




COMMONWEALTH of VIRGINIA

DEPARTMENT OF FORENSIC SCIENCE

OFFICE OF THE DIRECTOR
A Nationally Accredited Laboratory

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NOTICE OF DFS POLICY NOTICE

TO: All Agencies Served by DFS
FROM: Linda C. Jackson, Department Director 
DATE: August 19, 2021
RE: Implementation of Quantitative Method for THC and Updated Submission Policy for *Cannabis sativa* Plant Material

The Department of Forensic Science (DFS) is pleased to announce that a new quantitative method for *Cannabis sativa* (marijuana/industrial hemp) plant material has been validated and implemented in its laboratories. This method will be used on *Cannabis sativa* plant material when it is necessary to determine the exact concentration of delta-9-tetrahydrocannabinol (THC).

This quantitative method will be used in conjunction with the semi-quantitative method, addressed in the Notice dated January 24, 2020. The semi-quantitative method measures the THC concentration against a 1% threshold, which exceeds the 0.3% THC statutory threshold that distinguishes industrial hemp from marijuana. DFS will indicate the plant material is marijuana if found to be greater than 1% THC. The plant material type will be reported as "inconclusive" if testing reveals it to contain less than the 1% threshold. For the vast majority of cases submitted to DFS, full quantitation will not be necessary as the semi-quantitative analysis provides the necessary information.

The full quantitative method will only be utilized for inconclusive *Cannabis* plant material when either party requires a complete quantitative analysis in a criminal case. When required, the percent THC will be reported to help determine whether the *Cannabis sativa* plant material is industrial hemp or marijuana.

DFS remains unable to distinguish whether any cannabinoids identified in edibles, seeds, or residues are hemp-derived or marijuana-derived due to low THC concentration, insufficient sample quantity, or complex sample matrix.

The table below summarizes current submission guidelines for marijuana evidence, based on the marijuana legislation that went into effect on July 1, 2021, and is applicable to evidence submitted alone or with other suspected controlled substances:

	Evidence Accepted	Evidence Accepted with Limitations	Evidence Not Accepted
Possession of marijuana and marijuana products (§ 4.1-1100, § 4.1-1105.1)	Quantities over 1 pound OR Any felony offense	Contested civil offenses (greater than 1 ounce but less than 1 pound) submitted by law enforcement	Quantities under 1 ounce OR Uncontested civil offenses
Possession with Intent/Distribution (§ 18.2-248.1)	Quantities over 1 ounce	Quantities under 1 ounce require a request from a Commonwealth's Attorney (CA)	Quantities under 1 ounce without CA request

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

Laboratory	Section Contact	Phone Number
Central (Richmond)	John Przybylski	(804) 588-4154
Eastern (Norfolk)	Brian Meinweiser	(757) 355-5958
Northern (Manassas)	Jeana Rodenas	(703) 334-9736
Western (Roanoke)	Rebecca Hutchison	(540) 283-5930