

# ASK THE PROFESSIONALS

*BUSINESS ANSWERS TO PRESSING B2B MATTERS*

## FAMILY LAW

### Marijuana, Driving and Child Abuse

Under Colorado law, a person driving with 5 ng or more of delta-9-tetrahydrocannabinol (THC) per milliliter of blood gives rise to a permissible inference that such person is under the influence of marijuana. C.R.S. §42-4-1301 (6)(a)(IV). It is not a defense that the person has a legitimate medical reason for marijuana use. C.R.S. §42-4-1301(1)(a).

Now, marijuana remains in your bloodstream for around thirty days. A frequent user would therefore have a residual THC level that would likely exceed 0.5 ng/ml 24 hours per day.

So, frequent user is tired, or has one beer on the way home, or swerves to miss a housecat, or otherwise gets the attention of a traffic cop. Frequent user has a child in the car, and is pulled over. The officer suspects impairment, and requests a test under the express consent law. The results come in above 5ng/ml. And because a child was in the car, frequent user is charged with child abuse.

While It may be possible to win in criminal court, in family court a child abuse charge could be disastrous.



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## got advice?

Ask the Professionals is a monthly feature highlighting timely, pertinent issues in key business matters in a variety of industry areas. For more information contact Denise Jendrusch at **303-803-9250**