

A photograph of a police sergeant in a dark uniform, with a badge that says "SERGEANT POLICE" and a star. He is pointing a pen at the back of a person's head. The scene is lit with blue and red lights, suggesting a police station or a training environment.

Cannabis Impairment Detection

WORKSHOP HANDBOOK



RESPONSIBILITY.ORG



The National Traffic Law Center is a program of the National District Attorneys Association.

This document was prepared with a grant from the Foundation for Advancing Alcohol Responsibility (Responsibility.org). Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of Responsibility.org or the National District Attorneys Association. This Manual is not legal advice. Please ensure compliance with all local and state laws when conducting any training outlined in this publication.

JUMP TO
SECTION

Acknowledgments	1
Introduction	3
Definitions	
1 Planning the Workshop	4
A Community Buy-In, Stakeholder Considerations, and Students	
B Legal and Liability Considerations	
C Funding the CIDW	5
2 Preparing For The Workshop	6
A Procurement of Cannabis	
1. Dispensaries	
2. Subcontractors	
3. Donations	7
4. Other Considerations	
B Location	
1. Classroom and protocol for students	8
2. Room and amenities for consumers	
3. Alternate consumption location	
4. Field Sobriety Testing Area	
C Consumer Recruitment	9
1. How to Recruit	
2. "What's in it for me?"	
3. The Ideal Consumer	10
4. What to do Once Consumers are Selected	
5. Clarity of the Plan	11
6. Relationship Building and Lasting Impressions	
7. Recruitment Recap	
3 The Workshop Itself	12
A Medical Personnel	
B Pretesting	
C Product	
D Dosing	13
E CIDW Classroom Instruction	
1. Blocks of Instruction Descriptions	
2. Post Workshop Question and Answer Session	
3. Wrap up and Release	15
4 Conclusion	
Appendices	18

Acknowledgments

This *Cannabis Impairment Detection Workshop Handbook* would not have been possible without the support and funding of Responsibility.org and the dedicated efforts of the following professionals at Responsibility.org and the National Traffic Law Center.

Foundation for Advancing Alcohol Responsibility

Brandy Axdahl, *Senior Vice President*, Responsibility Initiatives

Darrin T. Grondel Ed.D., *Vice President*, Government Relations and Traffic Safety

Erin Holmes, *former Vice President*, Criminal Justice Programs & Policy

National Traffic Law Center

Joanne E. Thomka, Esq., *Director*

M. Kimberly Brown, Esq., *Senior Attorney*

Erin T. Inman, Esq., *Staff Attorney*

This guide was the result of a collaborative process which drew on the knowledge, expertise, and patience of many dedicated traffic safety professionals, including the following.

Officer Jaymie Derbyshire, *Montgomery County Department of Police*, Gaithersburg, Maryland: Jayme.Derbyshire@montgomerycountymd.gov

Scot Mattox, Esq., *Drug Recognition Expert Instructor, CEO*, Dirigo Safety, LLC, Auburn, Maine: scot.mattox@dirigosafety.com

Andrea Nardone, Esq., *Director of Training, Municipal Police Training Committee*, Randolph, Massachusetts: andrea.w.nardone@state.ma.us

Chief Robert Ticer, *Chief of Police*, Loveland Police Department, Loveland, CO: bob.ticer@cityofloveland.org

Research/ Technical Support

Andrea Thompson, *Executive Director*, Maine Public Safety Training Institute, Auburn, Maine: athompson@mpsti.com

Dan Thompson, *Director of Training*, Maine Public Safety Training Institute, Auburn, Maine: dthompson@mpsti.com

National District Attorneys Association/ National Traffic Law Center

The National District Attorneys Association (NDAA), is the oldest and largest national, nonpartisan organization representing state and local prosecutors in the country. Formed in 1950, NDAA has more than 5,000 members and our mission is to be the voice of America's prosecutors and to support their efforts to protect the rights and safety of the people by providing our members with the knowledge, skills, and support they need to ensure justice is attained. NDAA is in Arlington, VA. NDAA is an equal opportunity employer.

The National District Attorneys Association's National Traffic Law Center (NTLC) is a resource designed to benefit prosecutors, law enforcement, judges, and criminal justice professionals. The mission of NTLC is to improve the quality of justice in traffic safety

adjudications by increasing the awareness of highway safety issues through the compilation, creation, and dissemination of legal and technical information and by providing training and reference services.

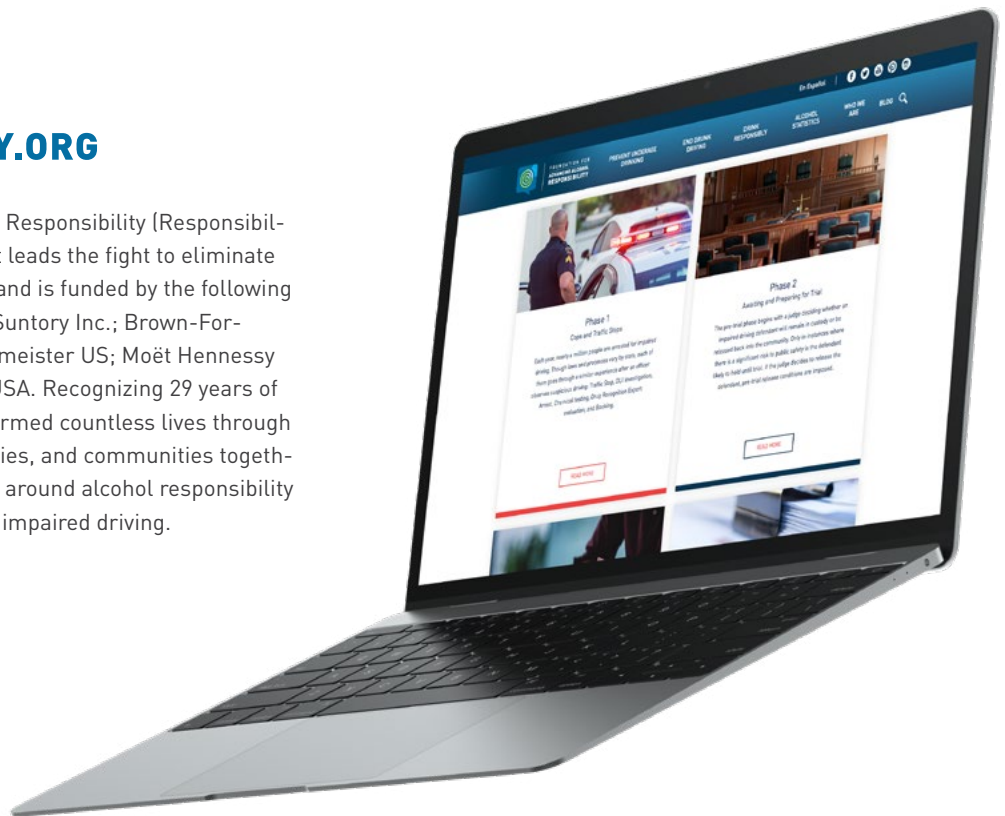
For additional information contact NDAA and/or NTLC

1400 Crystal Drive, Suite 330
Arlington, Virginia, 22202
(phone) 703-549-9222
(fax) 703-836-3195

RESPONSIBILITY.ORG

The Foundation for Advancing Alcohol Responsibility (Responsibility.org) is a national not-for-profit that leads the fight to eliminate drunk driving and underage drinking and is funded by the following distillers: Bacardi U.S.A., Inc.; Beam Suntory Inc.; Brown-Forman; DIAGEO; Edrington; Mast-Jägermeister US; Moët Hennessy USA; Ole Smoky; and Pernod Ricard USA. Recognizing 29 years of impact, Responsibility.org has transformed countless lives through programs that bring individuals, families, and communities together to guide a lifetime of conversations around alcohol responsibility and offering proven strategies to stop impaired driving.

To learn more, please visit



Introduction

With the increased availability and social acceptability of cannabis use in the United States, cannabis impaired driving is on the rise.

Law enforcement officers, however, are not always equipped with the skills necessary to detect and investigate cannabis-impaired driving.

For decades, law enforcement agencies have educated their officers to observe and detect alcohol impairment with the use of “wet labs” – an event where volunteers are dosed with alcohol and observed performing psychophysical and mental tests. Until recently, no similar training event was available to observe cannabis impairment in volunteer cannabis dosed subjects, i.e., “green labs.” However, as state laws have begun to change regarding the legality

and use of cannabis, several agencies have begun to utilize “green labs” to train their officers to detect cannabis impairment.

In light of Federal regulations, variances in state and local laws, politics, and other numerous impediments, these classes have been prevented from becoming standardized and commonplace. This Manual is designed to assist law enforcement agencies in identifying, understanding, and overcoming issues pertaining to the development and implementation of these training labs thereby making these trainings more available to all law enforcement officers.

The terms DUI (driving under the influence), DWI (driving while intoxicated or impaired) and OUI (operating under the influence) are considered interchangeable for the purposes of this publication.

Definitions

Throughout this Manual, the following terms are used:

Cannabis

Marijuana and its derivative products used by the consumers during a workshop

Consumer

Person dosed with cannabis during a workshop

Host

Person or organization facilitating/ conducting/ coordinating a workshop

Instructors

Both classroom teacher and persons who monitor consumers during a workshop

Student

Learner in the classroom

1 Planning the Workshop

A. COMMUNITY BUY-IN, STAKEHOLDER CONSIDERATIONS, AND STUDENTS

The primary goal of the workshop is to provide students with information and live examples of people impaired by cannabis. Cannabis Impairment Detection Workshops (CIDW) were originally, and for the most part still are, designed to instruct the advanced Driving While Intoxicated or Impaired (DWI) enforcement officer. Ideally, those law enforcement officers are certified to administer the National Highway Traffic Safety Administration's (NHTSA) Standardized Field Sobriety Test (SFST) battery. Other students may include law enforcement officers who have completed the Advanced Roadside Impaired Driving Enforcement (ARIDE) course, or the Drug Recognition Expert (DRE) Training and prosecutors assigned to impaired driving cases. With nearly 18,000 law enforcement agencies in the United States, it is understandable that some agencies will not have officers certified in SFST, ARIDE, or DRE. In circumstances such as this, lesser trained individuals should not be prohibited from attending this training.

In addition, hosting a CIDW may be an easy task or a task that may be political and challenging, depending upon the state or specific jurisdiction. To ensure a successful class, initial educational communications to the public and a strong partnership with a robust group of stakeholders must first occur. Some communities where cannabis is legal may be more likely to support workshops, while other communities where cannabis is illegal, may express concern about any participation in such an event. Communicating to stakeholders and the public about why law enforcement would want to host a workshop, how they can legally conduct it, and how they can safely conduct it is vital to ensuring success.

Most people agree that driving while impaired, including while impaired by cannabis, is a crime, is dangerous, and is not socially acceptable. By communicating to the public that this course is designed to increase officer awareness of cannabis intoxication and how to better enforce impaired driving laws, there should be greater support for the class with stakeholders. Discussing the course at public meetings, providing interviews with the media, and even inviting the media to the event are some examples of how to communicate with the public and help people understand the value of the workshop.

Who to invite to the workshop is an important step to ensure success for the students and the community. Often groups who may at first appear to be in opposition to workshops will become proponents when included in the training. Stakeholders will vary from state to state, and community to community. **Stakeholders to consider for participation, include, but are not limited to the following:**

- Law enforcement personnel to include command level, law enforcement liaison, traffic/DRE officers, and patrol officers
- Toxicologists
- State Highway Safety Office personnel
- Traffic Safety Resource Prosecutors
- District Attorney/County Attorney personnel, to include DUI prosecutors
- Public Defenders/Defense Attorneys
- State agency representatives responsible for cannabis regulation and oversight
- Representatives from cannabis retailers and growers i.e. Marijuana Industry Group in Colorado
- Non-profit advocacy groups, either pro or con for the consumption of cannabis
- State/local legislators
- Representatives from the insurance industry and major organizations such as AAA Foundation for Traffic Safety
- Representatives from universities or research organizations who are often very interested in the effects of cannabis use in society and driving and may be open to collaborating with states on possible research projects
- Probation officers
- Treatment personnel
- Judges

Demonstrating and teaching about the effects of cannabis on the human body will create increased awareness of the dangers of the drug as it relates to impaired driving in the community.

B. LEGAL AND LIABILITY CONSIDERATIONS

Just as community sentiments about the workshop will vary from one locale to another, so too will the laws that govern each community. State, federal, and local laws, regulations, and ordinances must be reviewed well before conducting the workshop. **Workshop hosts should consult with local law enforcement and their agency counsel, local prosecutors, and/or city/ county attorneys to ensure compliance with legal standards, including but not limited to the following:**

- Who will purchase the cannabis and with what funds?
- How will the cannabis be transported to the workshop location?
- Who is allowed to handle the cannabis at the workshop location?
- Is cannabis use allowed on public property?

- Does the host organization receive grant money and other federal funds that requires strict adherence to anti-cannabis rules?
- Will the organization's liability policy cover activities conducted at the workshop?
- Have liability forms been drafted and then executed by the volunteer consumers prior to dosing?
- What should be done with a consumer that arrives to the workshop already under the influence of cannabis?

Identifying issues such as these and knowing the answers ahead of time will ensure students, consumers, and instructors are safe and liability concerns are addressed. It will also help avoid strained working relationships with important partner organizations. Documenting and maintaining records will also aid in addressing any issues that may arise after the workshop. Be sure to identify and discuss with attorneys (civil and criminal) and local law enforcement the appropriate language specific to the jurisdiction for inclusion in the releases. An example of a consumer consent and release of liability form is included as Appendix A.

C. FUNDING THE CIDW

A common question arises when planning these workshops- how are they funded? A discussion regarding paying for and obtaining the product is included below. Other costs, such as facility use, and instructor time also exist. Many governmental and other entities have policies giving greater latitude to events that are for training and/or educational purposes. Thus, for the most part and other than paying for the product itself, the workshop can be funded much in the same way alcohol workshops are funded.

1. Sources for money

As with other trainings, public and private grants may be a funding option. Even if the grant is used for only paying for student and participant food or travel, that frees-up other monies for use elsewhere. Some states' highway safety offices have provided funds for food from their impaired driving funds, but the availability may be dependent on state laws and whether the state is a medicinal only state.

Drug enforcement funds and DUI task force funds may also be a source of funds. Check local policies and rules regarding these funds to see if they can be used to pay for part or all of a workshop. Also remember course registration fees may be used to defray costs.

2. Paying for the Location

Hosting the trainings at law enforcement academies, district attorneys' offices, and fire departments have been available options for training locations. Thus, site costs are minimized. Even so, a separate smoking facility, such as an outside wall tent with heaters, may be necessary. If a public location is not available, or if logistics make using a public facility cost prohibitive, consider asking cannabis-friendly venues if they would consider donating space. These venues can be found in local publications as well as through word-of-mouth.

3. Paying for Instructors

Many agencies loan out their DRE instructors at no charge. Sometimes travel costs require reimbursement for DREs, other instructors, and medical personnel. It may be tempting to cut costs by omitting medical personnel, but they are essential staff. As discussed below, consumers may have adverse reactions to the product, so having a medical person at the training is necessary. Some hosts have even chosen to have an ambulance on standby. The local jurisdiction may be willing to provide a detail for the duration of the workshop. Perhaps a volunteer would be willing to standby, and sometimes a DRE will also be an EMT.

4. Miscellaneous

Food can be purchased with funding, but it could also be donated. It is not uncommon for a law enforcement friendly restaurant to donate food and beverage for the training. Similarly, some restaurants are cannabis friendly and may donate. Paraphernalia is another miscellaneous item that can be obtained from alternate sources. Some law enforcement trainers have paraphernalia in inventory for teaching purposes already. Also, students can bring their own paraphernalia for use.

Whether it is food or travel reimbursement, think about what resources are available to help with the workshop. Throughout the process and as workshops are hosted, ask as many people as possible for ideas and connections. This workshop's consumers may offer ideas for the next best location and/or funding source.

2 Preparing for the Workshop

A. PROCUREMENT OF CANNABIS

While alcohol possession and consumption laws are largely consistent throughout the entire United States, this is not the case for cannabis. Obtaining alcoholic beverages for police hosted alcohol workshops is a fairly easy process. Obtaining cannabis, however, is more complex.

A few states have fully legalized cannabis for both recreational and medicinal purposes. Other states have legalized cannabis for medicinal purposes only. Several states are even more restrictive and permit only certain CBD products. While the lecture content of the workshop is important, it is the actual observation of cannabis impairment of the consumer that is most beneficial. Thus, acquiring cannabis for the workshop is essential. Federal regulations list cannabis as a Schedule I drug, so it is understandable that many police agencies, or police affiliated agencies have concerns about how to obtain the product. Suggestions on how to procure cannabis for the workshop portion of the training follow; however, it is essential to remember that the feasibility of these suggestions will be highly dependent upon local and state laws.

1. Dispensaries

Local cannabis dispensaries have proven to be a very reliable and safe cannabis source for the CIDW. Dispensaries possess, transport, sell, occasionally manufacture/grow, and dispense cannabis legally. With the various responsibilities assumed by these dispensaries, it makes sense that several regulations are in place to protect the business and consumer alike. While these established rules can be complex, they often contribute to transparent sales data, verification of the legality of the buyer/consumer (especially important in medical-only states), safeguards and consistency of content on product being sold, readily available laboratory test sheets (dependent on jurisdiction), and properly sealed and labeled packaging. Each regulatory consequence listed directly benefits and protects buyers, the establishment, and those looking to host and conduct a CIDW.

When walking into a dispensary, the first thing one may notice is the large assortment of product. From flower to concentrates, and edibles to transdermals, the possibility of dispensary available cannabis intoxicants appears endless. Product diversity is beneficial to cannabis workshops. The range in selection expands the range of potential ingestion methods at the workshop. An abundant selection of cannabis products also allows for the host to factor in duration of effects and peak effects. Variety of selection also tends to guarantee availability of products with various THC percentages. By having low, medium, and high THC content products consumed during the workshop, the host will be able to attract a diverse group of consumers. Consequently, students will observe subjects at various levels of impairment

Procuring product through a dispensary may also alleviate the burden of transportation of product to the training venue, as well as the task of legal dispensing. Many local laws permit cannabis dispensary personnel to legally transport quantities of cannabis to various locations for delivery. A training venue can act as a point of delivery so long as the consumer is legally allowed to possess and purchase (the consumer is of the legal age and/or possesses a medical cannabis card). To complicate things less, it may be possible to request a dispensary agent to dispense the product to the consumer at the training venue once they arrive. This procedure allows for the agent to dispense in a manner consistent with state laws and regulations. By placing the onus on the dispensary, the host ensures proper procedure and protocol are followed by those most familiar with the regulations.

One agency in Maryland has successfully relied upon local dispensaries as a product source for workshops. Since Maryland is a medicinal only cannabis state, obtaining cannabis from a licensed dispensary allows for multiple levels of protection for the training host. **Some of these safeguards include the following:**

- The ability to fully confirm validity of cannabis patients in the statewide system
- Real time assurance that monthly allotments are not exceeded with the consumption of product during the workshops
- Verification that consumers are ingesting products consistent with their normal usage intake and THC quantities

Regardless of whether or not the host decides to utilize dispensaries as a product source, it is important to realize that relationships between law enforcement and local cannabis businesses help to foster mutual respect and enhance understanding and communication.

2. Subcontractors

Working directly with a subcontractor to obtain cannabis for a CIDW can alleviate a great deal of anxiety when it comes to procurement of the cannabis itself. A subcontractor can take on the responsibility of acquiring the product needed to make the workshop a success. It is important to consider one's training location, local regulations, and access status of the subcontractor for they may only be able to obtain product in a jurisdiction that is a recreational state. It is also important to note that some subcontractors may be subject to limitations on quantity of product purchased. Make certain that these limitations are understood prior to entering into an agreement.

The host should provide the subcontractor with information such as specific methods of ingestion and what THC levels are desired in the product procured. It is also important that the host and the subcontractor communicate regarding who will provide

the equipment (paraphernalia); either the subcontractor or the consumers themselves.

Because of the nature of what the subcontractor is being asked to do, a thorough contract is necessary. A good contract will clearly state the amount of cannabis to be obtained, the type of product (flower/bud, concentrates, edibles), and the total cost of product. The contract should also specify who is responsible for transporting the cannabis to the training venue, as well as who is responsible for dispensing product to consumers. It is a good idea, for the host to request itemization, including quantity purchased, strain name, and cost per unit. An example of a subcontractor agreement is attached as Appendix B.

3. Donations

Cannabis product is allowed, under some very specific circumstances, to be donated depending on the jurisdiction. If donated from a dispensary, laws will clearly state donation specifics and limitations. For example, California recently enacted a law that cannabis donations are allowed to medicinal patients only and/or their caretakers¹. A compounding issue that deters donations of product is that many cannabis related businesses (including dispensaries) are not eligible for the tax benefits that another type of donation would reap. Many businesses may be reluctant to donate product for this reason alone. As stated previously, cannabis can be very expensive, and a habitual donation from a single source without any tax benefit is financially burdensome for many in the industry. If product is donated make certain that the regulations regarding transportation and dispensing of product are understood by the host and there are qualified and responsible parties available to take on these tasks.

While donation may not be a feasible option for procuring cannabis, it would be worth asking around within the industry for ideas on obtaining product. Ingenious ideas for donations, product procurement, and availability of participant consumers often originate from those who are in the field and who possess vast knowledge of local rules, regulations, and laws. In addition, there are other things dispensaries may be able to donate such as their employees' time. Many employees are also consumers. This could mean they have the potential to be helpful in that capacity during the workshop.

4. Other Considerations

Regardless of the method an agency uses to obtain cannabis for their workshop, it is important to determine total cost of product, payment method, and amount of product to be supplied early in the planning process. Do not underestimate how expensive cannabis can be, especially when considering concentrates. Work diligently to build solid and trustworthy relationships with the cannabis source, and do not be afraid to shop around to de-

termine who/what is the most straightforward and easy to work with. Lastly, due to the nature of cannabis procurement and the conflicting federal and state regulations, always make certain to keep all records pertaining to product purchase readily available in the workshop file.

Whether brought to the workshop by an instructor, dispensary owner, or consumer, the cannabis and paraphernalia should always be kept secure during the workshop. Once on-site, the cannabis should be secured by an instructor, so consumption can be strictly monitored. Decide ahead of time what will happen with any unused product upon conclusion of the workshop.

Some important considerations include the following:

- Will an instructor retain the cannabis for future workshops and if so, how, and where will it be secured?
- How remaining product be managed and or audited?
- Will it be given to the consumers to take home?
- Who owns the paraphernalia used during the workshop?
- Do agency policies address this or need to be created?

Be prepared to discuss these issues with the consumers prior to beginning the workshop.

In 2018, in Maryland, an attempt was made to pass legislation allowing law enforcement agencies to purchase a specified amount of cannabis per month for training venues, namely CIDWs. This modification of law did not come to fruition in 2018; however, the effort was widely supported by both law enforcement and the cannabis communities.

B. LOCATION

Considerations for site selection include public versus private property, owner permission, indoor versus outdoor consumption, and the total size of space needed to hold the workshop. Many buildings and/or landowners will openly embrace the workshop while others will be adamantly opposed. Before choosing a location to hold the workshop, the host must be familiar with laws pertaining to cannabis consumption to ensure compliance with consumption restrictions. This prepares the host to answer any questions the facility owner may have about the workshop and potential liability issues.

Consider using a district attorney's office, law enforcement academy, a local college, university or law school, a dispensary, rod and gun clubs, veterans' or masonic halls, hotels, private training facilities, outdoor event areas or fairgrounds. Look to see where cannabis events have been held in the area and consider using one of the same venues. Hosts of those events may be able to provide guidance on what was needed to meet the location restrictions. Always inquire if there will be a cost associated for use of the facility, or if the space will be donated for the workshop.

¹ <https://cannabis.ca.gov/2020/02/28/donations-of-cannabis-and-cannabis-product/>. State Cannabis Licensing Authorities, Feb 28, 2020, Sacramento, CA.

Once a location is identified, set up a phone call or in-person meeting with the decision maker at that location to explain the workshop in detail. Give an overview of the entire training and make clear that persons will be consuming cannabis on-site. Prepare a brief written summary (an old announcement for a CIDW, for example) of the training, highlighting the educational value to both law enforcement and prosecutors. This can be provided to the decision maker in the event they have concerns or need to get approval from a higher authority. A sample announcement is included in Appendix C.

Be prepared to be ask and answer the following questions:

- Is it illegal to consume in a government owned building? If so, is there an exception for education and training?
- Is there a no smoking policy for the building?
- Is there a no drug-use policy for the building?
- Is the building and/or land privately owned and can permission be obtained to hold the workshop inside or in the parking lot or nearby field?
- Is there a location for medical personnel to be on scene during the workshop?

1. Classroom and protocol for students

The training classroom should be equipped with audio, video, and internet capabilities, have restrooms nearby, and be large enough to hold all students. Ideally, the training facility will have space large enough to break into small groups of six (four students, one consumer and one instructor) to administer and observe the SFSTs. As discussed below, there should also be an area in the front of the room to sit the consumers in a row for a post-consumption/testing instructor-led question and answer session with the students.

2. Room and amenities for consumers

There should be a room, separate and apart from the training classroom, for the consumers to dose. Upon arrival, the consumers will report to this room, be given a detailed schedule of the day and complete all necessary forms/waivers (Information regarding forms begins on page 21). This room should be large enough to hold all consumers and instructors at once. Take into consideration the consumers will likely be in this room for four to six hours and may want to get up and stretch their legs, charge a phone, or watch television. Each consumer should be assigned a monitor/instructor to oversee the ingestion of the cannabis and all subsequent activities until the conclusion of the workshop. This individualized attention will minimize the chances of a consumer being injured or becoming ill.

Advise all consumers prior to the day of the workshop what amenities will be provided to them. Hosts must be aware of the rules regarding food and drink consumption in the consumer room in the workshop facility. If possible, the host should provide water and/or food. The host may request donations for these



from a local law enforcement agency, district attorney’s office, or a private business. If permitted, consumers may also bring their own food and non-alcoholic beverages.

3. Alternate consumption location

Hopefully, the owner will allow consumption of cannabis products in the consumer room. However, if you are holding the training in a government building in which local authorities will not allow the consumers to use product in the facility, look for an alternative. Is there a nearby privately owned business such as a car wash, farm stand, convenience store, or restaurant that will give permission to consume in their lot? Is it possible to use the law enforcement agency’s search warrant van in the district attorney’s office parking lot? Do you have access to an impaired driving mobile home or trailer? Is there a private field near the police academy? Get creative. Instructors will always be with the consumers, so it may be possible to drive off-site to consume.

4. Field Sobriety Testing Area

Break the students into small groups based on the number of consumers. Pair up a very experienced student with a student with less experience. Each student group should consist of approximately four students, one instructor, and one consumer. Assign each student group a station where they will remain until all the testing has been completed. The consumers, together with their monitor, will individually rotate between each station until each group of students has observed each consumer perform the SFSTs. If the classroom is not large enough to accommodate this section of the training you can find a nearby location such as another classroom or an outside field, or a parking lot.



Each student should have the opportunity to administer the SFSTs on each consumer. One student in each group will take notes on the consumer's performance during the tests and record each student's independent conclusions as to impairment. Allot a minimum of two to three hours to complete the testing part of the workshop.

C. CONSUMER RECRUITMENT

As evidenced by previously conducted CIDW there is no doubt that this training has the potential to contain a strong community engagement aspect. Through this unique venue, law enforcement and the cannabis community have begun to work together to promote mutual understanding and empathy. Many persons within the cannabis community have suggested that they feel criminalized by law enforcement even after legalization measures, while many law enforcement officers have expressed bewilderment and confusion with the increasingly lenient cannabis laws. Law enforcement has acknowledged that they have had difficulty keeping up with the legality of every aspect of cannabis consumption, transportation, and possession, and, while cannabis consumers are very well versed with local possession laws, they are less so familiar with cannabis DUID laws. With the holes in understanding on both sides of the spectrum, a CIDW can work to fill these gaps in a controlled and friendly environment. This mutually beneficial relationship between the cannabis consumer and law enforcement takes effort, and it all begins with the recruitment of the ever-essential cannabis consumer.

One would think that it would be easy to recruit consumers to willingly ingest cannabis; however, it is more difficult than one would imagine. Because many consumers may have faced criminal sanc-

tions for these actions they are now being asked to partake in, might make their reluctance to participate understandable. To compound the issue further, the consumers are also being asked to do this once illegal action directly in front of law enforcement or a prosecutor.

1. How to Recruit

Prior to recruiting consumers, think about where the consumers should come from. Will flyers be distributed at cannabis friendly events? Will blast emails be sent out to dispensary list serves? Is there a reliable community contact that can provide consumers? Can the training host walk into a local dispensary and speak with the manager and staff to request consumer assistance? These are all important questions to consider, and all potentially feasible options for obtaining willing consumers. The most important aspect of these options is trust. It is important to remember that many cannabis users may have had negative experiences with police. Many of these negative experiences may have had to do with possession of cannabis or other drug related crimes. There may be individuals who absolutely refuse to participate just because it is law enforcement asking them to participate. Remember there are many people who are willing to help law enforcement and even look for ways to do so.

Also, seek help even in unexpected places. It is often useful to gain consumer recruiting assistance from someone within the cannabis community. This can be done by relying on a dispensary manager or employee who believes in the purpose of the training and believes in educating the consumer. This tactic indirectly encourages the dispensary agent to take some ownership and responsibility for those he/she recruits. It also allows for the recruited consumers to have a trusted source to ask questions of, and to not feel as though they are being misled by law enforcement or others. Make certain to provide ample time for these sources to find the participants. Allowing consumers to have sufficient time to commit to participating has proven to be more beneficial than not. Lastly, always make certain to recruit extra volunteers, because some may have to cancel last minute, due to an emergency, unexpected schedule change, or a change of mind.

2. "What's in it for me?"

Some consumers are willing to donate their time and/or cannabis product to participate in the cannabis workshops; however, some are not. Prior to recruiting the consumers, have a firm understanding of what will be offered for their willingness to participate. Some hosts provide consumers a stipend for their time (\$75.00-\$100.00 depending on the length of training). Other trainings offer to purchase the cannabis that is to be consumed. Some trainings are strictly volunteer-based, and the consumers donate their time and provide their own product. While still, other trainings pay a stipend *and* provide product. Whatever method a training host decides to use, it is important to stay consistent and be clear as to how and if consumers will or will not be compensated for their time and efforts. Being straightforward with

the consumers about what will be asked of them and what they will receive in return is very important, and once again builds on the trust concept.

3. The Ideal Consumer

Is there is an “ideal” consumer? The short answer is, “no.” Cannabis tends to impair individuals in a myriad of ways and is dependent upon multiple factors. Having a broad mix of consumers makes the training more interesting and allows for students to observe more indicators of cannabis impairment. Exposure to consumers of different ages, genders, medical conditions, and ingestion preferences allows students to deduce more about cannabis impairment as it relates to the individual. There is a great deal of user variability amongst cannabis consumers, and it is practically impossible to look at someone and predict what that individual’s high will look like. Having both frequent and occasional users consume product will also allow the training to best exemplify how tolerance, and lack thereof, plays a role in psychomotor impairment. New users to cannabis should not participate. While one would expect to observe significant signs and symptoms of impairment in a new cannabis consumer, and while a medic or qualified medical personnel should/may be present during the duration of the training, there are inherent risks associated with first time use of any drug. In sum, having different types of consumers participate in the workshop gives students a clear understanding of the reality of cannabis intoxication; No two consumers will present the same way.

4. What to do Once Consumers are Selected

a. Consumer Questionnaire

When the consumers are identified and committed, obtain background information about them prior to the day of the workshop. Besides obtaining basic information (date of birth, full name, address, emergency contact person, etc.), hosts should have consumers fill out a short questionnaire days or even weeks prior to the workshop. This form should provide the host with information regarding the consumer’s basic health, a brief outline of usage habits (frequency of use, ingestion method, THC content of preferred product, and amount consumed in a given day), whether the consumer is currently on probation, and any past convictions of crimes. While questions regarding probation and past criminal convictions are on the pre-workshop consumer questionnaire, it is strongly suggested that background checks be completed on each consumer participant to corroborate the answers provided. Hosts should predetermine what is considered an allowable prior criminal offense and what crimes would constitute exclusion from participation. If the training takes place in a medicinal cannabis only state it is imperative that the status of the patient is confirmed as valid and in good standing prior to the workshop date. The questionnaire should include a line for the name and address of the designated driver who will transport the consumer to and/or from the CIDW. The form should also include language warning the consumer not to

drive or operate machinery for a designated period of time after the workshop.

The consumer questionnaire should include the consumer’s name, address, date of birth, height, and weight. The person should be required to show a photo identification and either a photocopy should be taken for the file, or all pertinent information should be documented on the questionnaire. The consumer should identify the name and address of the person assuming control and responsibility for them upon completion of the workshop. The form should include questions regarding past use including frequency, duration, type of product and method of ingestion. The form should include medical history and any preexisting conditions including, but not limited to, any chronic conditions, diabetes, Parkinson, post-traumatic stress disorder, heart conditions, seizures, and hospitalizations. The potential consumer should be asked to list all medications, felony convictions and impaired driving convictions. Additionally, the potential consumer should be asked whether there is a history of drug or alcohol abuse and whether they have ever been diagnosed with or treated for a mental health condition. An instructor should look this form over carefully and identify any flags. If the instructor has any concerns about the consumer participating in the workshop based on the answers to the questions, they should be addressed with the consumer privately. If, after speaking with the consumer, the instructor does not believe the person should be consuming cannabis in the workshop, that person may still participate in the workshop as a control subject, if appropriate. A sample Consumer Questionnaire is included as Appendix D.

b. Use of Image Consent Form

Consumers should be made aware of the fact that photos and video may be taken of them during the workshop. The Use of Image Consent Form should make clear that the person is giving consent for their image to possibly be posted on the internet, in print publications, during law enforcement training and multimedia presentations at any time in the future. If a consumer does not want their image used, there should be a section on the form that indicates they do not want to be photographed or videotaped and their image will not be used. A sample Use of Image Consent is included in Appendix E.

c. Assumption of Risk/Release of Liability

Consumers should be required to sign an assumption of risk/release of liability form prior to the consumption of any product pertaining to the workshop. **This form should include the following warnings:**

- The cannabis plant is not regulated by the Food and Drug Administration and therefore, may contain unknown quantities of active ingredients, impurities and/or contaminants.
- The hazards of smoking and vaping. The CDC warns that vaporizing cannabis may lead to respiratory infections including death.

- Do not operate a motor vehicle or machinery for a designated period of time after the workshop.

Additionally, language should be added that the consumer takes full responsibility for harm resulting to themselves or others because of the workshop. A sample Consumer Consent and Release of Liability is included as Appendix A.

d. Participation Consent

The participation consent form should explain the training, specifically the workshop portion regarding consuming alcohol or cannabis and becoming impaired. Make it clear that the consumer will be asked to perform field sobriety testing. The sobriety tests should be explained in detail. This form may also contain language about seeking medical care and the consumer being responsible for the medical fees. The consumer should attest to the fact that they have not consumed any alcohol or drugs within the last eight hours. A confidentiality clause may also be included in this form. Additionally, the host should consider having the consumer complete a Participant Expectations and Rules form. This should lay out expectations regarding behavior, for example, cell phone usage, social media postings, respect for other consumers and any other privacy concerns. A sample Consumer Consent and Release of Liability is included as Appendix A

5. Clarity of the plan

Just like the students, many of the consumers will have never participated in a CIDW. Lacking familiarity of the plan for the training may cause consumers to be overly anxious. This is not positive for someone who is about to consume a product that is known to increase anxiety even further and to induce extreme paranoia.

To ease the fear of the consumers, make certain to have a clear and detailed plan as to what the workshop will entail, from arrival at the venue, to product use and the interaction with the students. Be clear about what intake method is to be used during the workshop and what products will be offered. This is important, because many consumers are particular about the product and the method of consumption. Encourage consumers to abstain from usage for 12-24 hours prior to the workshop. While the duration of a cannabis high is often 2-3 hours there can be visible signs of impairment up to 24 hours after use. By having the consumers abstain prior to the workshop, it allows for the individual to arrive sober, develop a baseline on behavior, and not to experience any additive effects from a recent dose.

The host should inform the consumers how they will be expected to get to the workshop (a sober ride, transportation by an approved rideshare provider, a hired subcontractor, or even a police vehicle), and how they will get home. Make certain to include expectations for conduct after the training concludes. Are the consumers required to stay home? Are they to stay in a local hotel? Be clear on expectations, and even more clear on what is required. Consider making a syllabus or written outline for the consumers of the above details so that they are aware of their roles and responsibilities are throughout the workshop. A sample Consumer Syllabus is included as Appendix G.

6. Relationship building and lasting impressions

Many consumers who have participated in this type of training indicate they would eagerly participate again. Consumers have stated they found the environment welcoming and they believed their participation helped further their understanding of responsible consumption. They also said the training allowed them to impart a little of their own knowledge on law enforcement and prosecutors alike, which made them feel better understood and valued in the community. Strongly consider having a course evaluation for the consumers. This evaluation should be brief and provide opportunity for the consumers to supply constructive feedback. It is important to be able to have their input on what went well and what can be improved upon for future trainings. Many suggestions are minor adjustments, but it will make a big difference to future students and consumers. A sample Consumer Course Evaluation is included as Appendix H.

7. Recruitment Recap

State and local cannabis laws strongly influence a training structure and organization. These laws determine who is and who is not allowed to be a participating consumer. Familiarity of basic cannabis laws in the state in which the training is to be held is essential to success. The states where cannabis is legal for both recreational and medicinal purposes allow for a greater pool of consumer participants. On the other hand, states where medicinal-only laws exist will be more restricted. Remember, the integrity of the training and of the venue rests with the organizer.

3 The Workshop Itself

A. MEDICAL PERSONNEL

At least one of the instructors for the workshop should be an emergency medical technician. If one is not available, the host should contact local police agencies, fire departments or other medical services providers to ensure someone with medical training is on site in case of an emergency. It is important to know that almost anything can and will happen during the workshop, so having medical personnel on hand is critical. A consumer who appears fine one minute can quickly become ill; a term referred to as “greening out.” It is possible for a regular user who has not smoked in a few months, to arrive dehydrated and have a seizure after consuming. If possible, the host may also want to have an ambulance present in the event there is a medical emergency.

B. PRETESTING

The type of pretesting of consumers at the start of the workshop may vary. It can be as simple as asking them what they have consumed in the past 8 - 24 hours or requiring the consumer to abstain from any use of drugs or alcohol prior to the workshop. A DRE can evaluate the consumers prior to the beginning of the workshop. It is important to know if they have anything already in their system prior to consuming again. If available, consider using a portable breath test to determine if alcohol is present and swabbing the consumer with an oral fluid drug test prior to beginning the workshop.

C. PRODUCT

What product a consumer ingests can vary in form and affect. Cannabis can take the form of flower, concentrates, or edibles with THC concentration levels varying from product to product. There are two main strains of the cannabis plant that all products are derived from – Indica and Sativa. It is important to know the difference between the two strains before dosing a consumer. Sativa is primarily a head high and is marketed to increase alertness, be uplifting and euphoric, and increase energy. Sativa is known as a “giggle” high. Indica on the other hand is a body high and is marketed for relaxation, increased appetite, pain relief and as a sleep aid. Indica is known as a “couch potato” high or known as (Inda-couch).

Whether the consumer brings their own product, or the product is donated or purchased from a dispensary for the workshop, it is important to know exactly what a consumer is taking in. Make sure that all products are kept in the original packaging to facilitate easy determination of the strain, THC concentration levels and serving size from the label.

For reference, the following is a list of possible cannabis products that may be used in the CIDW:

Flower

Flower refers to the smokable part of the cannabis plant. Flower can be consumed by smoking using a pipe or bong, or by rolling it in a joint or blunt. The high from smoking is almost instantaneous and quick, lasting anywhere from 1-3 hours depending on the consumer.

Edibles

Edibles are food and beverage products that have been infused with cannabis. Edibles are digested and thus take longer to get into the system. It can take up to two hours for a person to feel the effects of edibles, however, the high can last between 8-24 hours depending on the user. Be careful with edibles. Do not allow the consumer to take multiple servings of the product, because they are not feeling anything right away.

Concentrates

Trichomes are the most “desirable” compounds found in the cannabis plant. Concentrates refer to any product created by the accumulation of trichomes from the plant. Concentrates can be vaporized or dabbed (heating a nail made of glass, titanium or ceramic and then apply the concentrate directly onto the hot surface, turning it into a vapor for consumption). Shatter, sugar, sauce, crystalline, crumble, and budder are concentrate textures. A concentrate can be consumed many ways from sprinkling it on a bowl of flower or adding it to a joint, to vaporizing using a dab rig or portable vape pen. The high from concentrates is almost instantaneous and quick, lasting anywhere from 1-3 hours depending on the user.

Paraphernalia

There are different ways to consume cannabis and an infinite number of products to assist in consumption. From dab pens to vape cartridges, grinders to blow torches, the possibilities are limitless. Consumers may bring their own paraphernalia to use during the workshop, or the host can provide it. Know the laws in your state regarding the possession of paraphernalia and whether it is illegal and/or whether there is an exception for education and training. If provided by the host, all devices used during the workshop should be kept in a locked container with the product until ready to use and secured upon completion of the dosing.



D. DOSING

Before the dosing begins, decide what each consumer will be ingesting - cannabis, alcohol, or a combination of both. Consider having a sober control subject for the field sobriety testing portion of the training. If a consumer is drinking alcohol, a portable breath test should be administered prior to testing to record level of impairment.

The consumers should dose themselves while an instructor documents how much product is consumed by each individual and at what time. The same is true if any of the consumers will be drinking alcohol and not consuming cannabis. The timing of consumption is critical based on the onset and the duration of the high and at what time the testing will be conducted. If a consumer has chosen to consume edibles, it may take several hours for the person to feel the impairing affects. If the consumer is smoking or vaping, the effects wear off rather quickly (1-3 hours). Because impairment can vary based on the consumers' past use, it is advisable to allow the consumers to dose to their comfort level. At least thirty minutes should be allotted for dosing, more time if transporting the consumers off-site to dose.

E. CIDW CLASSROOM INSTRUCTION

The instruction outline can vary widely depending upon the anticipated audience. Below are three possible variations for the classroom instruction portion for the workshop:

- The investigation track with SFST proficiency as a prerequisite
- The investigation track (no SFST proficiency prerequisite)
- The prosecution track

The investigation tracks are designed for law enforcement officers who will either use the information on the street to conduct hands on assessment of cannabis impaired drivers or work with local policy makers to curb impaired driving. The prosecution track is designed for prosecutors who will not conduct hands on assessments but will prosecute cannabis impairment cases.

The tracks have some shared core topics that are important to anyone involved in the investigation and prosecution of cannabis impaired driving. However, the tracks differ in peripheral material and the time suggested for each topic. Instructors in the tracks may include: DRE instructors, SFST instructors, state Traffic Safety Resource Prosecutors, DWI prosecutors, judges, toxicologists, and any other expert in the given topic area. The blocks of instruction presented below are recommended because they give depth and perspective to the impairment evaluation process that the students will observe and practice during the workshop practical exercises. Any or all blocks can be amended or removed depending on the needs and goals of the host agency. Sample agendas are included in Appendix F.

1. Blocks of Instruction Descriptions

a. Introduction and SFST Review

This block covers the basic administrative details for the course, the course objectives, and a refresher review of the SFSTs. The SFST review should include instruction and practice in the horizontal gaze nystagmus, the walk and turn, and the one leg stand. This will set the class up for success so the students can most effectively evaluate the impaired participants during the course. Additionally, a review of the signs and symptoms of cannabis impairment, which is embedded in the ARIDE curriculum, would be beneficial during the SFST review. Other students, who do not have a background in administering SFSTs, should observe the law enforcement officers as they administer the testing.

Relevant case law is also appropriate in this section. Instructors should reach out to their state Traffic Safety Resource Prosecutor or a local DWI prosecutor for information and case law specific to each state on these topics and invite them to participate.

States should consider implementing a regular frequency of SFST refresher training for law enforcement officers. For example, some states conduct refresher training ever three years when they recertify on the breath test instrument. This should be done to maintain SFST proficiency.

b. Overview of Cannabis

This block of instruction introduces the class to cannabis. It should give an overview of the plant itself, the history of cannabis legalization, its current legal status (in all states and especially in the area where the class is being taught), a segment of basic toxicology and pharmacology, and state and local impaired driving statistics. Topics for discussion may include an explanation and description of the differences between Delta-9 THC and Carboxy

THC both in terms of impairment manifestation and corresponding lab results. The takeaway point should be that lab reports of THC concentration do not mirror impairment like alcohol does. This foundational block lays the foundation for understanding the issues discussed in the rest of the class.

c. Cannabis Trends

This block of instruction orients students to the different forms, usage trends, and the likely resulting impairment manifestation from each form and method of intake. It is important that attendees understand, in terms of impairment, not all cannabis is equal. The form of cannabis used, the route of administration, and dosage amount are significant factors in when and how much impairment is likely to be observed by investigators. The concept may best be explained by presenting an overview of each form of cannabis and include the typical route of administration, onset, and duration of impairment. Additionally, investigators should be given an opportunity to view an example of what each form looks like and the paraphernalia that is used to consume each form. Below are important points to consider for each form:

- **Flower**
 - Discuss modern THC content in cannabis flower.
 - Explain the difference between cannabis and hemp
- **Edibles**
 - Dosage is often small; easy to overdose especially in naive users
 - Long onset, long duration
 - Can be more intoxicating than flower and concentrate due to the creation of 11-OH-THC
 - Easily concealed
- **Concentrate**
 - High potency
 - Dangerousness in preparation techniques
- **Vaping**
 - Common trend
 - Especially popular among the younger generation
 - Easily concealable because there are many legal devices and no odor
 - Concentrates can be vaped
- **Culture**
 - Understanding culture, street names, etc., assists investigators at the scene.

d. Impairment- Vehicle in Motion and Personal Contact

This block of instruction reminds investigators that the underlying crime they are investigating is operating a motor vehicle

while *impaired* and not operating with a prohibited level of THC. In most states, the source of the impairment is evidence but not an element of the crime. Therefore, to prove the crime it is the investigator's obligation to gather as much evidence of impairment as possible.

Two areas of impairment observation that are ripe with evidence, and often overlooked by investigators in impaired driving cases, are the "Vehicle in Motion" and "Personal Contact" phases as defined by NHTSA's SFST curriculum. As the goal is to prove these cases in court, it is important to remember the jurors' perspectives. They can place a lot of weight on the actions of the vehicle that led to the stop and the subsequent observations of the driver during the investigation. As with other sections, instructors are encouraged to reach out to their state Traffic Safety Resource Prosecutor for information and case law specific to each state on these topics.

i. Vehicle in Motion

Not every impaired driving case has significant pieces of evidence found in the "Vehicle in Motion" phase. The car may already be on the side of the road for a mechanical reason, the stop may be for an insignificant mechanical issue, or the driver may be passed out in the car while legally parked, etc. However, officers will frequently encounter times when the facts and circumstances regarding the operation of the vehicle indeed produce evidence of impairment. In these situations, it is important to thoroughly document these actions, so all the evidence of impairment is captured and ultimately conveyed to the jury.

ii. Personal Contact

This investigative phase is the greatest opportunity to gather evidence of impairment in the entire investigation. Law enforcement officers should talk with the suspect driver as much as the circumstances allow. While doing so they should observe any indicators of impairment that are easily detectable within plain sight, hearing, and smell. There are at least three categories of information that the investigator should inquire about: (1) medical screening; (2) consumption history; and (3) activity history of the past several hours.

e. Field Sobriety Testing for Cannabis

This section reviews the studies on the effectiveness of using the SFST tests to detect cannabis impairment. One study of importance to SFST use for cannabis impairment detection is the "302" study which examined 302 DRE Cannabis only evaluations and tried to determine the most reliable metrics for evaluating cannabis impairment. *Drug Recognition Expert Examination Characteristics of Cannabis Impairment*. Accident Analysis & Prevention. Vol. 92, July 2016, Pages 219-229. (302 Cannabis only cases DRE evaluated and toxicologically confirmed).

The following are additional relevant studies on field sobriety testing for cannabis that instructors can utilize for this section:

Amy J. Porath-Waller, Ph.D., and Douglas J. Beirness, Ph.D., *An Examination of the Validity of the Standardized Field Sobriety Test (SFST) in Detecting Drug Impairment.* Canadian Centre on Substance Abuse.

Luke A. Downey, et. al., *Detecting Impairment Associated with Cannabis With and Without Alcohol on the Standardized Field Sobriety Tests.* *Psychopharmacology* 224: 581-589 (2012).

K. Papafotiou, J.D. Carter, C. Stough, *An Evaluation of the Sensitivity of the Standardized Field Sobriety Tests (SFSTs) to Detect Impairment Due to Marijuana Intoxication.* *Psychopharmacology* 180: 107-114 (2005).

Kari Declues, M.S.; Shelli Perez, M.S.; and Ariana Figueroa, A *2-Year Study of Delta 9-tetrahydrocannabinol Concentrations in Drivers: Examining Driving and Field Sobriety Test Performance.* *M.S. J Forensic Sci*, doi: 10.1111/1556-4029.13168 (2016).

U.S. Department of Transportation, Transportation Safety Institute, National Highway Traffic Safety Administration, *Drug Evaluation and Classification Training Program the Drug Recognition Expert School Manual*, HS172 R01/11 (January 2018 Ed.).

f. Testing of Consumers

This section is the practical exercise of testing the consumers using the SFST battery. Modeled after an alcohol workshop (or wet lab), attendees can practice utilizing impairment detection skills on controlled dosed volunteers as discussed above.

g. Dispensary Viewing

In areas where it is possible, consider an in-person or virtual dispensary viewing.

2. Post Workshop Question and Answer Session

Once every student group has finished administering the field sobriety tests on each consumer, the students will take a seat in the classroom while the consumers sit in the front of the room facing the students. An instructor led question and answer session between the students and the consumers should take approximately 30 to 45 minutes. An instructor will ask someone from the student group to identify whether a consumer was impaired and whether they would make an arrest. After each student group has told the instructor what they determined, the instructor will disclose what type and how much of product each consumer ingested. It is a good practice to have each consumer tell the students how they feel, usage history, and whether they feel safe to drive a car.

3. Wrap up and Release

Once the training is complete, get feedback from the consumers about what worked and what did not for future trainings. Ask about the recruitment process, the pre-workshop protocol information, dosing process, the field sobriety testing and question



and answer session. This will give you valuable information so that you can tailor the workshop accordingly in the future. Also, know what state law requires regarding releasing the consumers. If an instructor is driving the consumer home, they want to ensure that there is a sober adult prepared to watch them for the next 8-24 hours. If a sober driver is picking the consumer up from the workshop, an instructor should evaluate that driver to make sure they are sober before releasing the consumer to them. Finally, as with any course, it is important to obtain feedback from the students. A sample Student Course Evaluation is included in Appendix I.

4 Conclusion

Cannabis Impairment Detection Workshops are a valuable tool for educating stakeholders, especially law enforcement officers, about cannabis impaired driving.

With the increased availability of cannabis in the country, it will be programs such as CIDWs that will help curb the associated dangers. When conducted properly, not only will law enforcement gain valuable skills for enforcing DUI laws, but communities will come together to better understand each other and ultimately save lives.



APPENDICES

APPENDIX A

Cannabis Impairment Detection Workshop

Consumer Consent and Release

Cannabis Impairment Detection Workshop

Statement of Informed Consent and Release of Liability

I, _____, hereby agree to participate in the Cannabis Impairment Detection Workshop conducted on ____/____/____ by **(ENTITY NAME)**.

I understand that I will consume cannabis, and that I may become impaired or intoxicated. I specifically agree that my participation as a volunteer consumer in this program makes it imperative that I refrain from driving for at least _____ hours following completion of the education program and the demonstration. I acknowledge that I may refuse to consume any or all the product offered to me during this workshop.

I understand that, prior to participating in the program, I may be required to submit to an oral fluid test to determine potential intoxication prior to consumption of the cannabis provided to me for the workshop. I also understand that I will be required to submit to psychophysical examinations and other non-intrusive clinical tests to access the extent of my impairment.

I represent that I am in good physical health and that I am not struggling with an addiction to cannabis. I attest that I am not under the influence of alcohol or any other drug currently. I attest that I have not consumed any drug, medication, or other substance that would make my ingestion of cannabis at this time inadvisable. I affirm that there exists no condition that should preclude my participation in this cannabis workshop as a volunteer consumer.

I have been informed of the purpose of this workshop, namely, to demonstrate the effects of cannabis on various individuals. I understand that, as a participant in a cannabis education program, I will be requested to perform several field sobriety exercises as laid out by the International Association Chiefs of Police Drug Evaluation and Classification Program.

I agree to participate in this program as described and to release **(ENTITY NAME)** and the individual officers or others who direct or otherwise participate in this program from any liability for injuries which may occur to me as a result of my participation in the above described workshop.

Participant Signature

Date



APPENDIX B
Subcontractor Agreement

Cannabis Impairment Detection Workshop

Training Agreement

I. The Parties. This Training Agreement (“Agreement”) made on this _____ day of _____ month, _____ year, is between **Contractor Name** with a mailing address of **Contractor Address** (“Contractor”) and **Subcontractor Name** with a mailing address of **Subcontractor Address** (“Subcontractor”) both of whom agree as follows:

II. Services Provided. For a period of _____, from **Date** thru **Date**, during any and all Cannabis Impairment Detection Workshop hosted by **LOCAL POLICE AGENCY**. At **Location Address**, Subcontractor agrees to provide the Contractor, with an impairment training designed for law enforcement officers and/or prosecutors to practice or observe impairment detection skills on volunteers dosed with known amounts of cannabis.

III. Subcontractor Responsibilities for Training. Subcontractor shall be responsible for providing the following when performing their Services:

1. Medical Monitoring

- a. Conduct medical prescreen, COVID prescreen prior to training dates.
- b. Training day medical screening including baseline, vitals, pupil assessment and COVID screening.
- c. Medical monitoring during cannabis consumption by EMT/Paramedic.
- d. Medical monitoring during SFST exercises.

2. Consumers

- a. Provide three to five volunteers per training based on the size of the class.
- b. Recruit and process each consumer, including signing of waivers, medical and consent forms, of all consumers.
- c. Arrange for all volunteer transportation to and from the training.

3. Insurance – Carry insurance to cover the training, including personal injury and general liability coverage.

4. Education – Provide a medical staff /instructor to present a 30-60 minute lecture on *Cannabis Effects on the Body*.

5. Training Completion Certificates will be issued at the end of each training.

6. Performance Evaluations – An evaluation survey will be sent to all attendees within five business days from the date in which the training was held.

7. Materials and Product

- a. Provide all cannabis for each training.
- b. Provide food and beverages to all volunteers throughout the course of the training.

8. Equipment – Provide all necessary equipment to successfully hold an impairment training including, but not limited to, trailer for cannabis use, intoxilyzer, medical assessment equipment, smoking/vaping accessories, or devices.

The Subcontractor shall not be responsible for any aforementioned items that are not listed unless otherwise stated in this Agreement.



IV. Contractor Responsibilities for trainings. The Contractor shall be responsible for providing the following:

1. **Training and Education** – Provide all lectures regarding cannabis laws and investigation. Provide lectures on Standardized Field Sobriety Tests (SFST)
2. **Registration List/Training Roster** – Provide the Subcontractor with a registration list/training roster, including email addresses, five business days prior to any impairment training held.

The Contractor shall not be responsible for any aforementioned items that are not listed unless otherwise stated in this Agreement.

V. Location. The primary location for the Services completed by the Subcontractor shall be determined at a later time by the Contractor (“Location”).

VI. Commencement Date. The Subcontractor shall be permitted to begin the Services on **Date** (“Commencement Date”).

VII. Completion. The Subcontractor will be required, unless otherwise stated under the terms of this Agreement, to complete the Services on **Date**.

VIII. Use of Logo. The Contractor will jointly use the Subcontractor by name and image in any and all media coverage, advertising, class agendas or publications.

IX. Payment Amount. Payment for the Services shall be as follows:

1. **Subcontractor** shall receive **\$Amount** for each 4-hour impaired training delivered (“Payment”) exclusive of reimbursement for travel, tolls and parking.
2. The Subcontractor shall receive \$0.50 per each mile traveled to and from the off-site location. The Subcontractor will provide proof of mileage within five business days of services provided. A printout of an online map mileage calculator will suffice as proof of mileage traveled.

X. Payment Timeframe. Payment in full shall be made by the Contractor to Subcontractor within 30 business days upon completion of the Services. Subcontractor reserves the right to refuse further Services if there is a delay in payment by the Contractor.

IN WITNESS WHEREOF, the parties have indicated their acceptance of the terms of this agreement by their signatures below on the specified date.

Contractor Signature _____ **Date** _____

Print Name _____

Company Name _____

Subcontractor Signature _____ **Date** _____

Print Name _____

Company Name _____

APPENDIX C

Cannabis Impairment Detection Workshop Announcement

Cannabis Impairment Detection Workshop

Within the next few weeks **(INSERT ENTITY NAME)** is offering a unique training opportunity. With the legalization of medicinal cannabis, the licensing of cannabis dispensaries, and the anticipated legalization of recreational cannabis it is necessary to train police officers to better recognize cannabis impairment as it relates to impaired driving. It is equally important to provide additional information to prosecutors so that they are adequately prepared to go forward with these occasionally complex DUID cases. Since cannabis impairment is dependent upon the user, and is not as predictable as alcohol impairment, officers and prosecutors need to have a grasp of the levels of impairment, the general indicators of impairment by THC, and understand the effects this impairment has on the operation of a motor vehicle.

On **(DATE)**, from **(TIME)** **(ENTITY NAME)** will be conducting a Cannabis Impairment Detection Workshop held at the **(LOCATION)**. This training venue will offer approximately **(DURATION)** of classroom instruction on cannabis intoxication, methods of ingestion, an overview of the rules and regulations of **(STATE)** and offer a display of various cannabis products currently on the street. The training will additionally introduce enhanced field sobriety tests that will assist officers working roadside in identifying potential cannabis impairment, as well as instruction on what the general indicators for cannabis intoxication are as they relate to operators of motor vehicles. There will be an additional two hours of instruction that will consist of the attendees observing the administration (by a certified DRE) of the field sobriety tests on cannabis impaired subjects. During the laboratory portion students will be afforded the opportunity to look for the taught general indicators on those subjects who will be consuming. Consumers will be dosed with cannabis products and may display various levels of impairment throughout the workshop.

APPENDIX D

Cannabis Impairment Detection Workshop

Consumer Questionnaire for use Prior to Dosing

Cannabis Impairment Detection Workshop

Consumer Questionnaire

DATE OF WORKSHOP: _____

NAME: _____ DOB: _____

HEIGHT: _____ WEIGHT: _____

EMERGENCY CONTACT PERSON: _____

RELATIONSHIP: _____ PHONE NUMBER: _____

HOME ADDRESS: _____

CELL PHONE: _____

LIST ALL MEDICATIONS CURRENTLY TAKING: _____

HAVE YOU EVER BEEN ON PROBATION FOR A DRUG RELATED OFFENSE? (PLEASE CIRCLE):

YES

NO

ARE YOU CURRENTLY ON PROBATION:

YES

NO

MEDICAL CONDITIONS:

HOW OFTEN DO YOU CONSUME CANNABIS?

HOW MUCH CANNABIS DO YOU USUALLY CONSUME?

WHAT INGESTION METHOD DO YOU MOST COMMONLY USE?

WHEN DID YOU LAST CONSUME CANNABIS?

HOW MUCH DID YOU CONSUME?

PREFERENCE (please circle):

Indica

Sativa

Hybrid

DO YOU FEEL SOBER AT THIS TIME?

YES

NO



APPENDIX E

Cannabis Impairment Detection Workshop

Photo Release Consent Form

Cannabis Impairment Detection Workshop

Photo Release Consent

I, _____, hereby give **(INSERT ENTITY NAME)** the absolute and irrevocable rights to use my photos and images on the Internet (World Wide Web), in print publications, video and multimedia presentations, and/or for any purpose which may include, but not limited to display, public relations, marketing, or designs.

I hereby waive the right to inspect or approve the images prior to any form of usage. I understand that the images may be modified to be used as design elements.

This agreement is a permanent licensing agreement that allows **(INSERT ENTITY NAME)** to use any images of me for any publishing purposes in the promotion of “**The Cannabis Impairment Detection Workshop.**” I will not hold **(INSERT ENTITY NAME)** responsible for any use or misuse of my images. I agree to hold harmless, **(INSERT ENTITY NAME)** from any and all actions, claims, and demands arising out of or in connection with the use of all or any part of the photographs (including computer images or reproductions of any kind), including any editorial or comment which may accompany the images in their displayed format. I will not hold **(INSERT ENTITY NAME)** liable for any errors, negligence, or gross negligence, in the editing or displaying of said images.

I certify, by signing below, that I am of legal age to consume cannabis, 21 years of age or older. I have read this agreement and fully understand the contents herein.

Individual’s Name (PRINT): _____

Individual’s Signature: _____

Individual’s Address: _____

City: _____ State: _____ Zip: _____

Date of Birth: _____ Date this agreement signed: _____

Witness Name (PRINT): _____

Signature: _____

Date Witnessed: _____

APPENDIX F

Cannabis Impairment Detection Workshop

Sample agendas

Cannabis Impairment Detection Workshop

Sample Agenda for Investigation Track (No SFST prerequisite): 12-16 hours

1. **Introduction and SFST Review** (2 hours)
2. **Overview of Cannabis** (1.5 hours)
 - a. Flower
 - b. Edibles
 - c. Dabs
 - d. Vaping
 - e. Culture
3. **Cannabis Trends** (2.5 hours)
4. **Vehicle in Motion and Personal Contact** (1.5 hours)
 - a. Discussion on Impairment
5. **Overview** - Field Sobriety Testing for Cannabis (1.5 hours)
6. **Exercise** - Field Sobriety Testing for Cannabis with in class review (3 hours)
7. **Dispensary Viewing** (4 hours)

Cannabis Impairment Detection Workshop

Sample Agenda for Investigation Track (SFST prerequisite):	10-14 hours
1. Overview of Cannabis	(1.5 hours)
a. What is Cannabis	
b. Legality	
c. Legal History	
d. Basic Toxicology	
2. Cannabis Trends	(2.5 hours)
a. Flower	
b. Edibles	
c. Dabs	
d. Vaping	
e. Culture	
3. Vehicle in Motion and Personal Contact	(1.5 hours)
a. Discussion on Impairment	
4. Overview - Field Sobriety Testing for Cannabis	(1.5 hours)
5. Exercise - Field Sobriety Testing for Cannabis with in class review	(3 hours)
6. Dispensary Viewing	(4 hours)

Cannabis Impairment Detection Workshop

Sample Agenda for Prosecution Track (SFST prerequisite):	8-12 hours
1. Overview of Cannabis	(1.5 hours)
a. What is Cannabis	
b. Current Legality	
c. Legal History	
d. Basic Toxicology	
2. Cannabis Trends	(2.5 hours)
a. Flower	
b. Edibles	
c. Dabs	
d. Vaping	
e. Culture	
4. Vehicle in Motion and Personal Contact	(1.5 hours)
a. Discussion on Impairment	
5. Overview - Field Sobriety Testing for Cannabis	(1.5 hours)
6. Exercise - Field Sobriety Testing for Cannabis with in-class review	(1 hour)
7. Dispensary Viewing	(4 hours)

APPENDIX G

Cannabis Impairment Detection Workshop

Consumer Course Syllabus

Cannabis Impairment Detection Workshop

Consumer Syllabus

1600-1710 hours	<p><i>Arrival/paperwork</i></p> <ul style="list-style-type: none"> -consent form & patient questionnaire -product check -oral fluid test -certified patient confirmation -driving simulator (round #1)
1710-1730 hours	<p><i>Dose #1</i></p> <ul style="list-style-type: none"> -paperwork with dosing information -ingestion method notations
1730-1815 hours	<i>Cannabis Lab Part I -consumer testing</i>
1815-1900 hours	<i>Dinner</i>
1900-1920 hours	<p><i>Dose #2</i></p> <ul style="list-style-type: none"> -paperwork with dosing information -ingestion method notations
1920-2010 hours	<p><i>Cannabis Lab Part II-consumer testing</i></p> <ul style="list-style-type: none"> -oral fluid testing
2010-2100 hours	<p><i>Wrap up/debrief</i></p> <ul style="list-style-type: none"> -driving simulator (round #2) -critique
2100 hours	<i>Transport consumers home</i>

APPENDIX H

Cannabis Impairment Detection Workshop

Consumer Course Evaluation



Cannabis Impairment Detection Workshop

Consumer Course Evaluation

PLEASE RATE ON A SCALE OF 1-5 (1 BEING STRONGLY DISAGREE AND 5 BEING STRONGLY AGREE):

1. Do you feel that you have a better understanding of what police look for regarding impaired driving after participating in the cannabis intoxication impaired driving lab?

1 2 3 4 5

2. Do you feel as though through your involvement of the lab that the police have a better understanding of cannabis use and how it may or may not impair?

1 2 3 4 5

3. Do you feel that the lab was a good length of time?

1 2 3 4 5

4. What was the best part of the cannabis intoxication impaired driving lab?

5. What is one thing you would suggest doing differently?

6. Do you think that there is something that could be incorporated that would make the training better? What?

NAME (OPTIONAL): _____

APPENDIX I

Cannabis Impairment Detection Workshop

Student course Evaluation



Cannabis Impairment Detection Workshop

Student Course Evaluation

Date of Lab: _____

Rate your knowledge of cannabis prior to this training **1** **2** **3** **4** **5**

Rate your knowledge of cannabis after completing this training **1** **2** **3** **4** **5**

Did you learn something that will help you do your job better on the roadway? **Yes** / **No**

Will what you learned help you more confidently handle drug impaired driving stops/arrests? **Yes** / **No**

What was the most useful information presented in your opinion?

What would you like to see added to this course for future classes?

Who would you suggest takes this course in the future?

Patrol DCAT Specialized Unit Other (Explain): _____

Additional comments
