



STATE OF MICHIGAN
DEPARTMENT OF STATE POLICE
FORENSIC SCIENCE DIVISION

GRETCHEN WHITMER
GOVERNOR

COL. JOSEPH M. GASPER
DIRECTOR

November 14, 2022

Criminal Justice Partners:

In prior correspondence dated August 31, 2022, the Michigan State Police Forensic Science Division (MSP/FSD) communicated that the processing of samples for confirmatory testing of tetrahydrocannabinol (THC) was halted due to a concern that cannabidiol (CBD) may be converted to THC during laboratory analysis, which could lead to inaccurate test results. Prosecutors were also provided with individual lists of potentially impacted cases for their review.

In the time since testing was halted, validation of a new THC confirmatory testing method has been completed, utilizing a sample preparation method that does not chemically transform CBD to THC. The new method platform, Liquid Chromatography with tandem Mass Spectrometry (LC-MS-MS), is a significant upgrade from the Gas Chromatography Mass Spectrometry (GC-MS) method utilized previously.

To bolster confidence in this new method, the validation summary and supporting analytical data were reviewed by three highly qualified toxicology experts external to FSD: two as independent experts and a third expert as part of our routine ANAB accreditation surveillance activity. Each of these experts have confirmed the validation conforms to ISO 17025:2017/AR 3125 Forensic Testing and Calibration Laboratories Accreditation Requirements. Additionally, the two independent experts also confirmed the validation conforms to the voluntary ANSI/ASB Standard 036 Standard Practices for Method Validation in Forensic Toxicology. As an added measure of transparency, the validation summary and supporting data, totaling approximately 1,350 pages, is available for review on our [website](#).

Utilizing this new method, the MSP/FSD resumed confirmatory testing of THC effective November 9, 2022.

To prevent a backlog of samples from accumulating during the time in which testing was halted, the MSP/FSD outsourced approximately 700 samples to an accredited private toxicology laboratory, with 574 samples returned from the vendor laboratory to date. Of the samples returned, the MSP/FSD had previously analyzed confirmatory THC data on 238 samples, most of which were unreported to the submitting agency due to the discontinuation of testing. Of those 238 samples, the private laboratory reported only two instances in which there was a finding of CBD with no THC. Those two instances included the case that initiated the inquiry and a case that staff members identified which also contained a high blood alcohol content.

The MSP/FSD remains committed to providing the highest standard of forensic services to the criminal justice community. The actions taken in response to this issue continue to demonstrate our timely, transparent, and ethical response to this emerging technical issue.

Sincerely,

Digitally signed by Mr.
Jeffrey V. Nye
Date: 2022.11.14 11:04:08
-05'00'

Jeffrey Nye, Director
Forensic Science Division
Michigan State Police