



# Nebraska State Patrol

## Crime Laboratory

### THC and Marijuana Testing Policy Information



Beginning January 1, 2020, the NSPCL will provide plant material testing for delta-9 THC levels using a 1% THC Decision Limit Methodology. **This method is only validated for use on plant material samples.**

The testing will be available for criminal cases at the misdemeanor level and above. Due to resource allocation, no testing will be provided for infraction level plant material cases.

This testing service is being added due to changes in Nebraska statute which dictate that the delta-9 THC level in a cannabis sativa plant must be above .3% for the plant to be categorized as marijuana. The 1% THC Decision Limit methodology will test the delta-9 THC level to ensure that no hemp plant material is misclassified as marijuana.

The procedure for this determination takes approximately 2 to 3 times longer than the previous testing method for plant material identification alone. Based on demand for this service and the resulting impact on caseload and turnaround times, the case acceptance criteria will be reevaluated periodically and may be adjusted in an attempt to ensure that acceptable testing services can be maintained for all types of controlled substance cases currently accepted at the laboratory.

Notification will be made if the acceptance criteria is changed. If demand for analyses is too great it may be necessary to limit testing to felony level samples only.

To better assist the NSPCL Controlled Substance Section in providing the timeliest testing possible for all sample types, we are requiring that our submitting agencies adhere to the following:

- **Do not submit plant material cases that are charged at an infraction level**
  - Clearly indicate charge on the NSP 750 (submittal form)
- **Because this testing methodology is only validated for plant material, do not submit oils, waxes and edible products for THC level testing.**
  - If identification of only the presence of THC is needed, contact the laboratory prior to submission.

#### **Please Note:**

- Infraction level plant material cases currently at the laboratory or received going forward will be returned without testing.
- Oils, waxes, and edibles suspected to contain CBD or THC and currently at the laboratory will be returned without testing. You may contact the lab to discuss resubmission for THC presence only testing.
- Delta-8 THC, and other isomers of THC, do not impact the legality of the substances

We appreciate your cooperation in not submitting items that do not meet the testing criteria and look forward to continuing to work with you for your testing needs.