

**North Carolina Advisory Council on Cannabis
Public Safety Subcommittee**

Co-Chairs:

Colonel Freddy Johnson, State Highway Patrol

Sheriff Keith Stone, Sheriffs' Association

Meeting Minutes

August 26, 2026, 2:00-3:00pm

Virtual via Teams

Attendees

Council Members Present – Colonel Freddy Johnson; Sheriff Keith Stone; Scottie Shoaf; David Hess; Kimberly McDonald; Deonte Thomas; Mark Ezzell; Sen. Kandie Smith

Council Members Absent – Carrie Brown; Brian Harris; Matt Scott

Staff Present – Marybryan Wolak; Kaycee Deen; Charles Mitchell; Anne Doyle; Brandy McKoy; Megan Chua; Gabriel Walsh

Agenda

- I. Welcome, Roll Call, and Ethics Statement
- II. Presentation: Toxicological Support of Cannabis-Involved Investigations
- III. Presentation Q&A
- VI. Other Business and Next Steps

Presentation: Toxicological Support of Cannabis-Involved Investigations [Lori Knops & Donna Papsun]

- Cannabis impairment is complex
 - There is no single THC concentration that establishes impairment; toxicology is one component of the totality of the investigation
- The quality of testing matters
 - DUI/DUID testing should be performed using validated, confirmatory methods within an accredited forensic laboratory, so results are scientifically defensible and court-ready
- North Carolina can use an operational model that fits existing processes
 - Agencies can continue their current blood-collection process while NMS supports testing, NC-specific review, required report distribution, discovery, and testimony
- There is flexibility in how North Carolina could implement testing
 - NMS can support individual LEAS today
- Scope of Testing
 - Not all forensic toxicology testing is created equal
 - Blood is recommended (however, it is the most invasive); urine is not recommended; oral fluid testing has limitations, but it is not as invasive.
 - New York has a well-established oral fluid testing program, but most states use blood

- Screen (presumptive) and confirmation testing both must be met for forensic burden of truth testing to hold up in court
- Policy
 - Shifted from prohibition to legalization (medical use, adult use/recreational use)
 - Greater availability
 - Not just traditional Delta-9, but more synthetics that are increasingly complex
 - There is no universally accepted cannabinoid concentration that established impairment
 - Questions surrounding acute v. chronic use; different formations; etc.
- Procedures
 - Ensure the lab has standard operating procedures because results will be used for court
 - Necessary to have proper documentation

Totality of Investigation

- Integration of
 - Driving behavior and crash circumstances
 - Law-enforcement observations
 - Standardized field sobriety testing (SFSTs) and other behavior indicators
 - Drug Recognition Factors

North Carolina Operational Workflow

1. Draw Blood (use current kits)
2. Submission (kit + NMS submission form with testing ordered)
3. Shipment (direct shipment to PA with provided FedEx airbill)
4. Testing (performed in Pennsylvania)
5. NC Toxicology Review (cases routed to NC based toxicology)
6. Report Distribution (charging officer, NCDMV, NCDHHS, Clerk of Court via secure portal)
7. Discovery (provided to the DA's office report + COC via secure portal)
8. Court (testimony provided by NC Toxicology)

Q&A

- How many law agencies does NMS labs currently serving in NC?
 - Roughly 100+ agencies
- Would you need more capacity to handle this for NC?
 - NMS is a large lab and would need to know how many NC analysts it would need to support—do not currently have enough staff for state-wide implementation for reporting (but has enough for testing)
- Individual law enforcement agencies
- NC pricing memorandum—will follow up about price for NMS to assist NC
 - For a statewide program, there may be volume-based pricing most likely
- Two states for oral fluids testing (NY and Alabama)
- Not the most reliable? Would need to speak with those states to understand their challenges. Blood is preferred but more expensive and invasive.

- NMS Labs is open to a pilot program for oral fluids testing (R&D). Working on getting things up to speed.
- Field is moving toward oral fluids testing but worried about upholding in courts (maybe not in NY) but has not been as widely adopted.
- Oral fluid is more presumptive and then blood testing is done for confirmation
- Time between THC use and testing is important. What time lapse is needed for successful prosecution?
 - When Delta 9 THC is there, means it's active. The issue is when you have the blood testing but no longer have the active substance—it could just mean it broke down, but it could've been present at the time. Cannot just use the toxicology report, it needs to be put into totality with the case.
- What is the window of time?
 - As quickly as possible but within two hours of the stop is likely sufficient.
- Do people have different rates of absorption? Is that true?
 - There are some consistencies. There will be Delta 9 but it depends upon what they used, how they used it, a chronic versus new user, etc. Cannot predict from one person to the next as to what their concentration will be and whether they're impaired. Observations of the case are necessary.
- THC is most prevalent testing for drugs involved with impaired driving. Is there an annual number of how many cannabis tests NMS Labs?
 - Hundreds of thousands
- Can you still tell if Delta 9 THC is present with drinks?
 - Yes.
- Would NMS be able to assist NC with regulation and support alongside the State Crime Lab?
 - Yes, but it also speaks to NMS' staff capacity beyond just testing.
- Do you have a true test to say, "at this level, you have a true level of THC"?
 - THC isn't like alcohol. You have to use observational information as well. It's going to be difficult to convict anyone in North Carolina without also having the observation from the scene.
- Cons for not having a limit—helps prove a case. A lot of people who have demonstrated impairment are not convicted because they may not reach a number. So, this is another possibility.

Learning Resources

- Donna Papsun email: donna.papsun@nmslabs.com
- <https://nmslabs.com/resources/accreditations-and-licenses>

Adjournment

Meeting concluded at 3:02pm.

Next Meeting Date: Wednesday, September 9