

Memorandum



CITY OF DALLAS

DATE March 5, 2024

Honorable Members of the Public Safety Committee
TO Cara Mendelsohn (Chair), Kathy Stewart (Vice Chair), Tennell Atkins, Jesse Moreno
Gay Donnell Willis

SUBJECT **March 27, 2024, City Council Draft Agenda Item #28; 24-354 Agreement for THC
Quantification and Controlled substance quantitation analysis for the Police Department**

DRAFT AGENDA #28; 24-354

Authorize a three-year cooperative purchasing agreement for THC Quantification and controlled substance quantitation analysis for the Police Department with Armstrong Forensic Laboratory, Inc. through a cooperative purchasing agreement between the City and Tarrant County through the Interlocal Cooperation Act, Chapter 791, Texas Government Code - Not to exceed \$750,750.00 - Financing: General Fund (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a cooperative purchasing agreement is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis.

On December 20, 2018, the Agriculture Improvement Act of 2018 legalized the industrial production of hemp nationwide while simultaneously removing hemp from the Controlled Substances Act.

Under the Texas House Bill (HB-1325), marijuana and tetrahydrocannabinol, or THC (excluding the limited THC in hemp), remain illegal substances. THC is the chemical component that induces the “high” effect. What changed under Texas law, similar to the federal legislation, is that “hemp” is now excluded from the definition of “controlled substance” and “marijuana. Hemp and marijuana both come from the cannabis plant. Different parts of the plant have different THC concentrations and various factors may impact whether a particular plant sample exceeds the statutory THC limit of 0.3%.

Law enforcement agencies routinely submit suspected illegal substances to accredited crime laboratories for analysis. The laboratories test the substance and issue a report to assist law enforcement and prosecutors with decision-making in a case. Before HB-1325 was enacted, laboratories reported a positive result if cannabinoids were present. When no cannabinoids were detected, the laboratory reported no controlled substance. The laboratories were not required to quantitate the THC, i.e., to identify the amount of THC, in the evidentiary sample. In order for crime laboratories to specifically quantitate the THC, which definitively distinguishes hemp and marijuana from an analytical chemistry perspective, they need additional equipment and staffing. This is because quantitation is more complex and time-consuming in forensic casework than simply identifying the presence or absence of THC.

Under Article 38.35 of the Texas Code of Criminal Procedure, in order for seized drug analysis (Including quantitation) to be admitted in a criminal trial, it must be performed in a laboratory accredited by the Texas Forensic Science Commission. The Commission recognizes national

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accrediting bodies that accredit to International Organization for Standardization standards (17025 or 17020), including forensic supplemental standards that address the intersection of laboratory analysis with the criminal justice system.

This cooperative purchasing agreement will provide for the analysis of THC products such as THC oil, edibles, and vape pens for THC content and quantitation of THC in the evidence through an ANSI (American National Standard Institute)/ANAB (ANSI National Accreditation Board) accredited laboratory. *This agreement will also allow for the analysis of controlled substances that require quantitation, such as codeine and hydrocodone, and will allow for an additional laboratory to conduct controlled substance testing on an as needed basis to process backlogs with the primary laboratory.*

The cooperative purchasing agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code which authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
General Fund	\$250, 250.00	\$250,250.00	\$250,250.00

Should you have any questions or concerns please contact me at (214) 670 5299.

Jon Fortune
 Deputy City Manager

- c: T.C. Broadnax, City Manager
- Tammy Palomino, City Attorney
- Mark Swann, City Auditor
- Biliera Johnson, City Secretary
- Preston Robinson, Administrative Judge
- Kimberly Bizer Tolbert, Deputy City Manager
- Jon Fortune, Deputy City Manager
- Majed A. Al-Ghafry, Assistant City Manager
- M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager
- Dr. Robert Perez, Assistant City Manager
- Jack Ireland, Chief Financial Officer
- Genesis D. Gavino, Chief of Staff to the City Manager
- Directors and Assistant Directors