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The Legalization of Marijuana in Colorado

The Impact

A Preliminary Report

Rocky Mountain HIDTA

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Executive Summary

Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA) will attempt to track the impact of marijuana legalization in the state of Colorado. This report will utilize, whenever possible, a comparison of three different eras in Colorado's legalization history:

- 2006 – 2008: Early medical marijuana era
- 2009 – 2012: Medical marijuana expansion era
- 2012 – Present: Medical marijuana expansion and recreational use era

Rocky Mountain HIDTA will try to collect comparative data in a variety of areas, including but not limited to:

- Traffic fatalities
- Youth marijuana use
- Adult marijuana use
- Emergency room admissions
- Marijuana-related exposure cases
- Diversion of Colorado marijuana outside the state

There are other areas that require more extensive data collection and in-depth research such as: tax revenue vs. cost, tourism, and impact on business. Rocky Mountain HIDTA will reach out to experts to determine if there is an interest in conducting long-term studies in those fields.

This is the first report and foundational for future reports. It is divided into six sections with each providing data on the impact of legalization prior to and during the creation of the medical marijuana industry in Colorado. Generally, except for diversion of Colorado marijuana, there is limited data for 2012 and 2013. The sections are as follows:

Colorado Driving Fatalities: From 2006 to 2011, traffic fatalities decreased in Colorado 16 percent, but fatalities involving drivers testing positive for marijuana increased 114 percent.

Colorado Youth Marijuana Use: In 2011, the national average for youth 12 to 17 years old considered "current" marijuana users was 7.64 percent which was the highest average since 1981. The Colorado average percent was 10.72.

Colorado Adult Marijuana Use: In 2011, the national average for young adults ages 18 to 25 considered current marijuana users was at 18.7 percent. The Colorado average was 27.26 percent.

Colorado Emergency Room – Marijuana Admissions: From 2005 through 2008 there was an average of 741 visits per year to the emergency room in Colorado for marijuana-related incidents involving youth. That number increased to 800 visits per year between 2009 and 2011.

Colorado Marijuana-Related Exposure Cases: From 2005 through 2008, the yearly average number of marijuana-related exposures for children ages 0 to 5 years was 4. For 2009 through 2012, that number increased 200 percent to an average of 12 per year.

Diversion of Colorado Marijuana (General): From 2005 to 2008, compared to 2009 to 2012, interdiction seizures involving Colorado marijuana quadrupled from an average per year of 52 to 242. During the same period, the average number of pounds of Colorado marijuana seized per year increased 77 percent from an average of 2,220 to 3,937 pounds. A total of 7,008 pounds was seized in 2012.

Diversion of Colorado Marijuana (Postal Packages): In 2010, the U.S. Postal Inspection Service seized 15 packages with Colorado marijuana destined for other states. Seizures steadily increased through 2012 when 158 parcels were seized. From 2010 to 2012 Colorado marijuana seized by the U.S. Postal Inspection Service increased from 57 to 262 pounds.

There is much more data in each of the sections, which can be used as a standalone document. Each of the sections is on the Rocky Mountain HIDTA website and can be printed individually. Go to www.rmhidta.org.

Introduction

Purpose

The purpose of this report and future reports is to document the impact of the legalization of marijuana for medical and recreational use in Colorado. Colorado and Washington serve as experimental labs for the nation to determine the impact of legalizing marijuana. This is an important opportunity to gather and examine data and facts on this issue. Citizens and policymakers may want to delay any decisions on this important issue until there is sufficient and accurate data to make an informed decision.

The Debate

There is an ongoing debate in this country concerning the impact of legalizing marijuana. Those in favor argue that the benefits of removing prohibition far outweigh the potential negative consequences. Some of the benefits they cite include:

- Eliminate arrests for possession and sale, resulting in fewer citizens with criminal records and a reduction in the prison population.
- Free up law enforcement resources to target more serious and violent criminals.
- Reduce traffic fatalities since users will switch from alcohol to marijuana, which doesn't impair driving to the same degree.
- No increase in use, even among youth, because of tight regulations.
- Added revenue generated through taxation.
- Reduce profits for the drug cartels trafficking marijuana.

Those opposed to legalizing marijuana argue that the potential benefits of lifting prohibition pale in comparison to the adverse consequences. Some of the consequences they cite include:

- Increase in marijuana use among youth and young adults.
- Increase in marijuana-impaired driving fatalities.
- Rise in number of marijuana-addicted users in treatment.
- Diversion of marijuana for unintended purposes.

- Adverse impact and cost of the physical and mental health damage caused by marijuana use.
- The economic cost to society will far outweigh any potential revenue generated.

Background

The next two to four years should help determine which side is most accurate. Recently a number of states have enacted varying degrees of legalized marijuana by permitting medical marijuana. In 2010, Colorado's legislature passed legislation that included the licensing of medical marijuana centers ("dispensaries"), cultivation operations and manufacturing of marijuana edibles for medical purposes. In November of 2012, Colorado voters legalized recreational marijuana allowing individuals to use and possess an ounce of marijuana and grow up to six plants. The amendment also permits licensing marijuana retail stores, cultivation operations, marijuana edible factories and testing facilities. Washington voters passed a similar measure in 2012.

Colorado's History with Marijuana Legalization

Early Medical Marijuana 2000 – 2008:

In November 2000, Colorado voters passed Amendment 20 which permitted a qualifying patient and/or caregiver of a patient to possess up to 2 ounces of marijuana and grow six marijuana plants for medical purposes. Amendment 20 provided for identification cards for those individuals with a doctor's recommendation to use marijuana for a debilitating medical condition. The system was managed by the Colorado Department of Public Health and Environment (CDPHE), which issued cards to patients based on a doctor's recommendation. The department began accepting applications from patients in June 2001.

From 2001 to 2008, there were only 5,993 patient applications received and only 55 percent of those designated a primary caregiver. During that time, the average was three patients per caregiver and there were no known retail stores selling medical marijuana ("dispensaries"). Dispensaries were not an issue because CDPHE regulations limited a caregiver to no more than five patients.

NOTE: For the purposes of data comparison, this report will use the years 2006 – 2008 as the "Early Medical Marijuana Era" when compared to the "Medical Marijuana Expansion Era" of 2009 – 2012. Most of the data is only current through 2011; thus, by using 2006 – 2008 it allows a three-year to three-year comparison with 2009 – 2011. Multi-year comparisons are generally better indicators of trends. One year changes do not necessarily reflect a new trend. Also, using the later years of the "Early Medical Marijuana Era" allows for more current data to be compared.

Medical Marijuana Expansion 2009 – Present:

In 2009, the dynamics surrounding medical marijuana in Colorado changed substantially. There were a number of factors that played a role in the explosion of the medical marijuana industry and number of patients:

The first was a Denver District Judge who, in late 2007, ruled that CDPHE violated the state's open meeting requirement when setting a five-patient-to-one-caregiver ratio and overturned the rule. That opened the door for caregivers to claim an unlimited number of patients for whom they were providing and growing marijuana. Although this decision expanded the parameters, very few initially began operating medical marijuana commercial operations (dispensaries) because of the fear of prosecution, particularly from the federal government.

The judge's ruling and caregivers' expanding their patient base created significant problems for local prosecutors seeking a conviction for marijuana distribution by caregivers. Many jurisdictions ceased or limited filing those types of cases.

At a press conference in Santa Ana, California on February 25, 2009, the U.S. Attorney General was asked whether raids in California on medical marijuana dispensaries would continue. He responded "No" and referenced the President's campaign promise related to medical marijuana. In mid-March 2009, the U.S. Attorney General clarified the position saying that the Department of Justice enforcement policy would be restricted to traffickers who falsely masqueraded as medical dispensaries and used medical marijuana laws as a shield.

In July 2009, the Colorado Board of Health, after hearings, failed to reinstate the five-patients-to-one-caregiver rule.

On October 19, 2009, U.S. Deputy Attorney General David Ogden provided guidelines for U.S. Attorneys in those states that enacted medical marijuana laws. The memo advised "Not focus federal resources in your state on individuals whose actions

are in clear and unambiguous compliance with existing state law providing for the medical use of marijuana."

Beginning in the spring of 2009, Colorado experienced an explosion to over 20,000 new medical marijuana patient applications and the emergence of over 250 medical marijuana dispensaries (allowed to operate as "caregivers"). One dispensary owner claimed to be a primary caregiver to 1,200 patients. Government took little or no action against these commercial operations.

By the end of 2009, new patient applications jumped from around 6,000 for the first seven years to an additional 38,000 in just one year. Actual cardholders went from 4,800 in 2008 to 41,000 in 2009. By mid-2010, there were over 900 marijuana dispensaries identified by law enforcement.

In 2010, law enforcement sought legislation to ban dispensaries and reinstate the one-to-five ratio of caregiver to patient as the model. However, in 2010 the Colorado Legislature passed HB-1284 which legalized medical marijuana centers (dispensaries), marijuana cultivation operations, and manufacturers for marijuana edible products. By 2012, there were 532 licensed dispensaries in Colorado and over 108,000 registered patients, 94 percent of who qualified for a card because of severe pain.

Recreational Marijuana:

In November of 2012, Colorado voters passed Amendment 64, which legalized marijuana for recreational use. Amendment 64 allows individuals 21 years or older to grow up to six plants, possess/use 1 ounce or less and furnish an ounce or less of marijuana if not for remuneration. Amendment 64 permits marijuana retail stores, marijuana cultivation sites, marijuana edible factories and marijuana testing sites. It is anticipated that the first retail marijuana businesses will be licensed in January of 2014. Some individuals have already established private cannabis clubs, formed co-ops for large marijuana grow operations and/or supplied marijuana for no fee other than donations.

What will be the impact of Amendment 64 on Colorado and other states? Only time will tell. The four-year experience with medical marijuana in Colorado may be indicative of what to expect.

SECTION 1: Colorado Driving Fatalities

Introduction

This section provides information on driving fatalities involving drivers testing positive for marijuana. The data comparison will be from 2006 through 2011. Data for 2012, and partial year 2013, was not available for this report. The information compares what will be referred to as the early medical marijuana era (2006 – 2008) and the medical marijuana expansion era (2009 – 2011) in Colorado.

- **2006 – 2008**: There were between 1,000 and 4,800 medical marijuana cardholders and no known dispensaries operating in Colorado.

- **2009 – 2012**: There were over 108,000 medical marijuana cardholders and 532 licensed dispensaries operating in Colorado by November 2012. See the introduction at the beginning of this report for more details on the explosion of Colorado's medical marijuana trade.

Findings

- Traffic fatalities in Colorado **decreased 16 percent**[1], from 2006 to 2011, which is consistent with national trends. During the same six years in Colorado, traffic fatalities involving drivers testing positive for just marijuana increased **114 percent**.[2]

- In 2006 in Colorado, traffic fatalities involving drivers testing positive for marijuana represented 5 percent of the total traffic fatalities. By 2011, that percent more than doubled to 13 percent.[2]

- In 2006, drivers testing positive for marijuana were involved in **28 percen**t of fatal vehicle crashes involving drugs. By 2011 that number had **increased to 56 percent**.[2]

- From 2006 – 2011, drivers testing positive for marijuana involved in fatal vehicle crashes more than doubled in those six years.

Data:

Fatalities Involving Driver with Positive Drug Test 2006-2011					
Crash Year	Fatalities by Driver with Positive Drugs (Includes Cannabis)	Fatalities by Driver with Positive Cannabis	Total Statewide Fatalities	Percentage of Total Fatalities (All Drugs)	Percentage Total Fatalities (Cannabis)
2006	85	27	535	15.9%	5%
2007	92	29	555	16.6%	5.2%
2008	84	39	548	15.3%	7.1%
2009	88	41	465	18.9%	8.8%
2010	88	46	449	19.6%	10.2%
2011	106	58	447	23.7%	13%

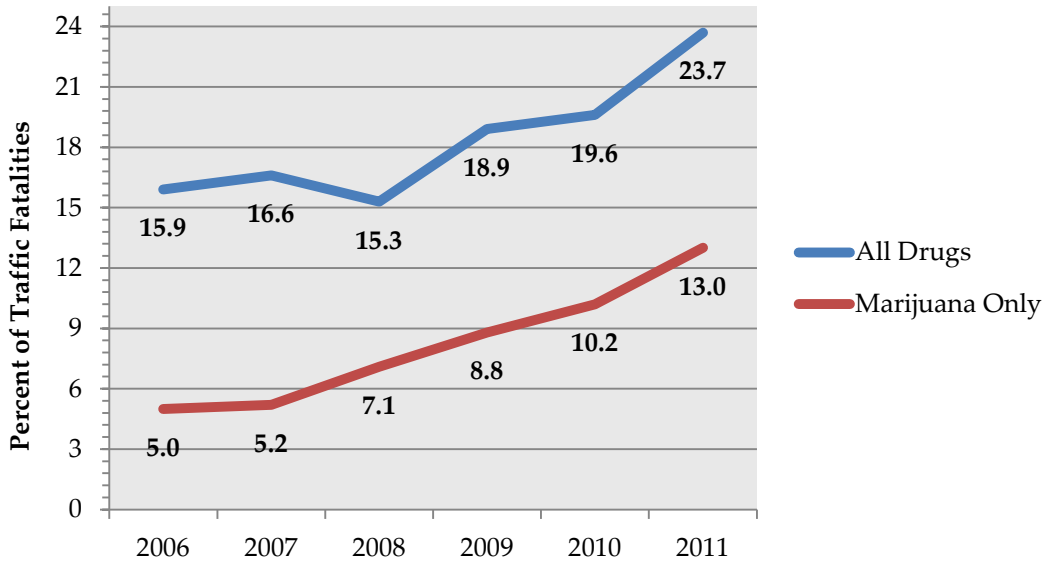
SOURCE: Colorado Department of Transportation Fatality Analysis Reporting System (FARS) 2006 - 2011

Drivers with Positive Drug Tests in Fatal Crashes 2006-2011					
Crash Year	Drivers of Fatal Crashes of Positive Drug Tests (includes Cannabis)	Drivers of Fatal Crashes of Positive for Cannabis	Total Drivers Involved in Total Crashes	Percentage of Total Drivers with Positive Drugs	Percentage Total Drivers with Positive Cannabis
2006	75	21	721	10.4%	2.9%
2007	81	23	789	10.3%	2.9%
2008	72	31	712	10.1%	4.4%
2009	82	37	653	12.6%	5.7%
2010	79	42	600	13.2%	7%
2011	93	52	587	15.8%	8.9%

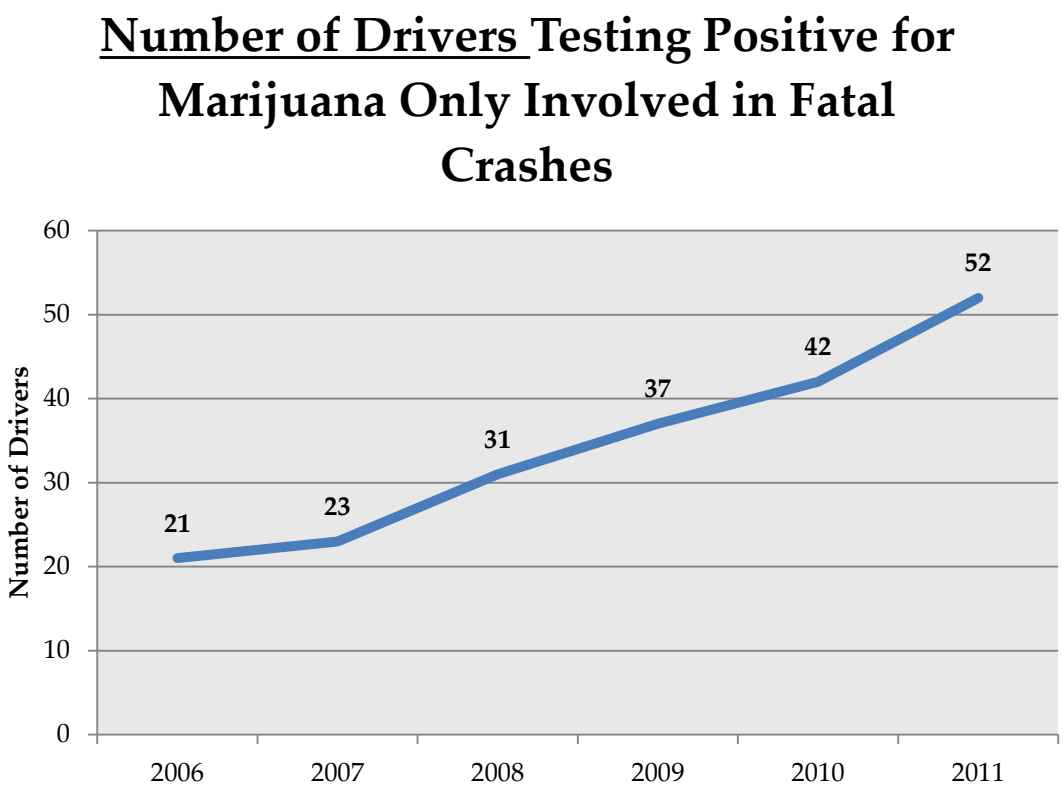
SOURCE: Colorado Department of Transportation Fatality Analysis Reporting System (FARS) 2006 - 2011

NOTE: Data only includes drivers who were tested for drugs and/or alcohol with the results that were reported to CDOT. (Revised December 24, 2012.) For instance, from 2006 through 2011, only about half of the drivers were tested for drugs (average 47.6 percent in years 2006 – 2008 and average 48.2 percent in years 2009 – 2011).[2]

Fatalities Involving Drugged Drivers



SOURCE: Colorado Department of Transportation Fatality Analysis Reporting System (FARS) 2006 - 2011



SOURCE: Colorado Department of Transportation Fatality Analysis Reporting System (FARS) 2006 - 2011

Related Material

- DUID (Driving Under the Influence of Drugs) Victim Voice President Ed Wood shares his perspective on drugged driving:

  > "Drivers on drugs are involved in a remarkably high proportion of fatalities. When we look at only collisions where drivers' blood tests were reported, we see that 36 percent of the fatalities involved drivers testing positive for drugs, and 20 percent tested positive for marijuana. These percentages held steady from 2006 through 2009 (averaging 29 percent and 12 percent respectively), but the marijuana numbers took a big jump to 17 percent in 2010 and again to 20 percent in 2011 after dispensaries were established."

- The National Organization for Reform of Marijuana Laws (NORML), which supports legalizing marijuana, recognizes the dangers of driving after having smoked marijuana. NORML discourages motorists from driving if they have

recently smoked marijuana.[3]

- The French National Institute for Transportation and Safety Research, in a study published in 2005 by the *British Medical Journal*, concludes that even small amounts of marijuana could double the chances of a driver suffering a crash and larger doses could more than triple the risk.

- According to the Columbia University School of Public Health, the risk of an automobile crash is almost 2.7 times higher among marijuana users than non-users. The more marijuana smoked in terms of frequency and potency, the greater likelihood of a crash.[4]

- Glenn Davis, Highway Safety Manager, Colorado Department of Transportation (CDOT), Office of Transportation Safety, said that of drug-related deaths, half involved marijuana. He stated, "You have a substance [marijuana] that causes impairment that is more readily available than it was two years ago." Davis said that was because of the increasing use of medical marijuana in Colorado.[5]

- The National Highway Traffic Safety Administration (2009) found more people are driving on weekend nights under the influence of marijuana (8.3 percent) compared to alcohol (2.2 percent).[6]

- Close to one out of four teens admit to driving under the influence of alcohol or drugs and, of those, 75 percent do not believe smoking marijuana adversely affects their driving.[7]

- The National Highway Traffic Safety Administration (2004) found that marijuana significantly impairs one's ability to safely operate a motor vehicle. They cite: decreased car handling performance, inability to maintain headway, impaired time and distance estimation, increased reaction time, lack of motor coordination and impaired sustained vigilance.[8]

- An article published in the Volume 34, 2012 edition of *Epidemiologic Reviews* examined nine studies conducted over the past two decades on marijuana and car crash risks. Their conclusion: "Drivers who tested positive for marijuana, or self-reported using marijuana, are more than twice as likely as other drivers to be involved in motor vehicle crashes."[9]

- A study published by the National Institute of Health Public Access in 2009 showed that the effects of marijuana vary more between the individual than the

effects of alcohol. The study also states that laboratory tests and driving studies show, "Cannabis may acutely impair several driving-related skills in a dose-related fashion but the effects between individuals varies more than they do with alcohol because of tolerance, the difference in smoking techniques and different absorption of THC." The study warns that patients who smoke marijuana should be counseled to have a designated driver if possible or to wait at least three hours after smoking.[10]

- A 2009 study published by the Institute for the Study of Labor in Germany claimed that states with legalized medical marijuana actually had a drop in traffic deaths. This study was not peer reviewed. The states selected were Vermont with only 400 cardholders, Rhode Island with only 3,000 cardholders and Montana which had only 6,000 cardholders.[11]

- A study by Dalhousie University (Halifax, Nova Scotia, Canada) Associate Professors Ashbridge and Hayden published in the *British Medical Journal* on February 9, 2012 showed: "Driving under the influence of cannabis was associated with a significantly increased risk of motor vehicle collisions compared with unimpaired driving.[12]

Sources:

[1] Copeland, Larry, "Jump in Connecticut traffic deaths called statistical blip," *USA Today News*, December 13, 2011, <http://usatoday30.usatoday.com/news/nation/story/2011-12-13/traffic-fatalities-connecticut/51774864/1> (June 2013)

[2] Colorado Department of Transportation Drugged Driving Statistics 2006 - 2011, <http://www.coloradodot.info/programs/alcohol-and-impaired-driving/druggeddriving/drugged-driving-statistics.html> (July 2013)

[3] Armentano, Paul, "Cannabis and Driving: A Scientific and Rational Review," September 12, 2011, <http://norml.org/library/item/cannabis-and-driving-a-scientific-and-rational-review> (July 2013)

[4] Columbia University School of Public Health – NYC, as reported in *Health Day*, October 2011

[5] Wolf, Jeffrey and Kahnart, Eric, KUSA Channel 9 News, Denver, CO, "Drugged Driving Getting Worse in Colorado", February 17, 2011, <http://www.9news.com/news/story.aspx?storyid=181802> (July 2013)

[6] National Highway Traffic Safety Administration, "Drugs and Human Performance Fact Sheets", 2009, <www.nhtsa.gov/people/injury/research/job185drugs/drugs_web.pdf> (July 2013)

[7] Liberty Mutual Insurance and Students Against Destructive Decisions (SADD) press release, "One in Four Teens Admits to Driving Under the Influence and Many Believe It Does Not Impact Their Safety", April 25, 2013, <http://SADD.ord/pdf/Teen_Driving-Summer_Press_Release-FINAL_040413.pdf> (July 2013)

[8] National Highway Traffic Safety Administration, "Drugs and Human Performance Fact Sheets", April 2004, <www.nhtsa.gov/people/injury/research/job185drugs/drugs_web.pdf> (July 2013)

[9] Li, Mu-Chen, Brady, Joanne E., DiMaggio, Charles J., Lusardi, Arielle R., Tzong, Keane Y. and Li, Guohua, "Marijuana Use and Motor Vehicle Crashes", *Epidemiologic Reviews*, 2012;34:65-72, <http://epirev.oxfordjournals.org/content/34/1/65.full.pdf> (July 2013)

[10] National Institute of Health Public Access, ANJ Addict 2009, conducted with the Connecticut Health Care System/Yale University of Medicine

[11] Healthy and Drug Free Colorado, "*Marijuana Legalization: The Issues*", March 2012, <http://www.healthydrugfreecolorado.org> (July 2013)

[12] Asbridge, Mark, Hayden, Jill A., Cartwright, Jennifer L., Department of Community Health and Epidemiology, Dalhousie University, Halifax, Nova Scotia, Canada, "Acute cannabis consumption and motor vehicle collision risk: systematic review of observational studies and meta-analysis", *BMJ*, February 9, 2012, <http://www.bmj.com/content/344/bmj.e536> (July 2013)

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SECTION 2: Colorado Youth Marijuana Use

Introduction:

The following section reviews youth use rates of marijuana in Colorado and nationally. Data sets examine reported use "within the last 30 days" as opposed to "lifetime" usage. The use of the 30-day data provides a more accurate picture and is classified as current use. The lifetime data collection model typically includes persons who are infrequent or experimental users of marijuana. High school students, grades 9 - 12 represent the primary source of information for the data sets within this section.

Most of the comparisons are between 2006 through 2011. Data for 2012 was limited. The information compares what will be referred to as the early medical marijuana era (2006 – 2008) and the medical marijuana expansion era (2009 – 2011) in Colorado.

- **2006 – 2008**: There were between 1,000 and 4,800 medical marijuana cardholders and no known dispensaries operating in Colorado.
- **2009 – 2012**: There were over 108,000 medical marijuana cardholders and 532 licensed dispensaries operating in Colorado by November 2012. See the introduction at the beginning of this report for more details on the explosion of Colorado's medical marijuana trade.

Findings:

- **Youth (ages 12 – 17 years) Current Marijuana Use, 2011**
  - National average for youth was **7.64 percent**.[1]
  - Colorado average for youth was **10.72 percent**.[1]
  - Colorado was ranked 5th in the nation for current marijuana use among youth.

- **Students' Current Marijuana Use**
  - In 2011, nearly **one out of four** of the Boulder County School District high school students (9th - 12th grade) surveyed indicated that they were current marijuana users.[3] This is more than three times the national rate.
  - In academic school years 2008 – 2010, an average of **20.75 percent** of Adams County high school students surveyed indicated they were current marijuana users (at least once in the last 30 days). That number increased 39 percent during academic years 2010 – 2012 to **28.85 percent.**[11]
  - In the academic school years 2008 – 2010, an average of **5.65 percent** of Adams County middle school students surveyed indicated they were current marijuana users (at least once in the last 30 days). That number increased 50 percent during academic years 2010 – 2012 to **8.5 percent**.[11]

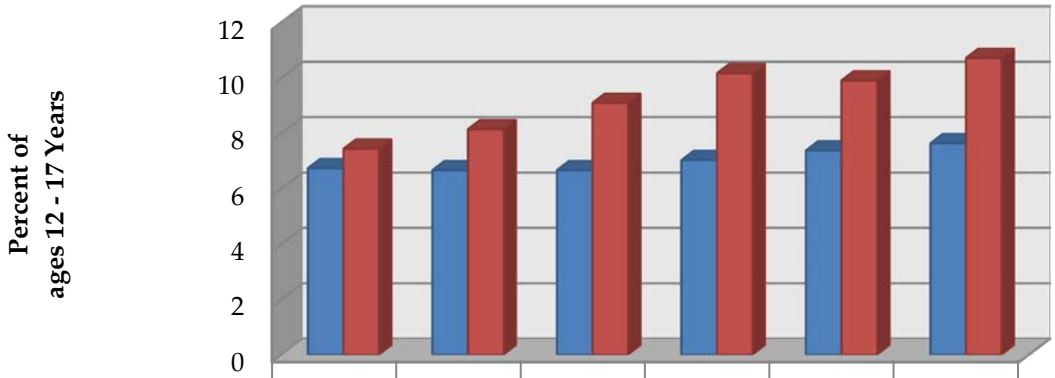
- **Colorado Springs Drug Testing High School Referrals**
  - Drug-related referrals for high school students testing positive for marijuana have increased each year from 2007 – 2012.[4]
    - During 2007 – 2009 an average of **5.6 students** tested positive for marijuana.[4]
    - During 2010 – 2012 the average number of students who tested positive for marijuana increased to **17.3 students** per year.[4]
    - In 2007, tests positive for marijuana made up **33 percent** of the total drug screenings, by 2012 that number increased to **57 percent.**
  - Detected THC levels in the students increased by **76 percent** after 2009.
    - 2007 – 2009 the average THC level quantified = 225 nanograms.[4]
    - 2010 – 2012 the average THC level quantified = 396 nanograms.[4]

- **Current Marijuana Use Rates for 12th-Graders**
  - In 2011, the average of 12th graders using marijuana in the last 30 days:
    - Nationally – **28.0 percent**[12] (**22.6 percent**[2] according to the National Institute for Drug Abuse [NIDA])
    - Colorado – **31.2 percent**[10]
    - Denver Public Schools – **32 percent**[6]
    - Boulder County High Schools – **36 percent**[3]

- **High School Senior Daily Use of Marijuana**
  - Nationally in 2011, of the 12th grade respondents, **6.6 percent** reported smoking marijuana daily, which is the highest level since 1981 when the rate was 7 percent.[2] In 2011, **7.8 percent** of Colorado's high school seniors reported using marijuana 40 or more times per month.[10] Another **2.9 percent** reported using marijuana between 20 and 39 times a month.[10]

Data:

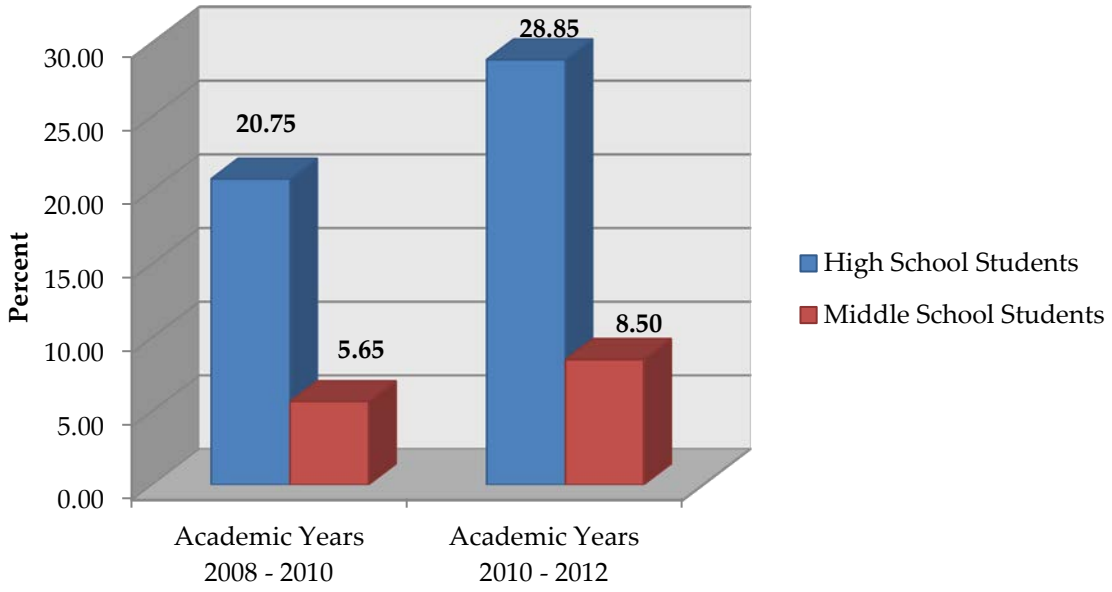
Past Month Usage of Marijuana - National v. Colorado



	2006	2007	2008	2009	2010	2011
National Average	6.74	6.67	6.67	7.03	7.38	7.64
Colorado Average	7.44	8.15	9.1	10.17	9.91	10.72

SOURCE: Data from SAMHSA.gov, National Survey on Drug Use and Health

Adams County (Colorado) Schools Admitted Use in Last 30 Days

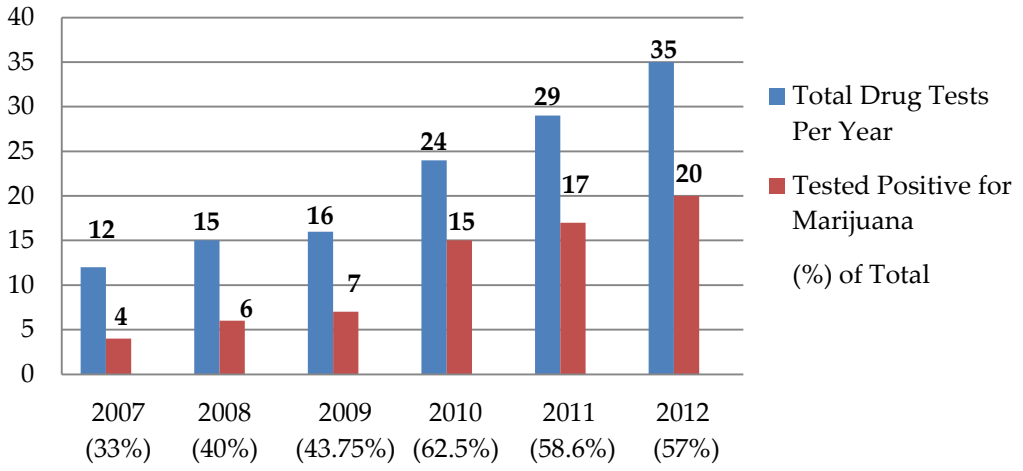


SOURCE: The Adams County Youth Initiative Student Survey, 2012

Conspire! Drug Testing Summary

Average THC results per 3-year cycle in nanograms:

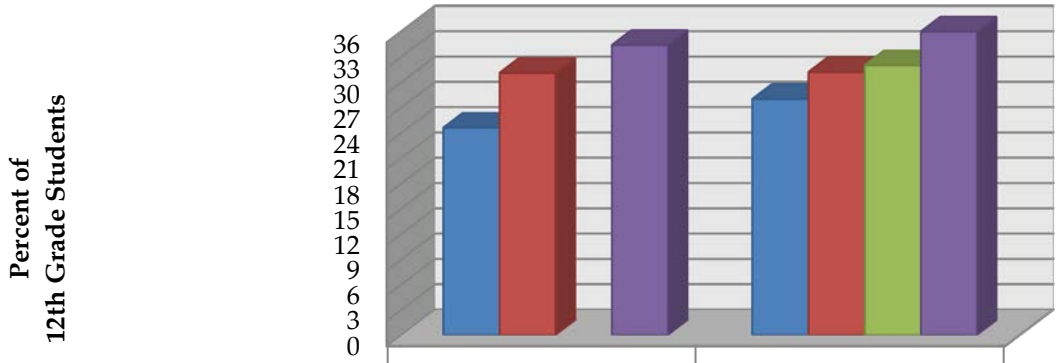
2007-2009 = 225
2010-2012 = 396



SOURCE: Conspire! Colorado Springs Drug Testing Summary

NOTE: The majority of the data was collected from high school students in the Colorado Springs, CO area sent for drug testing due to behavior issues.

12th Grade Students' Admitted Marijuana Use in Last 30 Days

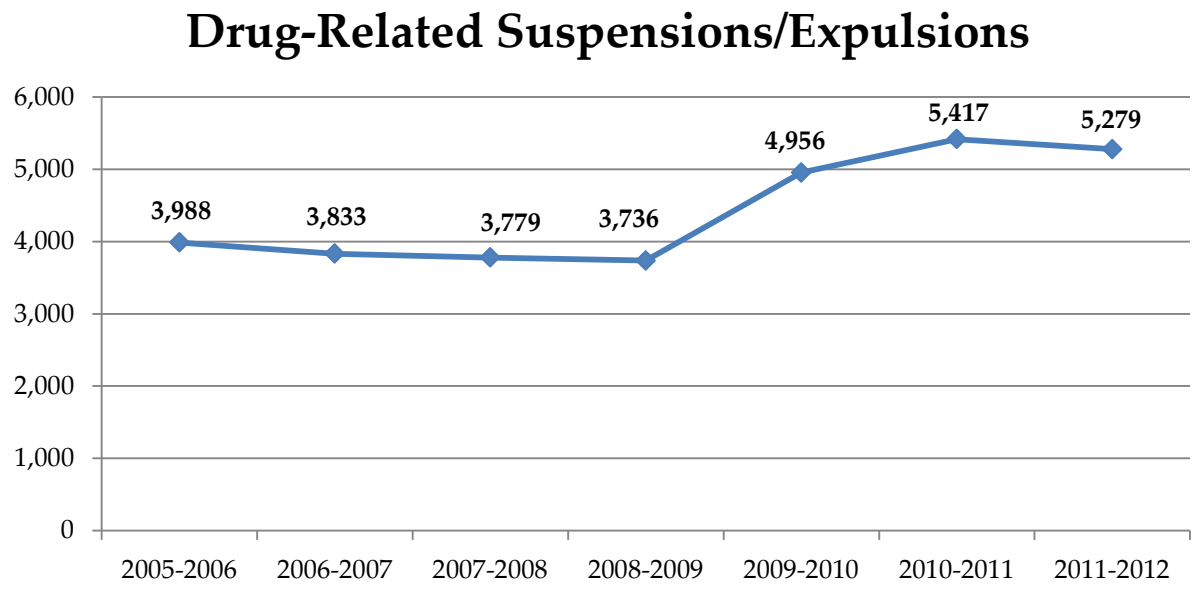


	2009	2011
National Youth Risk Behavior Survey	24.6	28
Colorado Youth Risk Behavior Survey	31.1	31.2
DPS Healthy Kids Survey (11-12)		32
Boulder County Youth Risk Behavior Survey	34.4	36

NOTE: No data was available in 2009 from the Denver Public Schools – Healthy Kids Colorado Survey. Other than Boulder and Denver, none of the other school districts contacted, including El Paso and Jefferson, have any or comparative data on student marijuana use.

Related Material:

- **Colorado Department of Education- Drug Related Suspensions and Expulsions**
  - There was a **32 percent** increase in drug-related expulsions and suspensions from the 2008 - 2009 academic year to 2009 - 2010 academic year.[7]
  - For the academic years ending in 07, 08, and 09, drug related expulsions/suspensions remained stable with an average of 3,782.[7]
  - For the academic years ending in 10, 11, and 12, drug-related expulsions/suspensions increased to an average of 5,217.[7] This is a **37 percent** increase.



SOURCE: Colorado Department of Education[7]

NOTE: The Colorado Department of Education included all drugs in this data set. However, department officials reported that **most** drug-related expulsions reported since the 2008-2009 academic year have been related to marijuana.[7]

Comments:

"Drug violations shot up dramatically in Colorado schools during the 2009-2010 school year, reversing a decade of steady decline…"[9]

Rebecca Jones, reporter, EdNews Colorado

"If Denver Public High Schools were considered a state, that state would have the highest past month marijuana use rate in the United States, behind New Hampshire. Denver has more marijuana dispensaries than liquor stores or licensed pharmacies."

Christian Thurstone, M.D., attending physician, Denver Health Medical Center

"A typical kid (*is*) between 50 and 100 nanograms. Now we're seeing these (*test results in nanograms*) up in the over 500, 700, 800 and climbing."[8]

Jo McGuire, director, Compliance and Corporate Training, Conspire!

Sources:

[1] National Survey on Drug Use and Health Model, <http://www.SAMHSA.gov>

[2] The National Institute of Drug Abuse (NIDA) Monitoring the Future Survey, <http://www.drugabuse.gov>

[3] Boulder County School District Youth Risk Behavior Survey, <http://www.bouldercounty.org>

[4] Conspire! - Drug Testing Results

[5] Denver Public Schools, Healthy Kids Colorado Survey (2011/2012) – Overview, <http://denverhealth.org/Portals/0/docs/public_health/DPSHKCSOverviewFF.pdf>

[6] Denver Public Schools, Healthy Kids Colorado Survey (2011/2012) - Key Findings, <http://denverhealth.org/Portals/0/docs/public_health/HKCS%20key%20findings%208_%209_12.pdf>

[7] Colorado Department of Education, Drug Related Suspensions and Expulsions, <http://www.drthurstone.com>

[8] CBS4 - Denver, "Drug Testing Company Sees Spike in Children Using Marijuana", March 6, 2013, <http://denver.cbslocal.com/2013/03/06/drug-testing-company-sees-spike-in-children-using-marijuana/> (July 2013)

[9] Jones, Rebecca, "Schools Report Sharp Rise in Drug Incidents", November 8, 2010, <http://www.ednewscolorado.org/news/schools-report-sharp-rise-in-drug-incidents> (July 2013)

[10] Centers for Disease Control and Prevention - Colorado Youth Risk Behavior Survey Results (YRBS) - 2005, 2007, 2009, 2011, <http://collaboration.omni.org/sites/hkc/Data%20Tables%20and%20Results/Forms/Front%20Page.aspx> (July 2013)

[11] Coulter, Heather, Adams County Youth Initiative, "Adams County Youth Initiative Student Survey – County-wide Results", May 2012

[12] Centers for Disease Control and Prevention, National Youth Risk Behavior Survey Results, 2011

SECTION 3: Colorado Adult Marijuana Use

Introduction

The following section reviews rates of marijuana use by adults in Colorado and nationally. Data sets examine reported use "within the last 30 days" as opposed to "lifetime" use. Use within past 30 days classifies the individual as a "current user." The lifetime data collection model includes those persons who were typically infrequent or experimental users of marijuana.

Data comparisons are from the National Survey on Drug Use and Health (NSDUH) reports from years 2006 through 2011. The information compares what will be referred to as the early medical marijuana era (2006 – 2008) and the medical marijuana era (2009 – 2011) in Colorado.

- **2006 – 2008**: There were between 1,000 and 4,800 medical marijuana cardholders and no known dispensaries operating in Colorado.

- **2009 – 2012**: There were over 108,000 medical marijuana cardholders and 532 licensed dispensaries operating in Colorado by November 2012. See the introduction at the beginning of this report for more details on the explosion of Colorado's medical marijuana trade.

Findings

National Survey on Drug Use and Health (NSDUH) - Substance Abuse and Mental Health Services Administration (Reports from 2006 through 2011)

- The average reported past month marijuana use for young adults (ages 18-25) in 2011:
  - The national average = **18.78 percent**
  - The Colorado average = **27.26 percent**

  - Colorado was ranked 4th nationally in this age group for marijuana use in the past month

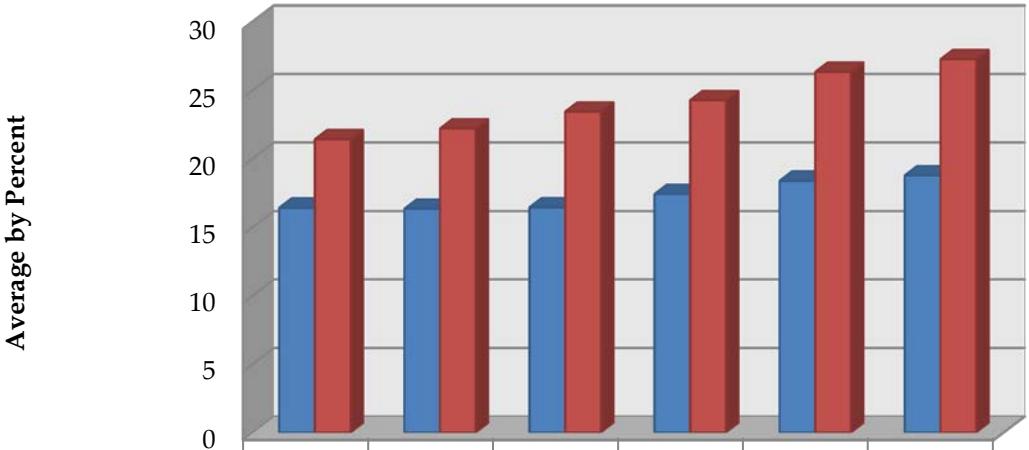
- The average reported past month marijuana use for young adults (ages 18 – 25) in Colorado has increased from **21.43** percent in 2006 to **27.26** percent in 2011. That is a **27** percent increase.

- The average reported past month marijuana use for adults (ages 26+) in 2011:
  - The national average = **4.8 percent**
  - The Colorado average = **8.19 percent**
  - Colorado was ranked 6th nationally in this age group for marijuana use in the past month

- The average reported past month marijuana use for adults (ages 26+) in Colorado has increased from **5.32** percent in 2008 to **8.19** percent in 2011. That is a **54** percent increase.

Data:

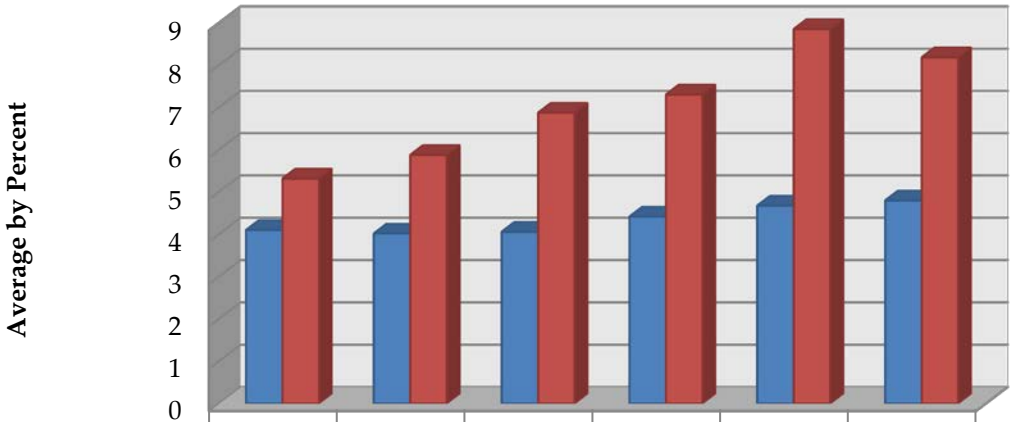
Last 30 Day Use Average, Age 18 - 25, Comparison



	2006	2007	2008	2009	2010	2011
National 18 - 25	16.42	16.34	16.45	17.42	18.39	18.78
Colorado 18 - 25	21.43	22.21	23.44	24.28	26.35	27.26

SOURCE: National Survey on Drug Use and Health

Last 30 Day Use Average, Age 26+, Comparison



	2006	2007	2008	2009	2010	2011
National 26+	4.1	4.02	4.06	4.42	4.68	4.8
Colorado 26+	5.32	5.88	6.88	7.31	8.86	8.19

SOURCE: National Survey on Drug Use and Health

Sources:

[1] National Survey on Drug Use and Health (NSDUH), Substance Abuse and Mental Health Services Administration (reports from 2006 through 2011)

SECTION 4: Colorado Emergency Room – Marijuana Admissions

Introduction:

The following section summarizes emergency room (ER) data related to marijuana and admittance in Colorado. Some of the data comparisons are from 2005 through 2011. Data for 2012, and partial year 2013, was not available for this report. The information compares what will be referred to as the early medical marijuana era (2006 – 2008) and the medical marijuana expansion era (2009 – 2011) in Colorado.

- **2006 – 2008**: There were between 1,000 and 4,800 medical marijuana cardholders and no known dispensaries operating in Colorado.

- **2009 – 2012**: There were over 108,000 medical marijuana cardholders and 532 licensed dispensaries operating in Colorado by November 2012. See the introduction at the beginning of this report for more details on the explosion of Colorado's medical marijuana trade.

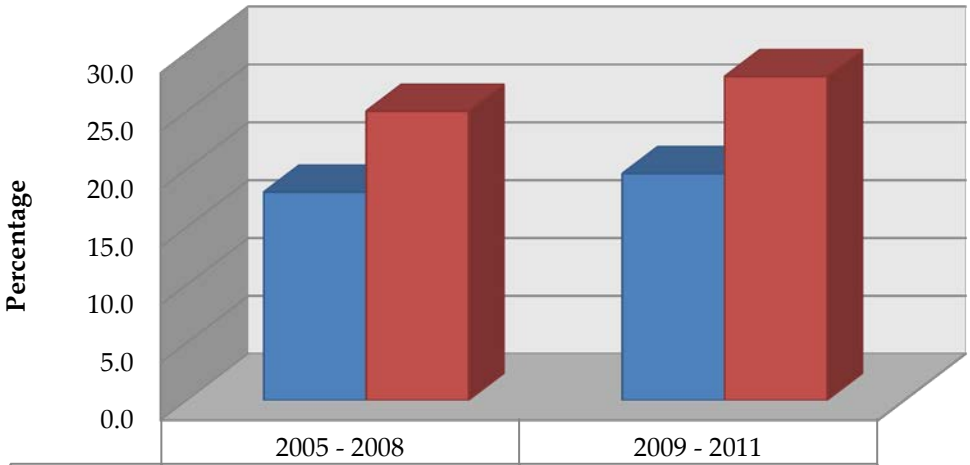
Findings:

- **Drug Abuse Warning Network (Ages 12 – 17) Data:**
  - Colorado ER visits per year related to marijuana only:
    - 2005 – 2008 = **741** average visits per year
    - 2009 – 2011 = **800** average visits per year
  - In 2011, Colorado ER data showed that marijuana-related incidents accounted for **26 percent** of the total ER visits, compared to **21 percent** nationally.

- In 2011, Colorado ER data showed that marijuana-related incidents accounted for **26 percent** of the total emergency room visits. The rate in 2005 was **20 percent**.
- Average percent of ER admissions for marijuana only:
  - 2005-2008 = Nationally – **18 percent**
    Colorado – **25 percent**
  - 2009-2011 = Nationally – **19.6 percent**
    Colorado – **28 percent**

Data:

Youth (ages 12 - 17) Emergency Room Admissions for Marijuana Only*



	2005 - 2008	2009 - 2011
National	18.0	19.6
Colorado	25.0	28.0

SOURCE: SAMSA - The Drug Abuse Warning Network[4]
*Table reflects Denver and Aurora Metropolitan area emergency room data

Note: The age group of 12 - 17 was used in this section due to data from less than 12 years old being "suppressed." This set is suppressed due to not reaching the threshold of 30 or more incidents per year. This is only a fraction of the total emergency room visits that are reportable to DAWN involving drug use or abuse. The numbers reflected in the table are specific only to marijuana.

Related Material:

- **At Children's Hospital in Aurora, Colorado[1] – (Younger than 12 Years):**
  - January 1, 2005 to September 30, 2009, 790 patients younger than 12 were admitted to the emergency room for unintentional ingestions. None were treated for marijuana exposure.[1]
  - October 1, 2009 to December 31, 2011, 588 patients younger than 12 were admitted to the emergency room for unintentional ingestions. Fourteen of them were treated for marijuana exposures. Seven of the exposures were from marijuana-infused food products.[1]

- **Drug Abuse Warning Network – (Adults):**
  - Since 2006, the percentage of young adults (ages 18 - 20) in Colorado admitted to the emergency room for marijuana-related events have remained relatively consistent. The percentage rate has varied between 17 percent and 19 percent of emergency room admissions over a six-year period. The rates with these age groups also widely fluctuated between 2006 and 2011 and don't appear to indicate a trend.
  - A review of ages 21 to 65+ admitted to the emergency room for marijuana-related events showed the percentage to be slightly above the national average. Nationally, the rate was 8.2 percent compared to 9.5 percent for Colorado.

Comments:

"We compared in Colorado the number of kids we saw with marijuana exposures before the 2009 Department of Justice (DOJ) edict that they were not going to pursue users of medical marijuana as long as they were compliant with state laws. We found we didn't see marijuana exposure prior to the DOJ edict, but afterwards when medical marijuana was decriminalized in Colorado, we saw a significant increase in medical marijuana exposures in children."[3]

Genie E. Roosevelt, M.D., Denver Health Medical Center

"The consequences of unintentional marijuana exposure in children should be part of the ongoing debate on the legalization of marijuana."[1]

Study published in JAMA Pediatrics

"In Colorado, the combination of decriminalization medical marijuana and declining federal prosecution was associated with a significant increase in the exposure of young children to marijuana."[1]

Study published in JAMA Pediatrics

Some Case Examples:

The information below represents some cases that have been seen in Colorado ER admittance. These examples are actual cases that demonstrate how some children have been unintentionally exposed to marijuana related products requiring medical attention.

- **12/5/2009**: It is believed that a 4-year-old boy found and ate marijuana edibles at the home of his grandmother. He arrived at Children's Hospital with lethargy and vomiting, testing positive for marijuana in his urine. The victim's grandmother was licensed to use medical marijuana.

  Denver (Colorado) Police Department

- **2/28/2010**: Ten-month-old twins were hospitalized after eating "trail mix" infused with marijuana. The parents had paperwork indicating they were medical marijuana patients.

  Commerce City (Colorado) Police Department

- **2011**: A 5-year-old was found glassy-eyed and slow at home. The father of the child had left a medical marijuana cookie in broken pieces on the counter. The child came to the hospital where she was unsteady even while seated. Her urine drug screen was positive for marijuana.[1]

  Study published in JAMA Pediatrics

- **2011**: A 3-year-old ate marijuana-infused chocolate that was left out. She ingested the entire piece of chocolate and was noted to be very sleepy. She was transferred to another hospital where she was admitted overnight. Her symptoms improved by the following day.[1]

  Study published in JAMA Pediatrics

Sources:

[1] "Pediatric marijuana exposures in a medical marijuana state," Wang, G. MD, Roosevelt, G. MD, MPH; Heard, Kennon, MD, *JAMA Pediatrics,* Vol. 167, No. 7, July 2013, http://archpedi.jamanetwork.com/article.aspx?articleid-1691416 (July 2013)

[2] DAWN data from SAMHSA - Drug Abuse Warning Network

[3] Young, Saundra, CNN medical senior producer, "Unintentional marijuana exposures up in Colorado kids," May 28, 2013, <http://thechart.blogs.cnn.com/2013/05/28/unintentional-marijuana-exposure-up-in-colorado-kids/> (June 2013)

[4] The Drug Abuse Warning Network (DAWN), <http://www.samhsa.gov/data/DAWN.aspx>

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SECTION 5: Colorado Marijuana-Related Exposure Cases

Introduction:

This section provides information regarding marijuana-related exposures that resulted in contact with the Rocky Mountain Poison Center (RMPC), Denver, Colorado. These are self-reported calls in which marijuana was mentioned as a product for human exposure. All reported cases are now reported closed by the RMPC. The data referred to in this section is from the RMPC and American Association of Poison Control Centers (AAPCC).

The data comparisons will be from 2002 through 2011. The information compares what will be referred to as the early medical marijuana era (2006 – 2008) and the medical marijuana expansion era (2009 – 2011) in Colorado.

- **2006 – 2008**: There were between 1,000 and 4,800 medical marijuana cardholders and no known dispensaries operating in Colorado.

- **2009 – 2012**: There were over 108,000 medical marijuana cardholders and 532 licensed dispensaries operating in Colorado by November 2012. See the introduction at the beginning of this report for more details on the explosion of Colorado's medical marijuana trade.

Findings

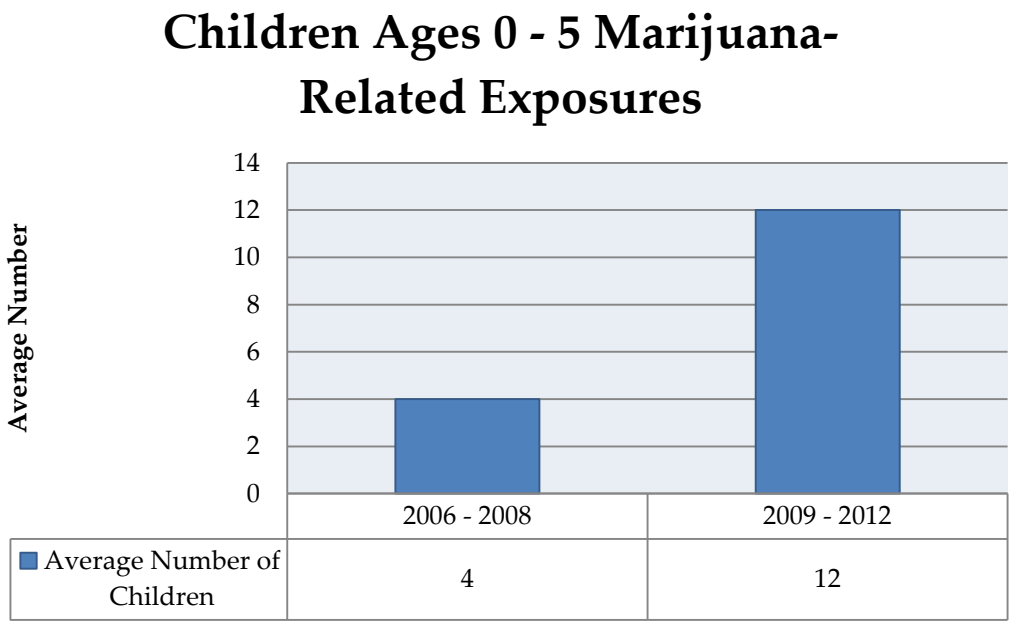
- **Young children (ages 0 to 5) marijuana-related exposures in Colorado**
  - During the years 2006 – 2008, the average number of marijuana-related exposures for ages 0 to 5 was **4** per year.[1]
  - For the years 2009 – 2012, the average number of marijuana-related exposures for ages 0 to 5 was **12** per year.[1]
    - This is a **200** percent increase.

- **Percent of total marijuana-related exposures involving children ages 0 -5 years**
  - From 2006 – 2008, a yearly average of **7 percent**[1] of all Colorado marijuana-related exposures were children ages 0 – 5 years. That average is twice the national average of **3.5 percent**.[2]
  - From 2009 – 2011, a yearly average of **16.2 percent**[1] of all Colorado marijuana-related exposures were children ages 0 – 5 years. That average more than doubled the 2006 – 2008 rate of **7 percent** and was triple the national average of **5 percent**.[2]

- **Colorado marijuana-related exposure all ages**
  - The annual average reported in Colorado marijuana-related exposure cases for all ages for 2006 – 2008 was **57** compared to an average of **73.**6 for 2009 - 2011.[1] This is an increase of **29 percent**.

- **All ages Colorado marijuana-related exposures**
  - The annual average Colorado marijuana-related exposure cases for all age groups in 2006 – 2008 compared to 2009 – 2011 increased except ages 18 – 25 years.
    - Ages 0 – 5 = **200 percent** increase
    - Ages 6 – 12 = **60 percent** increase
    - Ages 13 – 14 = **92 percent** increase
    - Ages 15 – 18 = **7 percent** increase
    - Ages 18 – 25 = **28 percent** decrease
    - Age 26+ = **69 percent** increase

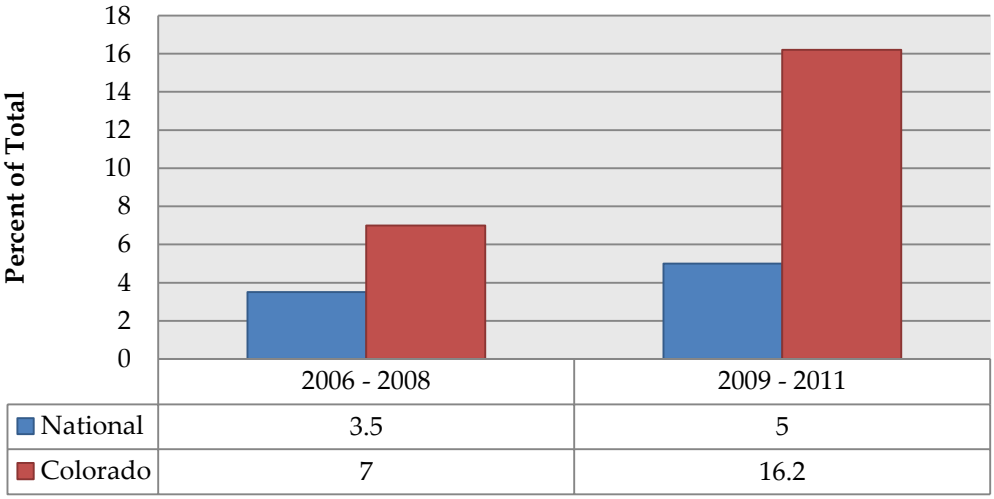
Data:



SOURCE: Rocky Mountain Poison Center[1]

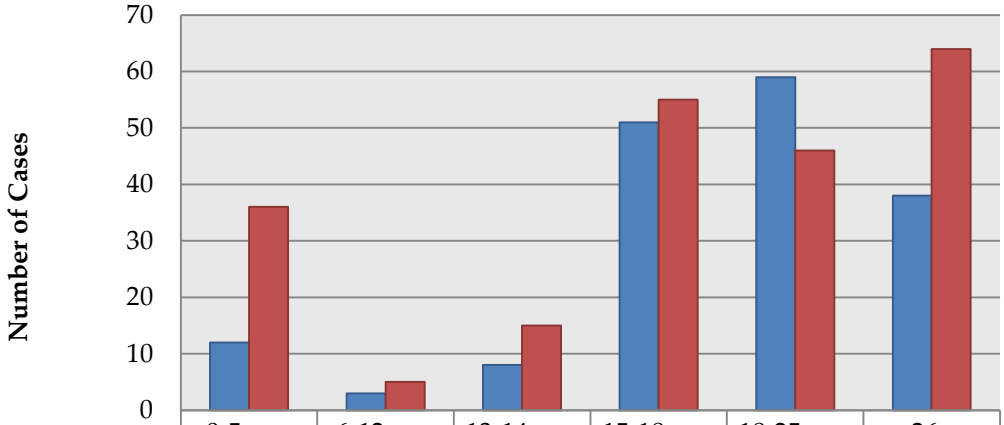
NOTE: There are exposures that may go unreported to the poison control centers. The data is not intended to assume every incident of exposure to marijuana was reported to the RMPC.

Average Percent of Marijuana-Related Exposures Attributed to Children Ages 0 - 5



SOURCES: Rocky Mountain Poison Center Data[1]
American Association of Poison Control Centers[2]

Colorado Marijuana-Related Exposures



	0-5 yrs.	6-12 yrs.	13-14 yrs.	15-18 yrs.	18-25 yrs.	26+
2006 - 2008	12	3	8	51	59	38
2009-2011	36	5	15	55	46	64

SOURCES: Rocky Mountain Poison Center Data[1]
American Association of Poison Control Centers[2]

Sources:

[1] Rocky Mountain Poison Center, *Annual Reports*, 2006 – 2011

[2] American Association of Poison Control Centers (AAPCC), *Annual Reports*,-2006-2011, <http://www.aapcc.org/annual-reports/> (July 2013)

SECTION 6: Diversion of Colorado Marijuana (General)

Introduction

This section examines whether Colorado's legalized medical marijuana industry and the recent legalization for recreational use has established Colorado as a source state for marijuana for other parts of the country. There is no mandatory process for law enforcement to report either the seizure or the source of the marijuana. Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA) contacted some law enforcement entities and requested voluntary reporting on those instances in which Colorado marijuana was seized in their jurisdiction. Only those cases that were completed and are a matter of public record were used in this report. This excluded open or long-term, major investigations involving marijuana trafficking out of Colorado. This section is an addition to the RMHIDTA August 2012 report *Colorado's Medical" Marijuana: Are Regulations Working or is "Medical" Marijuana Being Diverted?* found on www.rmhidta.org/reports. This section is divided into two subsections:

- Interdictions resulting in seizure of marijuana from Colorado
- Investigations resulting in seizure of marijuana from Colorado

The information compares the early medical marijuana era (2006 – 2008) and the medical marijuana expansion era (2009 – 2011) in Colorado. The recreational marijuana era begins in 2013 and includes some examples from that six-month period.

- **2006 – 2008**: There were between 1,000 and 4,800 medical marijuana cardholders and no known dispensaries operating in Colorado.

- **2009 – 2012**: There were over 108,000 medical marijuana cardholders and 532 licensed dispensaries operating in Colorado by November 2012. See the introduction at the beginning of this report for more details on the explosion of Colorado's medical marijuana trade.

Findings:

El Paso Intelligence Center (EPIC) has established the National Seizure System (NSS) for voluntary reporting interdiction seizures throughout the country. Many state highway patrols have done a good job reporting their highway seizures. RMHIDTA was able to identify the number of interdiction seizures involving marijuana from Colorado destined for other states in the country.

- In 2012, there were **274** Colorado marijuana interdiction seizures destined for other states compared to **54** in 2005. This is a **407 percent** increase.[1]

- Of the 274 seizures in 2012, there were **37** different states destined to receive marijuana from Colorado. The most common destinations were Kansas (37), Missouri (30), Illinois (22) Texas (18), Wisconsin (18), Florida (16) and Nebraska (13). There were some seizures in which the destination state was unknown.[1]

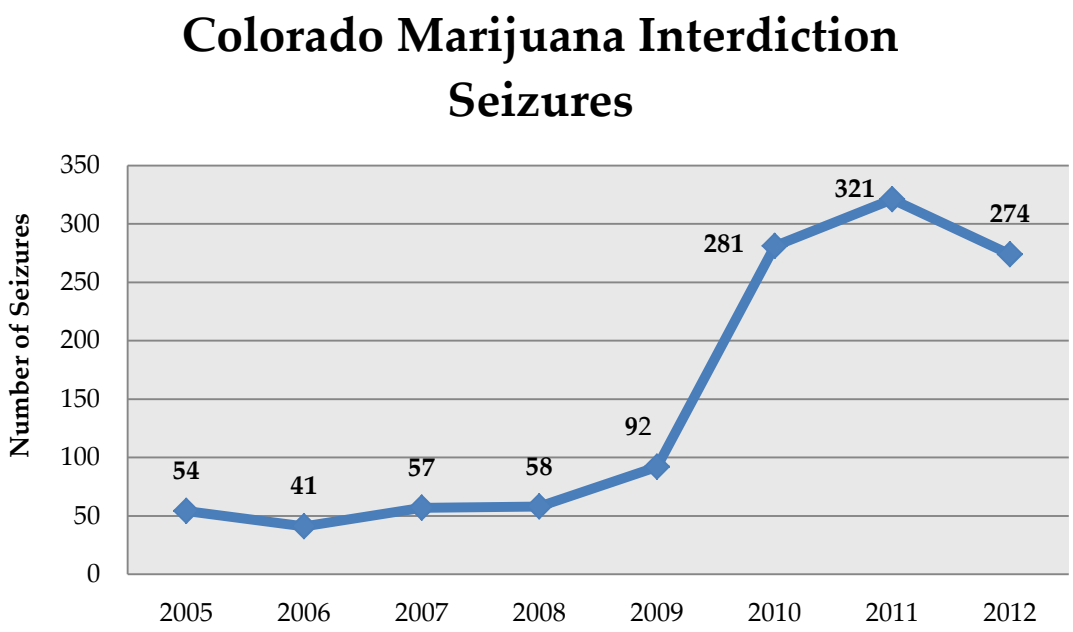
- From 2005 – 2008, compared to 2009 – 2012, the average number of interdiction seizures per year involving Colorado marijuana more than quadrupled from **52.2** to **242**.[1]

- From 2005 - 2008, compared to 2009 – 2012, the total average number of pounds of Colorado marijuana seized from interdictions increased **77** percent from an average of **2,220** pounds to **3,937**.[1]

- In 2012, there were **7,008** pounds of Colorado marijuana seized by interdictions that were destined for other states in the country.[1]

- The top three Colorado counties identified as the source for the marijuana in 2012 were Denver (141), Boulder (27) and El Paso (24).[1]

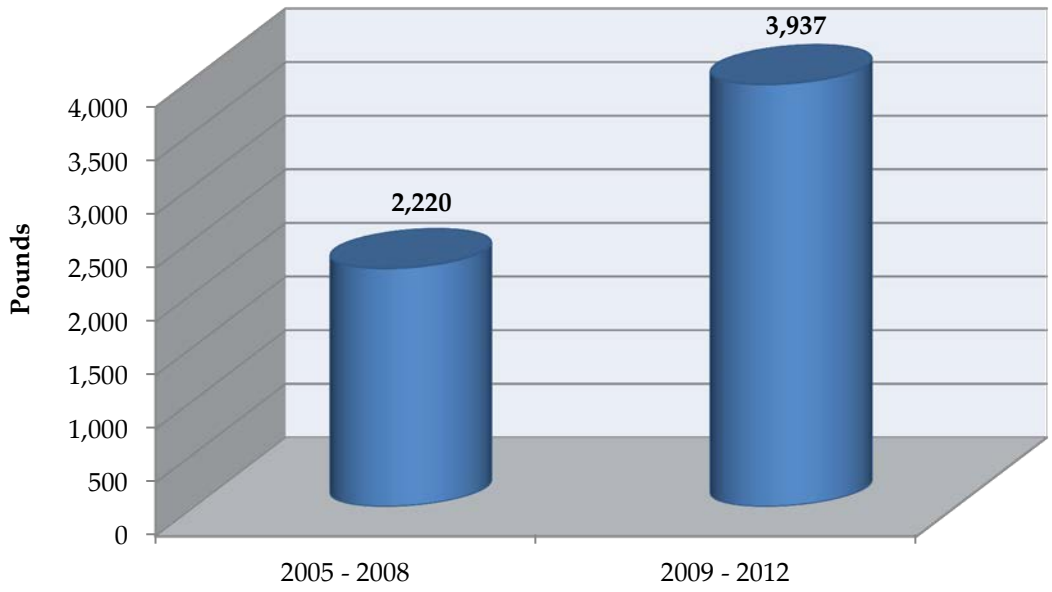
Data



SOURCE: El Paso Intelligence Center, National Seizure System

NOTE: This only includes those cases in which Colorado marijuana was actually seized and reported. It is unknown how many Colorado marijuana loads were not detected or, if seized, were not reported.

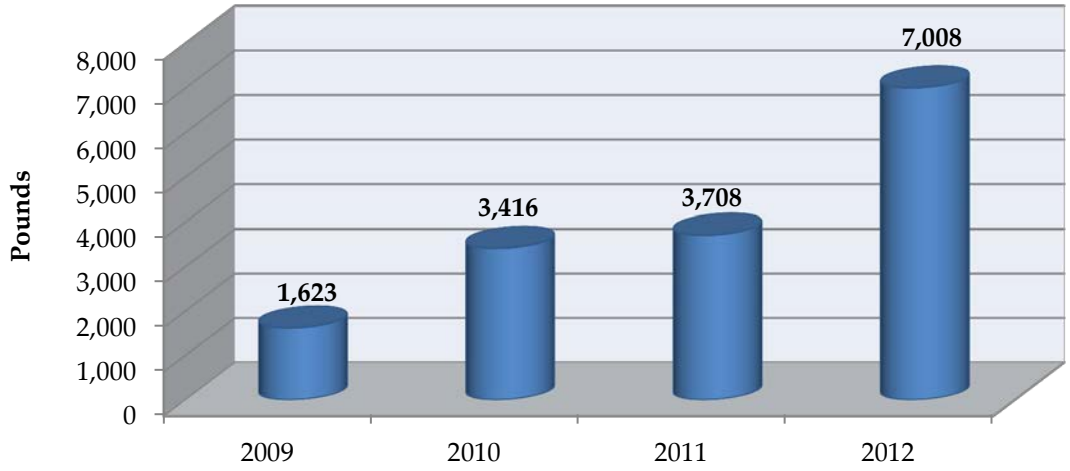
Average Pounds of Colorado Marijuana from Interdiction Seizures



SOURCE: El Paso Intelligence Center, National Seizure System

NOTE: This only includes those cases in which Colorado marijuana was actually seized and reported. It is unknown how many Colorado marijuana loads were not detected or, if seized, were not reported.

Pounds of Colorado Marijuana from Interdiction Seizures

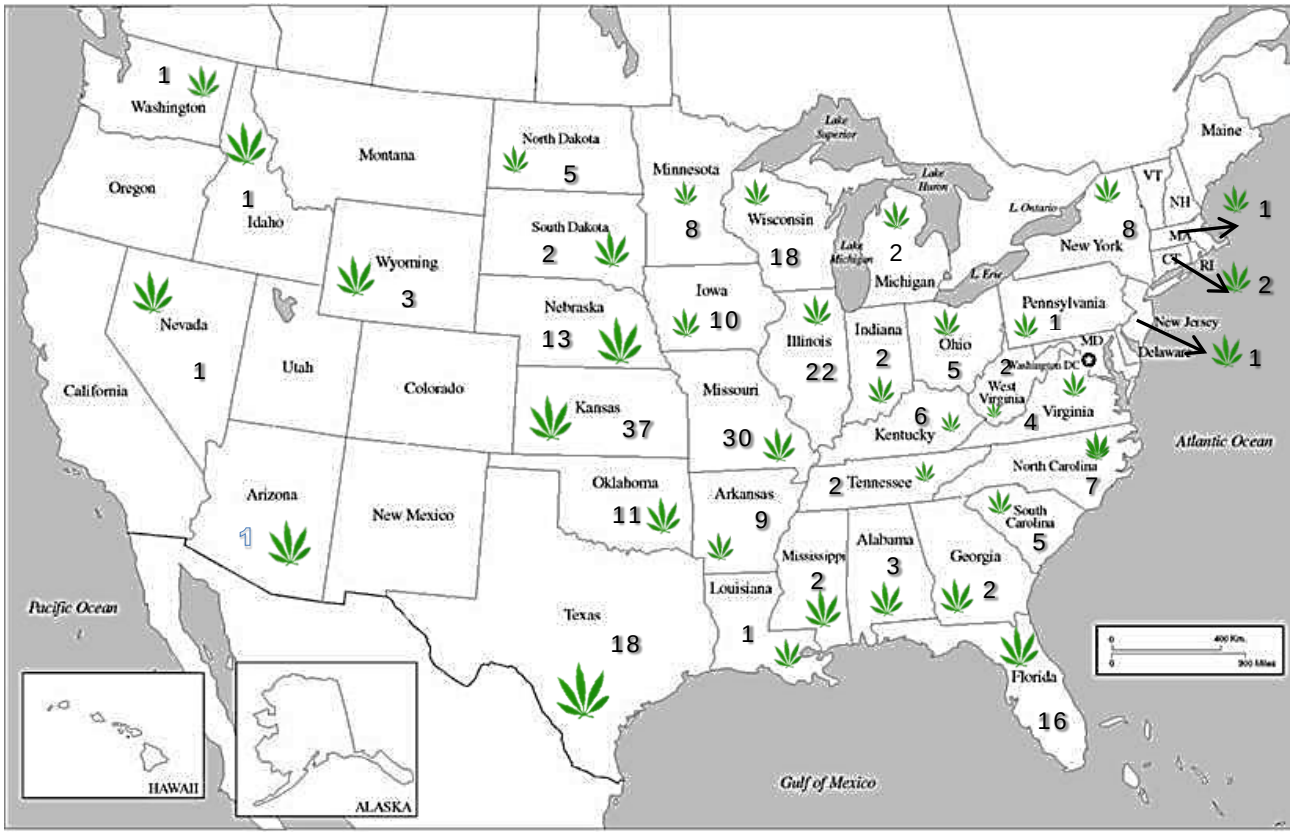


SOURCE: El Paso Intelligence Center, National Seizure System

NOTE: This only includes those cases in which Colorado marijuana was actually seized and reported. It is unknown how many Colorado marijuana loads were not detected or, if seized, were not reported.

States to Which Colorado Marijuana Was Destined (2012)

(Total Reported Incidents Per State)



SOURCE: El Paso Intelligence Center, National Seizure System

Some Examples of Interdictions:

<u>San Diego Grow Operation Moves to Colorado:</u> On April 26, 2012, an Arizona Highway Patrol officer stopped a vehicle for a traffic violation. Subsequent to this stop, the officer seized 110 marijuana plants in greenhouse-type planters with illuminating lights. The officer arrested the female driver who admitted she was transporting the marijuana from an associate's grow operation in San Diego, **CALIFORNIA** to Colorado. The driver admitted to having a Colorado medical marijuana registry card for her migraine headaches and ankle problems.

Quarter Million Dollars to Colorado: On May 23, 2012, a Kansas Highway Patrol officer conducted a traffic stop on a vehicle that was westbound on Interstate 70. The driver stated that he was coming from Kansas City, **MISSOURI** and was traveling to Denver, CO. In the conversation with the officer, the driver discussed his intent to buy a horse trailer. The driver showed the officer approximately $3,000 that he had on his person, all in $20 and $100 bills. A subsequent search of the pick-up truck revealed close to a quarter million dollars wrapped in 49 separate cellophane bundles and hidden in the tailgate of the pick-up truck. The driver denied ownership of the over $247,000 but agreed that the $3,000 was his.

Colorado Source for College Baseball Team: On January 4, 2013, South Dakota State Patrol stopped a vehicle on Interstate 90 and seized 1 pound of marijuana. The individuals in the vehicle stated they were bringing the marijuana back from Colorado to **SOUTH DAKOTA** for their college baseball teammates.

102 Pounds to Orlando, FL: On January 24, 2013, Kansas Highway Patrol stopped a vehicle traveling on Interstate 70. A subsequent search of the vehicle revealed 102 pounds of marijuana from Denver, CO destined for Orlando, **FLORIDA**.

Dispensary Owner Pays for Delivery Trips to Omaha (Nebraska): On April 28, 2013, a Nebraska State Patrol officer stopped a vehicle for a traffic violation. The officer subsequently discovered a 1 pound vacuum-sealed bag of marijuana. The driver admitted to transporting marijuana to Omaha, **NEBRASKA** for $200 per trip. He stated that a Boulder, Colorado medical marijuana dispensary owner provided him with the marijuana and paid him for the delivery.

Boulder (Colorado) Marijuana to Kentucky: On January 11, 2012, Kansas Highway Patrol stopped a vehicle for a traffic violation on Interstate 80. The driver had come from Salt Lake City, Utah and was headed to Louisville, **KENTUCKY**. A search of the vehicle resulted in 30 pounds of marijuana being seized. The driver admitted that en route to Kentucky from Utah he had stopped in Boulder, Colorado to pick up the 30 pounds of marijuana.

Quarter Ton of Colorado Marijuana Destined for Wisconsin: On January 10, 2013, Nebraska State Patrol stopped a vehicle on Interstate 80. Patrol seized 476 pounds of marijuana from Colorado that was destined for **WISCONSIN**.

Arkansas Seizes 241 Pounds of Marijuana: On March 20, 2012, Arkansas State Police stopped a vehicle on Interstate 40 for a traffic violation. The vehicle left Denver,

Colorado and was en route to Little Rock, **ARKANSAS**. A search revealed 241 pounds of marijuana in multiple duffle bags.

Grown in Colorado – Sold in Missouri: In May 2012, Kansas Highway Patrol stopped a vehicle traveling from Denver, Colorado to St. Louis, **MISSOURI**. During the search of the vehicle, officers discovered 5 pounds of marijuana. The driver admitted he grew the marijuana on his Colorado marijuana permit and was delivering it to Missouri for cash.

Marijuana Edibles Destined for Texas: On February 19, 2013, Texas Highway Patrol stopped a vehicle from Denver, Colorado destined for Richardson, **TEXAS**. A search of the vehicle revealed multiple drugs including 1.95 pounds of marijuana in seven different bags. Also found was four containers with marijuana butter, popcorn, drinks and baked cookies.

Colorado Marijuana to Virginia Beach, Virginia: On September 18, 2012, Kansas Highway Patrol stopped a vehicle on Interstate 70 for a traffic violation. A subsequent search revealed 38-1/2 pounds of marijuana packaged and sealed in gallon-size plastic bags. The driver was going to Virginia Beach, **VIRGINIA** from Colorado Springs, Colorado.

Colorado Marijuana Plants to Michigan: On April 19, 2012, a Nebraska Highway Patrol officer stopped a vehicle for a traffic violation. The officer subsequently discovered four containers with 73 marijuana plants in the trunk of the vehicle. The driver admitted he had purchased the plants in Colorado and was taking them back to **MICHIGAN** to grow marijuana and distribute to his "patients."

$70,000 in Cash to Colorado: On June 17, 2012, a Kansas Highway Patrol Officer stopped a vehicle on Interstate 70 for a traffic violation. The passenger and driver stated they were going to Colorado from Wichita, **KANSAS,** "just going to see the mountains," but had no specific destination. The driver was unemployed and the passenger was a minimum-wage waiter. The vehicle did not belong to either. A search revealed $70,000 in bundles ($10,000 per bundle). The driver and passenger denied knowledge of the money. The passenger stated the money must have been placed in the car when they were trading vehicles out.

Seven Dispensaries in a Week: In January 2012, Nebraska State Patrol stopped a vehicle traveling from Denver, Colorado to Sioux City, **IOWA**. During the search troopers discovered 1.75 pounds of marijuana. The driver admitted to having a

Colorado medical marijuana card and visiting up to seven dispensaries throughout the week.

Colorado Marijuana Edibles to Idaho: On March 10, 2012, a Wyoming Highway Patrol officer stopped a vehicle in southwest Wyoming en route to **IDAHO**. The driver of the vehicle was placed under arrest for driving under the influence of marijuana. A subsequent search revealed that the driver had purchased a quantity of high-grade medical marijuana as well as marijuana brownies and candy. The labels showed that these products came from a medical marijuana store in Colorado. The driver stated that she did not purchase the items directly from the store but a friend had purchased them for her.

Stuck in Snow: On February 26, 2013, Nebraska State Patrol responded to a vehicle that was stuck in the snow along Interstate 80. A strong odor of marijuana was emanating from the vehicle resulting in the seizure of 9.6 pounds of marijuana. The vehicle was coming from Denver, Colorado and destined for Chicago, **ILLINOIS**.

Marijuana Candy to Oklahoma: On March 22, 2013, a Texas Highway Patrol officer stopped a vehicle for a traffic violation. A subsequent search of the vehicle revealed 2.1 pounds of marijuana candy in the trunk from Denver, Colorado destined for Midwest City, **OKLAHOMA**.

Dispensary Marijuana to South Dakota: In February 2012, a Colorado state trooper stopped a vehicle traveling eastbound on Interstate 76. Approximately 7 pounds of marijuana was found in the vehicle. Some of the marijuana was marked with dispensary labels. The driver was transporting the marijuana from Colorado to **SOUTH DAKOTA**.

Texas Interdicts Colorado Marijuana Destined for Alabama: On March 9, 2012, Texas Highway Patrol officers stopped a vehicle on Interstate 40 for a traffic violation. The driver was going from Greeley, Colorado to Guntersville, **ALABAMA** with 13 pounds of marijuana and 2 pounds of hashish.

Marijuana and Hashish Destined for Wisconsin: On February 19, 2012, a Nebraska State Patrol trooper stopped a vehicle on Interstate 80 for a traffic violation. A subsequent search of the vehicle revealed close to 5 pounds of marijuana contained in ten bags and two jars. Also found was solid hashish and marijuana butter. The driver originated in Colorado Springs, Colorado and was driving to **WISCONSIN**.

Some Examples of Investigations:

The Silver Lizard Dispensary Dismantled: In August 2012, law enforcement working with the Colorado Attorney General's Office, obtained indictments against the Silver Lizard medical marijuana dispensary and members involved in a multi-state drug-trafficking operation. The indictment revealed that medical marijuana was illegally sold from the dispensary and distributed to **ARIZONA, FLORIDA, INDIANA, IOWA, LOUISIANA, MARYLAND, MASSACHUSETTS, NEW MEXICO OREGON, SOUTH DAKOTA, TENNESSEE, TEXAS, VIRGINIA,** and the **DISTRICT OF COLUMBIA**. One of the associates is accused of transporting approximately 100 pounds of marijuana from Colorado to Iowa. The owner of the Silver Lizard was arrested for selling dispensary marijuana to undercover law enforcement officers.

Twelve Indicted on Medical Marijuana Dispensary Scam: **COLORADO** law enforcement, working with the Colorado Attorney General's Office, indicted twelve individuals for various violations involving three medical marijuana dispensaries. It was revealed the dispensaries were fronts for investment scams and illegal marijuana growing operations. The owner of the dispensary and several business partners, including a local lawyer and doctor, were indicted. Charges included racketeering, marijuana cultivation and distribution, money laundering, securities fraud, tax evasion, forgery and attempting to influence a public servant. Two of the dispensaries were in Denver and one was in Lakewood, **COLORADO**.

Dispensary "Patient" Sells Fifty Percent of His Dispensary Marijuana to Juveniles: On May 31, 2012, North Metro Task Force executed a residential search warrant in Thornton, **COLORADO** where a 19-year-old male was selling marijuana. The suspect admitted to selling marijuana for two years but recently expanded his business after getting his medical marijuana card. He stated that he gets the marijuana he sells from a dispensary in the Denver Metro area. The suspect admitted he purchases approximately 5 to 6 ounces of marijuana per week. He sells 60 percent while using or sharing the other 40 percent. He estimated that his profit is approximately 30 percent. He admitted to three to four drug sales per day, seven days per week. He also stated that 50 percent of these sales are directly to juveniles. He said dispensary marijuana is easy to get and is of high quality.

Impaired Driver Cites Ease of Getting Dispensary Marijuana: In April 2012, the Thornton Police Department (**COLORADO**) contacted a driver who admitted to smoking marijuana while driving. She failed voluntary roadside tests and was arrested. During a search of her vehicle officers found 3 ounces of marijuana with dispensary stickers. In

an interview she admitted she does not have a medical marijuana card. She stands in front of dispensaries and asks people to buy her marijuana. She admitted that she had done this multiple times and had never gone away empty handed. When asked why she goes to dispensaries, she stated that the marijuana is better but the main reason was availability. She said she never had to wait more than two hours to get a couple ounces of marijuana. Conversely, when she was buying from other sources she sometimes would have to wait and never get what she wanted. She noted the ease and certainty of buying marijuana has made using dispensaries well worth it.

Colorado Springs (Colorado) Dispensary Marijuana in Pennsylvania: In 2012, Colorado Springs Police Department initiated an undercover investigation working with **PENNSYLVANIA** authorities. The case resulted in a Pennsylvania undercover agent purchasing several pounds of marijuana from the trafficker. When arrested, the dealer admitted that his main source of supply was the manager of a medical marijuana dispensary in Colorado Springs, Colorado. This dealer also indicated multiple locations in **ARIZONA** and **KANSAS** where this individual was diverting dispensary marijuana.

Colorado Marijuana Flown to Atchison, Kansas: In April 2013, the Atchison (**KANSAS**) Police Department recovered 42 pounds of high-grade marijuana flown in a private aircraft from Larimer County, Colorado to the Atchison Airport. Investigators arrested the pilot and three passengers. A subsequent investigation revealed the marijuana came from a grow operation in Ft. Collins, Colorado that was involved with the medical marijuana industry.

"Patient" Sells Medical Marijuana to Undercover Agent: In June 2012, North Metro Task Force served a search warrant at a mobile home in Broomfield, **COLORADO**. Multiple undercover marijuana purchases were made from three individuals living at the location. One subject claimed to be a medical marijuana patient. Multiple receipts for marijuana purchases from two different medical marijuana dispensaries in Northglenn, Colorado were located. The primary marijuana supply was noted to be from the two dispensaries.

Northern Colorado Marijuana Distributed in Mississippi: A Colorado parolee was arrested in Mississippi with 6 pounds of marijuana. During the interview the parolee admitted that the marijuana was grown in the Loveland/Greely area of Colorado. He also admitted that he had originally brought 20 pounds of marijuana but already had distributed 14 pounds in Gulf Port, Mississippi. According to the parolee, he had access to two Colorado grow operations and was transporting 20 pounds of marijuana a week for distribution in **MISSISSIPPI**.

Distribution of Colorado Medical Marijuana in Wyoming: In 2012, the Northeast Enforcement Team (NEET) in Wyoming arrested an individual involved in the distribution of marijuana in Gillette, **WYOMING**. He admitted to obtaining 68 ounces of marijuana during a two-month period from a Ft. Collins, Colorado source who was legally allowed to grow marijuana for dispensaries in Colorado.

Kansas Individuals Trafficking Marijuana from Colorado Springs (Colorado): In 2013, **KANSAS** law enforcement was involved in an investigation of several individuals for transportation and distribution of marijuana and methamphetamine. Their primary source of supply for marijuana was an employee of a marijuana dispensary in Colorado Springs, Colorado.

Related Material or Comments

In a press release dated August 13, 2012, **Colorado Attorney General John Suthers** stated, "It is becoming clear that as predicted in the 2010 legislative hearings, Colorado is becoming a significant exporter of marijuana to the rest of the country."

A 2011 report from the **Drug Enforcement Administration – Denver Field Division** states, "Colorado's medical marijuana system allows for a widespread exportation and illicit marijuana distribution…. Colorado is on track to become a primary source of supply for high-grade marijuana throughout the country."[2]

Nebraska State Patrol Sergeant Dana Korell: "Marijuana out of Colorado is having a local impact. It is flooding, just flooding the marketplace. It's everywhere."[3]

Cheyenne County (Nebraska) Sheriff John Jensen claims legalizing marijuana in Colorado changed local drug trafficking in a way not seen in his seventeen years in law enforcement. "Now you have dispensaries, you have grow houses in our neighboring states that are growing a much better product." "Now we're getting the high-grade marijuana" coming across the border.[3]

The Intelligence Center's analysis of the illegal drug market in the **Midwest High Intensity Drug Trafficking Area**, which includes Nebraska, found "demand for high-potency marijuana has increased during the last three years, fueling both increased indoor hydroponic grows and importation from California and Colorado."[4]

"A KHP (Kansas Highway Patrol) analysis of those 133 felony pot trafficking cases in early 2013 showed 79 seizures were of Colorado marijuana, with California weed next in 35 incidents."[5]

"With the heavy clang of brass against iron, **Deuel County (Nebraska) Sheriff Adam Hayward** unlocks a massive door securing what once was the basement jail in the Deuel County Courthouse in Nebraska. 'It smells like marijuana here,' Hayward noted, and there is no doubt he is correct. The odor of damp vegetation hangs in the air. The new strains of pot have a powerful musty scent that makes it easy for law enforcement to identify who is carrying large quantities. Opening up a military-green file cabinet he picks up a pair of the sealed evidence bags filled with items taken from out-of-staters and local residents who had their travels interrupted by a member of the sheriff's department or the Nebraska State Patrol. 'This is all from Colorado.'"[4]

Sources

[1] El Paso Intelligence Center, National Seizure System, 2005 – 2012.

[2] Rocky Mountain High Intensity Drug Trafficking Area, "*Colorado's "Medical" Marijuana Industry: Are Regulations Working?*", July 2012

[3] Kelly, Bill "Colorado's Medical Marijuana is Headache for Nebraska Law Enforcement", March 6, 2013, <http://netnebraska.org/article/news/colorados-medical-marijuana-headache-nebraska-law-enforcement> (July 2, 2013)

[4] Kelly, Bill "Legal Pot Next Door: First Marijuana Dispensary on the Border Eyed by Nebraskans", June 25, 2013,< http://netnebraska.org/article/news/legal-pot-next-door-first-marijuana-dispensary-border-eyed-nebraskans> (July 2, 2013)

[5] Hegeman, Roxana, Associated Press reporter, "Kansas at crossroads of marijuana trafficking", *The Kansas City Star*, July 28, 2013, <http://www.kansascity.com/2013/07/27/4372038/Kansas-at-crossroads-of-marijuana.html> (July 2013)

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SECTION 7: Diversion of Colorado Marijuana (Postal Packages)

Introduction:

This section examines whether Colorado's legalized medical marijuana industry and the recent legalization of marijuana for recreational use has established Colorado as a source state for marijuana for other parts of the country. The use of parcel packages as a drug smuggling method has gained popularity with drug traffickers. Parcel packages are used to ship both drugs and drug proceeds between the drug traffickers and their clients. The tracking of seizure data from the United States Postal Inspection Service (USPIS) began in the fourth quarter of 2009. Only partial data is currently available for 2013.

The data spans from 2009 through 2012, which is referred to as the medical marijuana expansion era in Colorado. The recreational marijuana era begins in 2013 and there are some examples from that six-month period.

- **2006 – 2008**: There were between 1,000 and 4,800 medical marijuana cardholders and no known dispensaries operating in Colorado.

- **2009 – 2012**: There were over 108,000 medical marijuana cardholders and 532 licensed dispensaries operating in Colorado by November 2012. See the introduction at the beginning of this report for more details on the explosion of Colorado's medical marijuana trade.

Findings:

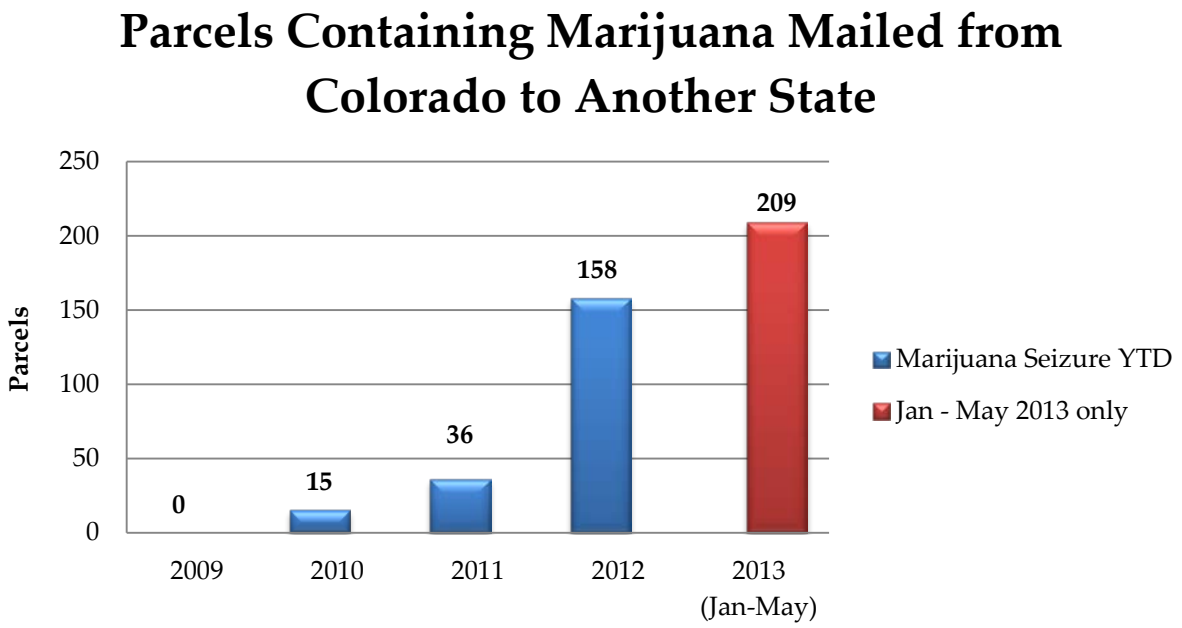
United States Postal Inspection Service (USPIS) "Prohibited Mailing of Narcotics" (PMN) drug database:[1] This database does not capture parcels with smaller amounts of marijuana which are handled administratively.

- From 2010 - 2013, the number of intercepted parcel packages of marijuana from Colorado, has increased each year:
  - 2010: **15** parcels
  - 2011: **36** parcels
  - 2012: **158** parcels
    - Over ten times the number seized in 2010
  - 2013: **209** parcels – only as of May 2013 (five months)

- From 2010 - 2012 the total pounds of marijuana seized from packages mailed from Colorado has increased each year:
  - In 2010: total of **57** pounds were seized
  - In 2011: total of **68** pounds were seized
  - In 2012: total of **262** pounds were seized
    - Nearly five times the amount seized in 2010
  - In 2013: **205** pounds have been seized – as of May 2013 (five months)

- Between 2010 and 2012, the number of states destined to receive marijuana mailed from Colorado has increased each year
  - In 2010 – **10** states
  - In 2011 – **24** states
  - In 2012 – **29** states
  - In 2013 – **23** states in only the first three months

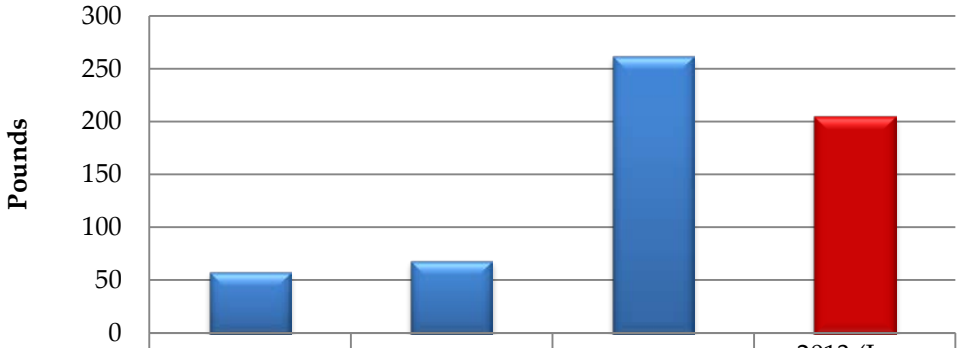
Data:



SOURCE: United States Postal Inspection Service – Prohibited Mailing of Narcotics

NOTE: These figures only reflect packages seized. They do not count packages of Colorado marijuana that were mailed and reached the intended destination.

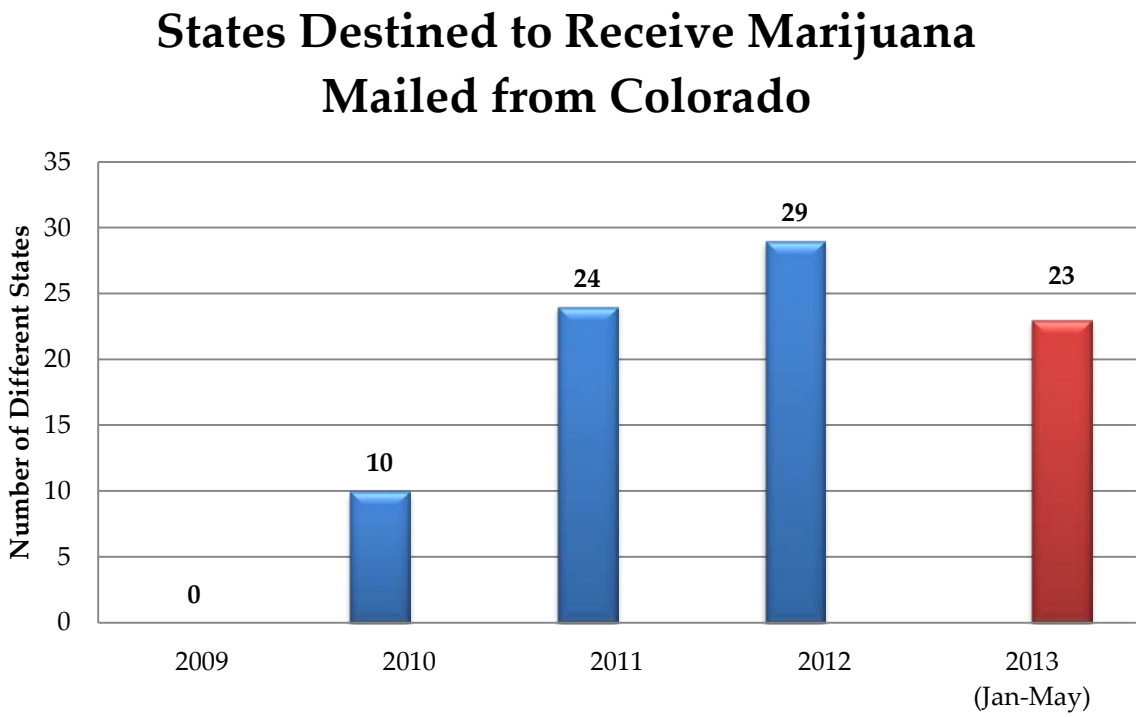
Pounds of Colorado Marijuana Seized by the U.S. Postal Inspection Service



	2010	2011	2012	2013 (Jan-May)
Pounds of Marijuana Seized	57.2	68.2	262	205

SOURCE: United States Postal Inspection Service – Prohibited Mailing of Narcotics

NOTE: These figures only reflect packages seized. They do not count packages of Colorado marijuana that were mailed and reached the intended destination.



SOURCE: United States Postal Inspection Service – Prohibited Mailing of Narcotics

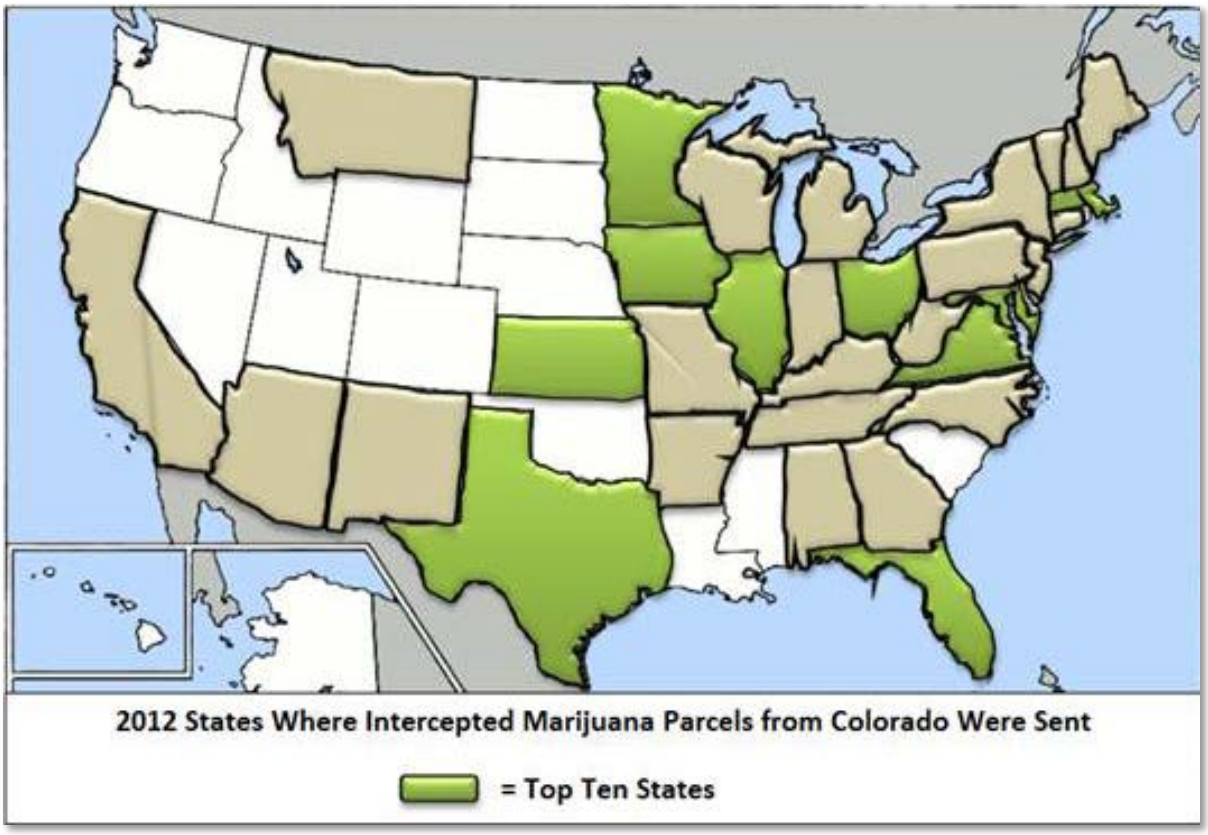
NOTE: When a state is destined to receive more than one package, it is only counted once.

Related Material:

Shipments of marijuana from Colorado generally are destined for locations east of Colorado. According to the PMN data, in 2012:

- **The 2012 top ten states where intercepted marijuana parcels from Colorado were destined:**

1. Illinois
2. Texas
3. Florida
4. Ohio
5. Minnesota
6. Maryland
7. Iowa
8. Massachusetts
9. Kansas
10. Virginia



Some Case Examples:

Over 100 Pounds Mailed from Aurora, CO: On December 27, 2012, USPIS and Aurora (Colorado) Police Department arrested three persons for cultivation and distribution of marijuana from Aurora. Law enforcement executed search warrants and seized $95,000 in cash, 500 mature marijuana plants and 10 pounds of bulk marijuana. These medical marijuana cardholders were responsible for distributing over 100 pounds of marijuana to various cities throughout the United States. The USPIS was able to identify over 100 Express Mail Service mailings associated with this group as well as the seizure of outbound marijuana and inbound cash payments.

Arvada, Colorado to Warrensburg, MO: January 10, 2013, a parcel package was intercepted at a mail facility in Warrensburg, **MISSOUR**I. The package, containing .99 pounds of marijuana, originated from Arvada, Colorado. A follow up investigation was conducted.[2]

High-Grade Colorado Marijuana Mailed to West Virginia and Tennessee: On January 18, 2013, USPIS, working with the Northern Colorado Drug Task Force, arrested three subjects for cultivation and distribution of marijuana. These medical marijuana cardholders developed a network mailing high-grade marijuana from Colorado to **WEST VIRGINIA** and **TENNESSEE**. They received the money from the sales back through the U.S. mail. Law enforcement served a search warrant in Fort Collins, Colorado, locating two marijuana grows, seizing over 150 marijuana plants and $25,000 in cash.

Aurora, Colorado to Kansas City, Missouri: January 10, 2013, a postal package was intercepted containing .63 pounds of marijuana. When the addressee was contacted, the individual denied knowledge of the package. The package originated in Aurora, Colorado with a Kansas City, **MISSOURI** destination.[2]

Breckenridge, Colorado to Bonner Springs, Kansas: January 31, 2013, a package was intercepted at a mail facility that originated in Breckenridge, Colorado with a destination of Bonner Springs, **KANSAS**. The package contained 9 pounds of marijuana.[1]

Aurora, Colorado to Milwaukee, Wisconsin: February 1, 2013, a package was intercepted at a mail facility in Milwaukee, **WISCONSIN** that contained 2.48 pounds of marijuana. The origination address was Aurora, Colorado with a destination address of Milwaukee, WISCONSIN.[2]

Ten Arrested Shipping Marijuana: During a one-week period, USPIS and Summit County (Colorado) Sheriff's Department conducted an operation. Traffickers were shipping marijuana from different post offices in Summit County to other states in the country. This week-long operation resulted in the arrest of ten individuals and seizures of over $29,000 in cash and 13-1/2 pounds of marijuana and marijuana edibles.

Glenwood Springs, Colorado: March 28, 2013, a package containing 13.2 pounds of hydroponic marijuana was seized, destined for an unknown address, due to a bad street name. The sender was from Glenwood Springs, Colorado.[1]

Aurora, Colorado: April 17, 2013, a package containing 1.8 pounds of hydroponic marijuana from Aurora, Colorado was seized. The marijuana was destined for Jacksonville, **FLORIDA**.[1]

Comments

"At least 50 percent of everything I get is from one of those states where it is legal to grow – Colorado and California – and marked with kid-catchy names like "Purple Haze" and "Orange Crush." Officers seize at least one package coming from California or Colorado every day.

Sgt. Brad Williams, Chicago (Illinois) Police Department[3]

"The Chicago Police Department Package Interdiction Team (PIT) is reporting that the CO "medical" marijuana industry has been making its way to Chicago via USPS, FedEx, and UPS parcels. Compared to previous years, marijuana from Colorado is steadily becoming just as prevalent as marijuana from California and Oregon. Marijuana from Colorado has been arriving in bulk amounts (usually about 1-2 pound shipments). As of May 2012, the PIT has seized nearly 10,000 grams of "medical" marijuana."

Mary B. Kenney, Investigative Support Center Manager, Chicago, Illinois

Sources:

[1] United States Postal Inspection Service – Postal Inspectors case database; statistical information on intercepted packages related to Prohibited Mailing of Narcotics (PMN) drug database

[2] El Paso Intelligence Center (EPIC) – National Seizure System (NSS) data

[3] LexisNexis – Marijuana "The Rush is On" article 11-03-2011

[4] *"Colorado's Medical Marijuana – Are Regulations Working or is 'Medical' Marijuana Being Diverted?"*, Rocky Mountain High Intensity Drug Trafficking Area, 2012

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