



Oregon

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Forensic Services Division

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Marijuana Analysis

The Oregon State Police Forensic Services Division (OSP FSD) has traditionally examined plant material and reported out the identification of "Marijuana" based on the nationally accepted method of using a combination of chemical and morphological characteristics without the evaluation of THC content in the plant material. Section 7606 of the 2014 Farm Bill (Agricultural Act of 2014) defined a pilot program for hemp cultivation with a definition of hemp as "Cannabis sativa L. with a delta-9-THC content of no more than 0.3% by weight." The State of Oregon has defined Industrial Hemp slightly differently in ORS 571.300(5)(a) as "all non-seed parts and varieties of the cannabis plant, whether growing or not, that contain an average tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry weight basis". Thus the plant Cannabis sativa L. can be defined as either Marijuana or Hemp based on THC concentration. The Federal Agriculture Improvement Act of 2018 (signed into law 12/20/18) went further with this and removed hemp from the Controlled Substances Act, thus allowing for interstate commerce and triggering a proliferation of industrial hemp growers.

The OSP FSD does not currently have a method to quantitate THC. Because of the actions stated above, we are temporarily ceasing identification of marijuana and other THC containing products while we develop a validated THC quantitation procedure.

Effective July 9, 2019, the OSP FSD will no longer accept new submissions of material for the determination of Marijuana, Cannabinoid concentrate, Cannabinoid extract, or Cannabinoid product as under current procedures they are indistinguishable from Hemp, Hemp concentrate, Hemp extract, or Hemp product without knowing THC concentration of the source plant.

Any evidence currently in the Laboratory's possession that has not had analysis started will be returned to your agency. If analysis is currently in progress, it will be completed and analytical reports will be issued indicating the presence of delta-9-tetrahydrocannabinol (if detected) and will contain a footnote disclaimer stating that the FSD does not currently quantitate THC levels. This result does not indicate that marijuana (or associated cannabinoid concentrate/extract/or product) was identified and Forensic Scientists will not be able to provide testimony to that fact. Likewise, Forensic Scientists testifying to analytical reports previously issued with "marijuana, cannabinoid concentrate, cannabinoid extract, or cannabinoid product" findings will only be able to provide testimony to the analytical methods used and their specificity and will not be able to testify to the finding of marijuana or the product of marijuana.

Once OSP FSD has completed the validation of a THC quantitation method, our customers will be notified that evidence submission can commence.

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