



COMMONWEALTH of VIRGINIA

DEPARTMENT OF FORENSIC SCIENCE

OFFICE OF THE DIRECTOR
A Nationally Accredited Laboratory

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NOTICE OF DFS POLICY CHANGE

To: All Agencies Served by Department of Forensic Science (DFS) Laboratories

From: Linda C. Jackson, Director

A blue ink signature of Linda C. Jackson.

Date: January 24, 2020

RE: Implementation of Semi-Quantitative Method for *Cannabis sativa* Plant Material and Rescission of DFS Policy Requiring Court Order for Analysis in Simple Possession of Marijuana Cases

In a Notice dated May 23, 2019, the Department discussed its efforts to develop, validate and implement a semi-quantitative method for *Cannabis sativa* plant material. DFS is pleased to announce that this new method, referred to as the "semi-quantitative GC-MS method," has been validated and implemented at all four of its laboratories.

This new method will be applied to all suspected *Cannabis sativa* plant material samples. It determines whether plant material samples contain greater than 2% THC¹ by weight, and therefore, exceed the 0.3% THC statutory threshold that distinguishes industrial hemp from marijuana. If the plant material is found to have a THC concentration above the 2% administrative threshold, DFS will report that the plant material is marijuana. If the THC concentration is found to be below the 2% administrative threshold, DFS will indicate that the result is inconclusive as to *Cannabis* type and that the sample would require quantitation to determine the exact concentration of THC.

For the vast majority of cases submitted to DFS, quantitation is unnecessary as the semi-quantitative analysis provides the required information for the parties: whether the *Cannabis sativa* plant material is industrial hemp or marijuana. The full quantitative method, which will determine the concentration of delta-9-THC and delta-9-THC acid, will be time consuming and cost-intensive for DFS. DFS is working to validate the full quantitative method so it can be utilized, should either party require a complete quantitative analysis in a criminal case.

As was indicated in the May 2019 Policy Notice, DFS continues its work to validate the semi-quantitative method for the various edibles and non-oily extracts submitted for analysis. The Department will advise its stakeholders when this validation is complete and when the full quantitative method is available.

Effective immediately, DFS is rescinding its Policy Notice, dated October 22, 2014, which required a court order for analysis before plant material could be submitted to DFS in simple possession cases. **Suspected *Cannabis sativa* plant material will now be accepted in simple possession cases without a court order.**

*Superseded by policy dated June 23, 2020

¹ The semi-quantitative GC-MS method evaluates the total tetrahydrocannabinol (THC) concentration by first converting delta-9-THC acid, if present, to delta-9-THC. The resulting delta-9-THC concentration is measured and compared to the administrative threshold.

The Department's revised Controlled Substances Procedures Manual is available on the DFS website:
<https://www.dfs.virginia.gov/wp-content/uploads/2020/01/221-D100-Controlled-Substances-Procedures-Manual.pdf>.

For questions, please contact the Controlled Substances Section Supervisor at the DFS Laboratory that provides service to your agency:

- Central (Richmond) – John Przybylski – 804.588.4154
- Eastern (Norfolk) – Brian Meinweiser – 757.355.5958
- Northern (Manassas) – Jeana Rodenas – 703.334.9736
- Western (Roanoke) – Chris Bryant – 540.283.5927