FY 2016 distribution to local governments from the State of Washington for Marijuana enforcement

I 502 provided distribution of excise tax collected on marijuana retail sales to counties and cities that allow sales. The distribution formula is based on both sales and population. The law requires appropriation of monies to this account before they can be distributed. This gives the legislature flexibility in whether or not it wants to continue distributions from the fund, even though the law requires it. Use of the funds by communities is unrestricted.

Vancouver will receive a 2016 distribution from the state excise tax of \$790,516.24 and Battle Ground will receive a distribution of \$35,585.56.

The level and security of future distributions are unknown because:

- a) The legislature may choose to change or end distributions to fund other priorities, such as education.
- b) The distribution to individual communities change as sales change. In particular, Vancouver's 2016 distribution is likely to drop as sales to Oregon residents decline with liberalization of Oregon law. As more communities legalize marijuana and as sales increase, the excise tax fund will be redistributed among participating communities.
- c) The total distribution is limited by law to \$20 million per fiscal year starting in 2020. This limits the total available distribution regardless of sales and population growth.

Impacts on local law enforcement

Complaints

Representatives of the county's drug task force say communities that allow marijuana plant growth experience an increase in neighbor to neighbor complaints about plants. Marijuana plants can be large and release a detectable odor that crosses property lines.

Between August 2015 and February 2016 the Drug Task Force received 33 citizen complaints on approximately 25 different locations for marijuana growth throughout the county. Often, sales are associated with the grow locations.

Marijuana and driving

Similar to the 0.08 blood-alcohol limit, it is illegal to drive with 5 ng/ml of THC or more in the blood if aged 21 or older. Under 21, it is illegal to drive with any amount of THC in the blood.

Clark County traffic statistics for last five years do not differentiate between marijuana and other drugs.

Year	Total Traffic Callouts	Fatalities	% Fatalities involving Alcohol and/or Drugs	Injured Persons	% Injuries involving Alcohol and/or Drugs
2010	30	11	45%	26	38%
2011	23	7	57%	19	40%
2012	23	9	66%	21	90%
2013	24	7	43%	30	23%
2014	44	20	40%	41	44%
2015	41	8	88%	44	43%

THC can remain in the blood three to five hours or longer depending on age, size, and gender variables and whether the marijuana was smoked or eaten.

The Washington State Traffic Safety Commission issued a “Driver Toxicology testing and the Involvement of Marijuana in fatal Crashes 2010-2014” report. The report notes marijuana the most commonly detected non-alcohol drug found in drivers who died within one hour of a motor vehicle crash in the U.S. A 2014 voluntary survey of drivers stopped along Washington highways revealed 44 percent of participants admitted to using marijuana within two hours of driving. The number of DUI’s statewide is increasing and the levels of THC in those arrested for DUI are increasing.

In Washington State, among drivers in fatal crashes tested for drugs, cannabinoids were detected more frequently than any other psychoactive substance, except alcohol. In 2014, the Washington Young Adult Health Survey found 43 percent of 18-25 year-old respondents had used marijuana for recreational purposes within the previous year, and 47 percent of these reported doing so at least once a month. During the previous 30 days, nearly half of the at least once-a-month users (49 percent) had driven a motor vehicle within three hours of marijuana use.

The Behavioral Risk Factor Surveillance Survey, a telephone-based weighted sample survey funded by the Centers for Disease Control, found that 10 percent of Washington adults age 18 and over reported

using marijuana in the past 30 days, and 39 percent of these adults reported driving within three hours of consumption.

Recent studies from a variety of sources conclude THC-positive drivers are more than twice as likely to crash as THC-free drivers. THC generates a variety of deficits that diminish driving performance and require additional driver effort to overcome. In addition, after consuming marijuana drivers are aware of their impairment and appear 'to compensate by driving more slowly and taking fewer risks,' though recent observers have concluded that such driver compensation is limited in duration and effectiveness. The effort of compensating also adds to further cognitive loading and potential distraction

Driving-related human capacities diminished by the use of marijuana and include:

- Critical Tracking – Degraded between 2 and 25 ng/ml THC for up to 7 hours.
- Standard Deviation of Lateral Position (i.e. 'weaving') – Increases in dose-dependent fashion as THC level rises, indicating reduced vehicle control.
- Steering Wheel Variability – Steering control is degraded by consumption of marijuana.
- Concentrated Attention – Serious and prolonged (8-10 hours) degradation by consumption of marijuana.
- Divided-Attention Tasks – Strong linear correlation between THC concentration and degraded performance at 5-25 ng/ml.
- Reaction Time – Increased both simple and complex reaction time (braking, steering) after marijuana use.
- Headway Variability (i.e. variation in distance between vehicles traveling in the same direction) – Increases following marijuana use.
- Speed Variability – Increased speed variance following marijuana smoking.
- Balance and Coordination – Standing balance and stability impaired by THC in a dose-related fashion; 'body-sway.'
- Memory and Recall – Immediate recall and also short-term and working memory seriously impaired by THC.
- Visual Processing – THC degrades visual searching processing speed.
- Complex Tasks – Particularly sensitive to THC's impairing effects.

Court filings

The American Civil Liberties Union reports statewide in Washington in 2012 there were 5,531 court filings for misdemeanor possession of marijuana in the state of Washington. In 2013 there were 120. This indicates the new law was successful in the intent of decreasing prosecutorial and law enforcement effort on misdemeanor marijuana, freeing time for other tasks.

According to the Clark County Prosecuting Attorney Office, Clark County filings changed as follows:

Misdemeanor filings:

Possession of Marijuana (40 grams or less)	
Year	Total
2012	26
2013	17

Possession of Marijuana (40 grams or less)	
Year	Total
2014	11
2015	10

Felony filings with possession:

Possession of Marijuana (40 grams or less)	
Year	Total
2012	79
2013	28
2014	15
2015	20

The decrease in workload as a result of reduced court filings is thought to ripple through the jail and probation system, but data is not available to substantiate or refute this assumption. The lack of data is largely the result of the relative infancy of the legal system and the types of data collected in law enforcement databases.

Impact on the Jail

At this time, it is difficult to measure the impacts on the county jail.

Health impacts

The State LCB notes marijuana may help reduce symptoms of certain medical conditions, and it may have harmful effects depending on how often it is used, who is using it, and whether other substances are consumed. There is clear evidence regular use of marijuana increases the risk of heart, lung and mental health problems. Less is known about the health issues caused by casual or infrequent use.

Marijuana is addictive. Estimates from research suggest that about nine percent of users become addicted to marijuana; this number increases among those who start young (to about 17 percent, or 1 in 6) and among people who use marijuana daily (to 25-50 percent). (National Institute on Health)

According to the LCB marijuana smoke contains a range of harmful chemicals similar to tobacco smoke (Hoffman et al, 1975).

Based on scientific research:

- There is no definitively proven "safe" way of inhaling marijuana (smoke or vapor).
- Inhaling marijuana smoke in the long-term is likely to result in damage to the respiratory tract.
- Smoking both marijuana and tobacco increases the risk of damage from both substances.

- While marijuana smoke contains carcinogens, research about the association between marijuana smoking and cancer is limited and conflicting. The same is true for other lung-related diseases.
- Marijuana smoking does appear to increase cough, sputum production, airway inflammation, and wheeze.
- Using a water pipe or bong does nothing to reduce exposure to tar and carcinogens in marijuana smoke; using a vaporizer may reduce the harm associated with smoking marijuana; however vaporizers may carry their own risks and more research is needed.

Edible products

Marijuana-infused food products can be made with the dried, useable marijuana or with concentrated cannabis oil. Edibles made with concentrates tend to be higher in THC and therefore stronger. It can take up to two hours to feel the effects, making it easier to consume too much. The effects from consuming edibles also last longer, impairing the user for a longer period of time. Because of their similarity to non-infused products, edibles pose a unique danger to children and pets.

Pregnancy

THC, the chemical in marijuana that makes a person “high,” can pass from mother to the unborn child through the placenta. This means the unborn child is exposed to THC used by the mother. Smoking also passes carbon monoxide to the unborn child, which disrupts the oxygen supply and can result in growth issues, possible premature birth, miscarriage or stillbirth. There is some evidence marijuana use during pregnancy can result in babies with low birth weight, certain birth defects and symptoms similar to fetal alcohol syndrome. THC can also be passed from the mother’s breast milk, potentially affecting the baby.

Impact on youth

Results from the 2012 WA State Healthy Youth Survey show a relatively small yet gradual increase in marijuana use by youth over the past 8-10 years, especially amongst 12th graders. While most students do not use marijuana, roughly 1 in 5 10th graders and 1 in 4 12th graders said they had used marijuana in the past month. Adolescents who begin using marijuana before the age of 14 are four times more likely to become addicted by the time they are adults. Vulnerability is high until approximately age 25, when the brain is fully developed.

The National Survey on Drug Use and Health estimates, nationwide, in 2014 7.4 percent of youth aged 12 to 17 are marijuana users. Approximately 19.6 percent of youth 18 to 25 are users.

Youth who use marijuana may have:

- Increased difficulty with learning and memory
- Distorted thinking and perception (exaggerated or irrational thoughts)
- Hallucinations
- Paranoia
- Anxiety

- Depression

Research shows a decrease in perception of harm is followed by an increase in use of the substance.

Marijuana and substance abuse disorders

The National Survey on Drug Use and Health notes substance use disorders occur when the recurrent use of alcohol or other drugs (or both) cause clinically significant impairment, including health problems, disability, and failure to meet major responsibilities at work, school, or home. Excessive substance use and associated disorders are costly due to lost productivity, health care, and crime. The treatment for a substance abuse disorder is the same whether the individual accessed a legal or illegal source.

Nationally In 2014, 2.7 percent of adolescents aged 12 to 17 had a marijuana use disorder in the past year. Approximately 4.9 percent of young adults aged 18 to 25 in 2014 had a marijuana use disorder in the past year. Approximately .9 percent of adults aged 26 or older had a marijuana use disorder in the past year.

Locally, of the 1634 admissions to Detox in FY 2014-2015, 1 percent (three individuals) had THC identified as the type of substance at intake. The top 3 drugs identified at intake were heroin (47 percent), alcohol (29 percent), and meth (13percent).

Of the 620 adult admissions into inpatient residential at Lifeline Connections, 4 percent (22) identified THC as the type of substance at intake.

The inpatient data provided by Daybreak Youth Services indicates that the primary drug at intake for both male and female is marijuana and the secondary drug of choice for males is alcohol while for females, the secondary drug is meth very closely followed by alcohol (less than 2 percent difference).

County election results for I-502

The Clark County Auditor's Office reports November 2012 election results for I-502 were 49.68% in support (93,376 ballots) and 50.32% opposed (94,586 ballots). Locally, the initiative failed by 1,210 ballots.

Precincts showing the lowest degree of support (30-41 percent of ballots cast were in support), contributed 3,710 votes for the initiative and 5,980 against the initiative. Precincts showing the highest level of support (61 percent or more of ballots cast were in support), contributed 7,602 votes for the initiative and 3,742 against. Voters in precincts showing this level of support contributed 4 percent of the total votes cast in support.

Precincts supporting by % increment: Countywide	# ballots yes	# ballots no
30-40 %	3,710	5,980
41-50%	47,334	53,149
51-60%	37,497	31,149
61% and above	7,602	3,742

On a precinct basis, precincts supporting the initiative by a percent of 61 or more were all from the 49th legislative district, associated with the Vancouver urban area. The other percentage increments had a mix of support from the precincts within legislative districts.

A view of the precincts in unincorporated Clark County showed:

Precincts supporting by % increment: Unincorporated Clark County Only	# ballots yes	# ballots no
30-40 %	3,009	5,005
41-50%	28,052	32,732
51-60%	16,192	14,567
61% and above	622	331

Note: Precincts split between a city and the county are tabulated as county precincts.

APPENDIX A

MEMORANDUM FOR SELECTED UNITED STATES ATTORNEYS

October 19, 2009

FROM: David W. Ogden, Deputy Attorney General

SUBJECT: Investigations and Prosecutions in States Authorizing the Medical Use of Marijuana

This memorandum provides clarification and guidance to federal prosecutors in States that have enacted laws authorizing the medical use of marijuana. These laws vary in their substantive provisions and in the extent of state regulatory oversight, both among the enacting States and among local jurisdictions within those States. Rather than developing different guidelines for every possible variant of state and local law, this memorandum provides uniform guidance to focus federal investigations and prosecutions in these States on core federal enforcement priorities.

The Department of Justice is committed to the enforcement of the Controlled Substances Act in all States. Congress has determined that marijuana is a dangerous drug, and the illegal distribution and sale of marijuana is a serious crime and provides a significant source of revenue to large-scale criminal enterprises, gangs, and cartels. One timely example underscores the importance of our efforts to prosecute significant marijuana traffickers: marijuana distribution in the United States remains the single largest source of revenue for the Mexican cartels.

The Department is also committed to making efficient and rational use of its limited investigative and prosecutorial resources. In general, United States Attorneys are vested with "plenary authority with regard to federal criminal matters" within their districts. USAM 9-2.001. In exercising this authority, United States Attorneys are "invested by statute and delegation from the Attorney General with the broadest discretion in the exercise of such authority." *Id.* This authority should, of course, be exercised consistent with Department priorities and guidance.

The prosecution of significant traffickers of illegal drugs, including marijuana, and the disruption of illegal drug manufacturing and trafficking networks continues to be a core priority in the Department's efforts against narcotics and dangerous drugs, and the Department's investigative and prosecutorial resources should be directed towards these objectives. As a general matter, pursuit of these priorities should not focus federal resources in your States on individuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana. For example, prosecution of individuals with cancer or other serious illnesses who use marijuana as part of a recommended treatment regimen consistent with applicable state law, or those caregivers in clear and unambiguous compliance with existing state law who provide such individuals with marijuana, is unlikely to be an

efficient use of limited federal resources. On the other hand, prosecution of commercial enterprises that unlawfully market and sell marijuana for profit continues to be an enforcement priority of the Department. To be sure, claims of compliance with state or local law may mask operations inconsistent with the terms, conditions, or purposes of those laws, and federal law enforcement should not be deterred by such assertions when otherwise pursuing the Department's core enforcement priorities.

Typically, when any of the following characteristics is present, the conduct will not be in clear and unambiguous compliance with applicable state law and may indicate illegal drug trafficking activity of potential federal interest:

- unlawful possession or unlawful use of firearms;
- violence;
- sales to minors;
- financial and marketing activities inconsistent with the terms, conditions, or purposes of state law, including evidence of money laundering activity and/or financial gains or excessive amounts of cash inconsistent with purported compliance with state or local law;
- amounts of marijuana inconsistent with purported compliance with state or local law;
- illegal possession or sale of other controlled substances; or
- ties to other criminal enterprises.

Of course, no State can authorize violations of federal law, and the list of factors above is not intended to describe exhaustively when a federal prosecution may be warranted. Accordingly, in prosecutions under the Controlled Substances Act, federal prosecutors are not expected to charge, prove, or otherwise establish any state law violations. Indeed, this memorandum does not alter in any way the Department's authority to enforce federal law, including laws prohibiting the manufacture, production, distribution, possession, or use of marijuana on federal property. This guidance regarding resource allocation does not "legalize" marijuana or provide a legal defense to a violation of federal law, nor is it intended to create any privileges, benefits, or rights, substantive or procedural, enforceable by any individual, party or witness in any administrative, civil, or criminal matter. Nor does clear and unambiguous compliance with state law or the absence of one or all of the above factors create a legal defense to a violation of the Controlled Substances Act. Rather, this memorandum is intended solely as a guide to the exercise of investigative and prosecutorial discretion.

Finally, nothing herein precludes investigation or prosecution where there is a reasonable basis to believe that compliance with state law is being invoked as a pretext for the production or distribution of marijuana for purposes not authorized by state law. Nor does this guidance preclude investigation or prosecution, even when there is clear and unambiguous compliance with existing state law, in particular circumstances where investigation or prosecution otherwise serves important federal interests.

Your offices should continue to review marijuana cases for prosecution on a case-by-case basis, consistent with the guidance on resource allocation and federal priorities set forth herein, the consideration of requests for federal assistance from state and local law enforcement authorities, and the Principles of Federal Prosecution.

cc: All United States Attorneys

Lanny A. Breuer
Assistant Attorney General Criminal Division

B. Todd Jones
United States Attorney
District of Minnesota
Chair, Attorney General's Advisory Committee

Michele M. Leonhart
Acting Administrator
Drug Enforcement Administration

H. Marshall Jarrett
Director
Executive Office for United States Attorneys

Kevin L. Perkins
Assistant Director
Criminal Investigative Division
Federal Bureau of Investigation