Weeding Out Process: The Woes and Windfalls of Testing Legalized Cannabis in Alberta

Jeff Brown (/contributors/jeff-brown) | March 8, 2019



Takeaway: *Companies testing cannabis potency and testing people for impairment are mired in many of the same problems facing the rest of the industry.*

It all looked so promising last summer.

Recreational cannabis wouldn't be legal in time for Canada Day as originally planned, but Alberta's drug testers were poised for great things come October 17.

Innotech Alberta, a subsidiary of Alberta Innovates, anticipated increased research and development opportunities (https://albertainnovates.ca/project/cannabis-legalization-brings-research-and-development-opportunities/) for its test field and facility near Vegreville. It was one of four Alberta laboratories (42 nationwide)

authorized to test and research cannabis last July. That month, the *Calgary Star* profiled the expansion (https://www.thestar.com/calgary/2018/07/02/legalization-promises-a-boom-in-cannabis-testing-and-research-for-alberta-labs.html) of another such lab, also with bright prospects.

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Keystone Labs, (https://keystonelabs.ca/) an Edmonton pharmaceutical test laboratory, began testing cannabis in 2015. It earned international attention (https://bovedainc.com/cannabis-on-the-test-cultivate-ep-12/) with its KEY-BOX (https://key-box.ca/keystone-labs-launches-new-personal-cannabis-test-kit-growers-users-take-control-personal-health-know-medicine/) personal cannabis test kit, which allows growers and medical marijuana users to collect their own samples then send them to Keystone, which analyzes the sample's cannabinoid potency and profile. It was a hit at the 2016 Lift & Co. Cannabis Expo (https://www.universe.com/events/lift-co-cannabis-expo-vancouver-2019-tickets-vancouver-THPWKC) in Vancouver. It could be even more of a hit once cannabis edibles roll out next fall. (https://www.cbc.ca/news/canada/ottawa/cannabis-legalization-second-wave-edibles-1.4901297)

“We expect more producers to be online,” Keystone’s President and founder Jodi McDonald told the *Star,* “which will require more testing.”

One of those producers, Aurora Cannabis Enterprises Inc., expected to produce up to 100,000 kilograms in its 800,000 square-foot Leduc Facility, the *Star* reported. Aurora is one of 11 Albertan (and 150 Canadian) authorized licensed cultivators, processors and sellers under the *Cannabis Act.* (https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/industry-licensees-applicants/licensed-cultivators-processors-sellers.html)

Currently, there are 75 licensed retailers across Alberta waiting for their products. “Waiting” is the operative word.

“If legalization would have occurred on July 1, operationally we would have been ready,” says Chara Goodings, Senior Communications Officer with the Alberta Gaming, Liquor and Cannabis Commission. The AGLC’s distribution, warehousing, licensing, inspections and training were ready to go - all patterned after its successful privatized liquor sales model. Now the AGLC had to slap a moratorium on issuing new licenses because they and the existing retailers are still waiting on products that were ordered for October 17.

“If we had received everything that we were promised, we would have been completely set for at least three months,” Goodings says. A second order for the next three months was ready to go. The reasons producers have given for the severe shortage include bad crops, manual packaging problems, securing excise stamps (https://www.canada.ca/en/revenue-agency/campaigns/cannabis-taxation.html) and having enough glue to affix those stamps. They’re not the only ones complying with complex regulations from Health Canada.

“With the cannabis regulations they have put out now, certain tests are required. “You have to look for certain pesticides, mycotoxins and heavy metals,” says Dr. Raimar Loebenberg of the Katz Group Centre for Pharmacy & Health Research at the University of Alberta (https://www.ualberta.ca/pharmacy/research/drug-development-and-innovation-centre/about-us/management). It’s another of the four Alberta laboratories approved to test cannabis.

Dr. Loebenberg, who started out testing pharmaceuticals, began working on medicinal cannabis in 2005, two years after it was legalized. Although he’s stayed strictly on the medicinal end – “I’m not into cookies,” he says – he’s just installed a new machine to comply with the tighter regulations of a government that needs to show it’s serious about cannabis safety.

Medicinal cannabis isn’t immune from scrutiny, especially in Alberta. We may rank third (https://www.thestar.com/calgary/2018/04/30/albertans-appetite-for-cannabis-third-highest-in-the-country-statistics-canada.html) among Canadians in cannabis consumption, but we’re number one (https://calgaryherald.com/news/local-news/albertans-lead-nation-by-a-lot-in-per-capita-percentage-of-medical-cannabis-users) when it comes to medicinal cannabis.

The hope that legal recreational cannabis will curtail this trend are in doubt (https://nationalpost.com/cannabis/will-legal-recreational-weed-kill-off-the-medical-cannabis-market-experts-say-the-opposite-is-happening). One possible reason is that a medicinal cannabis authorization makes a convenient excuse for some when THC (tetrahydrocannabinol – the psychoactive component of cannabis) shows up on a workplace drug test. Others may honestly, mistakenly believe their prescription is 100 per cent THC-free, and therefore harmless.

“There are very few products that are actually all CBD and no THC” says Bill Duncan, Marketing Manager of CannAmm Occupational Testing Services (https://www.cannamm.com/) in Edmonton. Among other services, his company offers drug and alcohol testing – plus training and advice for employers.

Contrary to what many Albertans believe, Duncan says, no single biological test in Canada can determine the level of workplace impairment. What they actually provide is a test result that indicates risk. Although instant results are available with urine testing, the final defensible result is done in one Ontario lab, where rigid Substance Abuse and Mental Health Services Administration standards are applied. That’s just one of many things Duncan says need clearing up.

“Legalization did not invent cannabis,” he says. “It just made it legal.” Like Dr. Loebenberg’s lab, CannAmm has been in the testing business a while, so relaxed drug laws don’t really expand its horizons.

Approval of the Trans Mountain pipeline would bring the company more business than legalization has, Duncan says, because it puts more people to work in safety-sensitive settings. Random testing, now being instituted by Suncor, the Toronto Transit Commission and others, is a promising option, but it’s prone to legal challenges.

Litigation will occur when there’s so much debate and/or confusion about how long THC lingers in the body, how much and how exactly it impairs users and its role in workplace incidents (https://business.financialpost.com/executive/cannabis-in-the-workplace-no-accurate-official-measure-of-impairment).

There are also misapprehensions about testing. Many Canadians believe “zero tolerance” means any trace of THC will get you fired, when only *unacceptable*

levels of it will potentially lead to discipline. Those levels aren't arbitrary. They're part of serious policy models (http://www.energysafetycanada.com/aboutus/news/news.cfm?releasePage=06252018145440), designed to protect workers at safety-sensitive work sites while respecting those who may have ingested THC through second hand smoke or other causes.

The police are struggling with post-legalization issues too. Statistical evidence (https://madd.ca/pages/impaired-driving/overview/statistics/) of marijuana-involved auto accidents puts a weighty onus on cops to keep stoned drivers off the road – although some chiefs say (https://edmontonjournal.com/news/crime/marijuana-legalization-doesnt-mean-possession-charges-going-away-edmonton-police-chief) they're not ready. However, they do have one new ally.

"The Drager DrugTest 5000 is an Approved Drug Screening Equipment (ADSE) in the Criminal Code," says Fraser Logan, Media Relations Manager with "K" Division RCMP. "These devices are approved for use by police agencies in Canada and have met the scientific requirements for the detection of drugs in oral fluids."

They've also met with criticism (https://cannabislifenetwork.com/how-the-draeger-drugtest-5000-canadas-new-roadside-testing-device-falls-short/) regarding their accuracy, especially in Canada's cold climate (https://www.ctvnews.ca/politics/concerns-raised-about-first-device-set-to-be-approved-for-roadside-drug-detection-1.4047206). So for now, Alberta RCMP are using four Draeger units on a trial basis.

"An ADSE result has the potential of validating a police officers' suspicion that a drug is in a driver's body," Logan says. "They enhance current investigative techniques of police, rather than detract from, or replace, any part of the process. "

That process relies on a special constable known as a drug recognition expert. A DRE is trained to look for signs of impairment (https://globalnews.ca/news/4542511/alberta-rcmp-drug-impaired-driving-chesckstop/) from specific drugs (not just marijuana) in a driver's reaction to lights and tests. They've been fairly reliable but few in number. Police departments across Alberta want to train more, (https://www.cbc.ca/news/canada/edmonton/pot-laws-legalization-alberta-rcmp-1.4860783) but the testing has been expensive, with candidates sent to the U.S. for training. Not all of them graduate. In response to these issues, the Edmonton Police have developed their own 80-hour DRE training program (https://edmontonjournal.com/cannabis/cannabis-news/cannabis-legalization/canada-has-less-than-half-the-police-officers-needed-to-spot-high-drivers-chiefs) that prepares candidates for final certification.

How the training and the Draeger 5000 fare remains to be seen, but like the product labs and workplace analysis, they're part of a much larger test.

All eyes are on Canada now (https://nationalpost.com/cannabis/legal-pot-is-here-and-one-thing-is-certain-the-world-is-watching-us) - as they had been on Uruguay, the first country to legalize recreational marijuana nationwide. As Uruguay's lessons inform us, (https://www.outline.com/wqxFyf) ours will inform the world. If there's one thing to glean, it's that the political rhetoric (https://nationalpost.com/opinion/chris-selley-marijuana-legalization-is-here-to-stay-even-conservative-opponents-admit) that flew before legalization did nothing to prepare us for what came afterward. Maybe the only way to discover the nuts-and-bolts realities of legalization is to just go ahead.

Alberta's cannabis testers, the AGLC and industries ranging from the oil patch on down agree it's going to be a steep learning curve but ultimately worthwhile. It's a matter of adjusting the ingredients because you can't throw out the batch.