Marijuana available today is not the same as its been in years past. The THC concentrations in street weed vary but generally have increased 212% since the 1990’s. The proliferation of edibles, oils, shatter etc. have caused us to look at our methods to determine new use, which is what most folks want to know. Because we have no way of knowing what is the concentration of the THC in the Marijuana the client has ingested and we do not know the method of ingestion and we do not know if they are ingesting the same ‘stash’, it does not seem logical to use our level’s analysis report anymore when so many variables exist.

Paul Cary is the Scientific Director, Toxicology Laboratory, University of Missouri. Mr. Cary is an expert in the field of drug testing, a frequent speaker at drug court conventions and has written dozens of scholarly articles. The following is taken from one of his articles, and it is my recommendation that in light of the many variables that now exist with regards to drug testing for Marijuana, that we follow Mr. Cary’s ‘two negative test approach’ that uses two consecutive negative test results separated by a several day interval to determine when a client has reached his or her abstinence baseline. While we have used the levels analysis in the past to determine new use, this approach gives us a negative baseline, so any positives would be a result of new use.

“As a result of the extended elimination of cannabinoids (as compared to other abused drugs), some drug courts have instituted a detoxification stage or "clean out" period in the first phase of program participation. This grace period allows new clients a defined time frame for their bodies to eliminate stores of drugs that may have built up over years of substance abuse without the fear of court sanctions associated with a positive drug test. In many cases this detoxification period extends for 30 days, which corresponds to the commonly held assumption that this represents the time period required for marijuana metabolites to be eliminated from a client’s system. Regardless of the origin of the 30-day marijuana detection window and its influence on the duration of the detoxification period, 30 days is certainly an equitable time period for client drug elimination purposes. Simply because the science may not support the necessity of a detoxification period of this duration does not mean that a court cannot use the 30-day parameter in order to establish program expectations. However, based upon the cannabinoid detection guidelines presented in this review, it is unlikely (utilizing reasonable physiological or technology criteria) that a drug court client would continue to remain cannabinoid positive at the end of this designated abstinence period. After 30 days, using either a 20 or 50 ng/mL testing cutoff, continued cannabinoid positive urine drug tests almost certainly indicate marijuana usage at some point during the detoxification period and should provoke a court response to reinforce program expectations.

The alternative approach uses negative test results in establishing the actual abstinence baseline. This has been referred to as the “two negative test approach” and has been previously described in the literature (Cary, 2002). A drug court participant is deemed to have reached their abstinence baseline when two consecutive urine drug tests yielding negative results for cannabinoids have been achieved, where the two tests are separated by a several day interval. Any positive drug test result following the establishment of this baseline indicates new drug exposure. This technique can be used with assays that test for marijuana at either the 20 or 50 ng/mL cutoff concentration.” (http://nadcpconference.org/wp-content/uploads/2017/06/A-14.pdf)