

FISCAL YEAR 2023 ANNUAL CANNABIS REPORT

Illinois State Police



Cannabis Control Office

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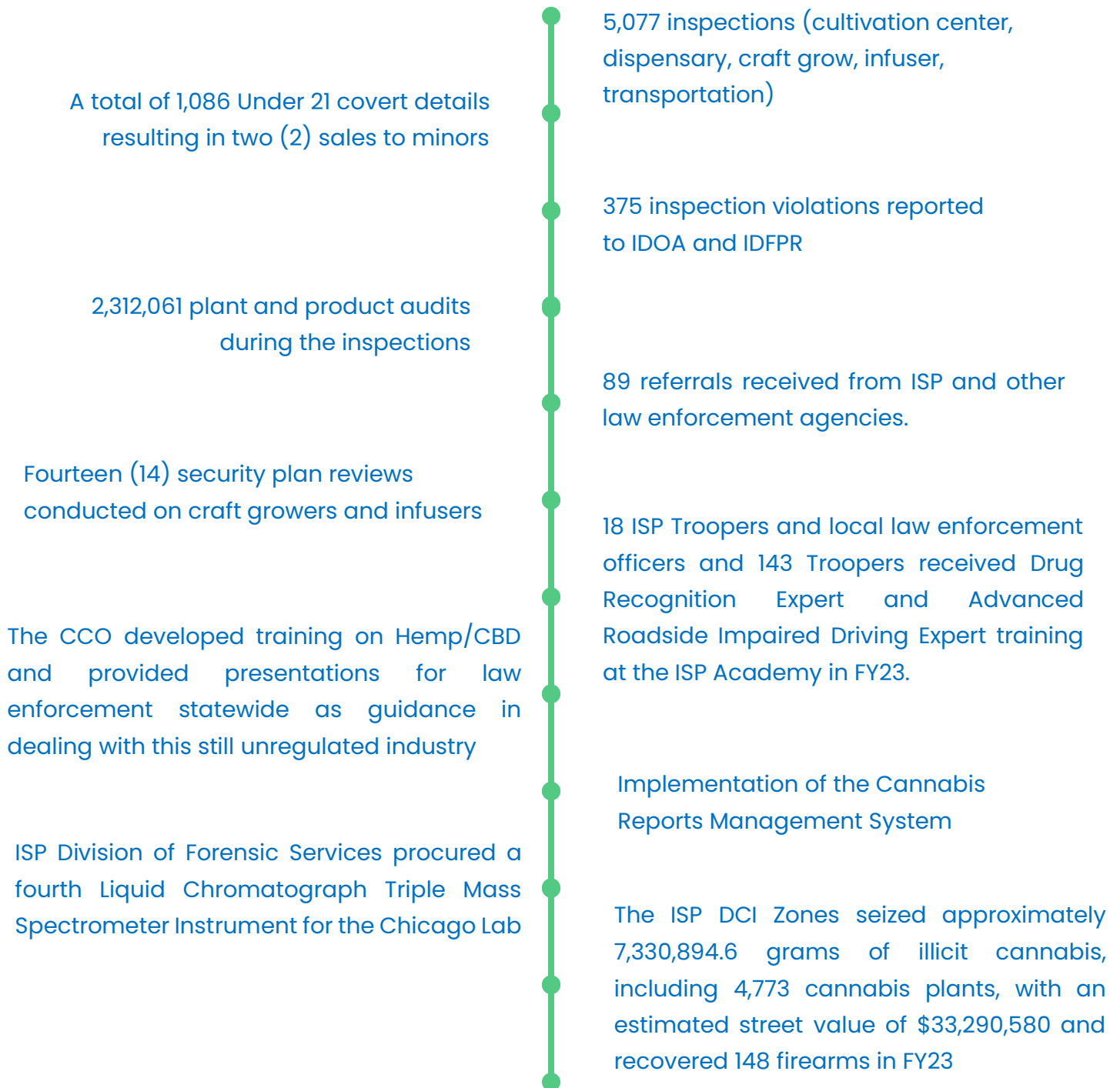
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SUMMARY

“There are no secrets to success. It is the result of hard work, preparation and learning from failure. – Colin Powell

The Illinois State Police (ISP) provides enforcement, investigation, and processing of all cannabis related criminal offenses. The ISP strives to ensure the safety of the motoring public and community by: curbing illicit market activities defined as non-tax related sales and possession; enforcing laws related to driving under the influence; and by providing effective inspection and oversight of security related matters in the legal cannabis industry. Furthermore, the agency, through the Cannabis Control Office (CCO), is involved in the inspection of facilities operating under the Cannabis Regulation and Tax Act (CRTA) and Compassionate Use of Medical Cannabis Act, and also conducts physical security plan reviews for new and existing facilities.

FY2023 ACCOMPLISHMENTS



FY24 GOALS

1. Maintain a continued focus to hire additional Internal Security Investigators (ISIs), to compliment the current number of fourteen (14) CCO Investigators, with the goal of maintaining 100% monthly inspection completion per licensed cannabis facility.
2. Continue to work jointly with IDFPR to provide recommendations regarding physical security component placement and operational security at all licensed cannabis dispensaries. Continue to complete pre-operational inspections of all IDFPR related cannabis facilities.
3. Continue to work closely with IDOA while conducting mandated physical security reviews on all new craft grower and infuser organizations as well as completing pre-operational inspections of all IDOA related cannabis facilities.
4. Implementation of a new CCO procedures manual and Field Training Program for current and new Investigators.
5. Continue to offer Drug Recognition Expert (DRE) and Advanced Roadside Impaired Driving Enforcement (ARIDE) training statewide.

FY24 ESSENTIAL PROJECTS

1. Continue to hire and train civilian personnel (e.g. ISIs, Administrative Assistant I and Accountant).
2. Provide additional physical security training to sworn personnel as well as the current Investigators and incoming ISIs.
3. Implementation of the CCO dashboard to assist CCO staff with data analyzation to improve efficiency, proactivity of operations and statistical reporting.

FY24 Metrics

The ISP is committed to prompt completion of background requests. Furthermore, the ISP CCO is committed to developing technological enhancements to improve information sharing and data analysis for all cannabis entities. The ISP CCO will continue to strive towards completing monthly inspections on all licensed cannabis entities.



95%
Complete background requests within 48 hours



100%
CaRMS implementation and training



100%
Inspections of sites monthly


KEY DATA POINTS

Criminal History Record Expungement

Under 20 ILCS 2630/5.2, The Criminal Identification Act, the Illinois State Police (ISP) is tasked with administering the program to expunge or seal records dealing with possession of cannabis in the state of Illinois.

The ISP continues to receive and completely process omnibus orders from 64 counties. The Bureau of Identification (BOI) staff continue to manually process omnibus orders received.

The initial programmatic expungement of minor cannabis non-conviction records from the Criminal History Record Information (CHRI) production database concluded on December 18, 2020. As of June 30, 2023, a total of 807,344 (23,369 criminal conviction records and 783,975 criminal non-conviction records associated with separate arrest events) involving cannabis, have been expunged.

												ILLINOIS STATE POLICE	
												DIVISION OF JUSTICE SERVICES	
Total Number Of DCN Impacted by Expungements To-Date										807,344		BUREAU OF IDENTIFICATION	
Adams	1,997	Cook	488,129	Greene	365	Kankakee	6,202	Massac	1,111	Pope	211	Union	730
Alexander	390	Crawford	607	Grundy	2,006	Kendall	4,019	McDonough	3,277	Pulaski	792	Vermilion	4,438
Bond	267	Cumberland	369	Hamilton	142	Knox	2,533	McHenry	13,486	Putnam	539	Wabash	693
Boone	2,163	DeKalb	5,579	Hancock	386	Lake	25,884	McLean	10,533	Randolph	1,149	Warren	1,043
Brown	253	De Witt	987	Hardin	184	LaSalle	7,901	Menard	201	Richland	763	Washington	502
Bureau	1,238	Douglas	656	Henderson	148	Lawrence	716	Mercer	1,002	Rock Island	8,440	Wayne	589
Calhoun	92	Dupage	26,015	Henry	2,397	Lee	1,837	Monroe	1,068	Saline	1,061	White	1,714
Carroll	400	Edgar	774	Iroquois	1,543	Livingston	2,391	Montgomery	2,456	Sangamon	16,453	Whiteside	3,281
Cass	238	Edwards	102	Jackson	2,568	Logan	1,648	Morgan	2,549	Schuyler	258	Will	16,898
Champaign	7,148	Effingham	3,449	Jasper	332	Macon	4,910	Moultrie	341	Scott	36	Williamson	1,631
Christian	1,078	Fayette	949	Jefferson	1,671	Macoupin	736	Ogle	2,456	Shelby	740	Winnebago	11,161
Clark	588	Ford	703	Jersey	1,306	Madison	12,892	Peoria	13,491	St. Clair	9,399	Woodford	2,286
Clay	232	Franklin	1,060	Jo Daviess	840	Marion	1,586	Perry	1,351	Stark	136		
Clinton	755	Fulton	1,935	Johnson	669	Marshall	299	Piatt	420	Stephenson	1,737		
Coles	2,718	Gallatin	67	Kane	22,611	Mason	353	Pike	1,132	Tazewell	3,777		
Conviction-Related DCN Expungements To-Date by County										23,369			
Adams	89	Cook	8,289	Greene	32	Kankakee	0	Massac	0	Pope	39	Union	20
Alexander	23	Crawford	0	Grundy	0	Kendall	139	McDonough	146	Pulaski	0	Vermilion	101
Bond	43	Cumberland	21	Hamilton	11	Knox	0	McHenry	2,078	Putnam	0	Wabash	0
Boone	215	DeKalb	287	Hancock	29	Lake	594	McLean	0	Randolph	153	Warren	100
Brown	34	De Witt	99	Hardin	34	LaSalle	373	Menard	0	Richland	53	Washington	18
Bureau	148	Douglas	55	Henderson	0	Lawrence	0	Mercer	36	Rock Island	272	Wayne	0
Calhoun	8	Dupage	0	Henry	426	Lee	206	Monroe	0	Saline	34	White	0
Carroll	58	Edgar	122	Iroquois	0	Livingston	309	Montgomery	174	Sangamon	506	Whiteside	348
Cass	21	Edwards	0	Jackson	85	Logan	156	Morgan	263	Schuyler	22	Will	1,300
Champaign	465	Effingham	219	Jasper	0	Macon	281	Moultrie	37	Scott	0	Williamson	42
Christian	95	Fayette	82	Jefferson	112	Macoupin	96	Ogle	263	Shelby	0	Winnebago	0
Clark	102	Ford	70	Jersey	0	Madison	292	Peoria	1,071	St. Clair	380	Woodford	122
Clay	0	Franklin	0	Jo Daviess	0	Marion	0	Perry	0	Stark	0		
Clinton	0	Fulton	152	Johnson	0	Marshall	0	Piatt	39	Stephenson	0		
Coles	207	Gallatin	7	Kane	1,435	Mason	57	Pike	0	Tazewell	174		

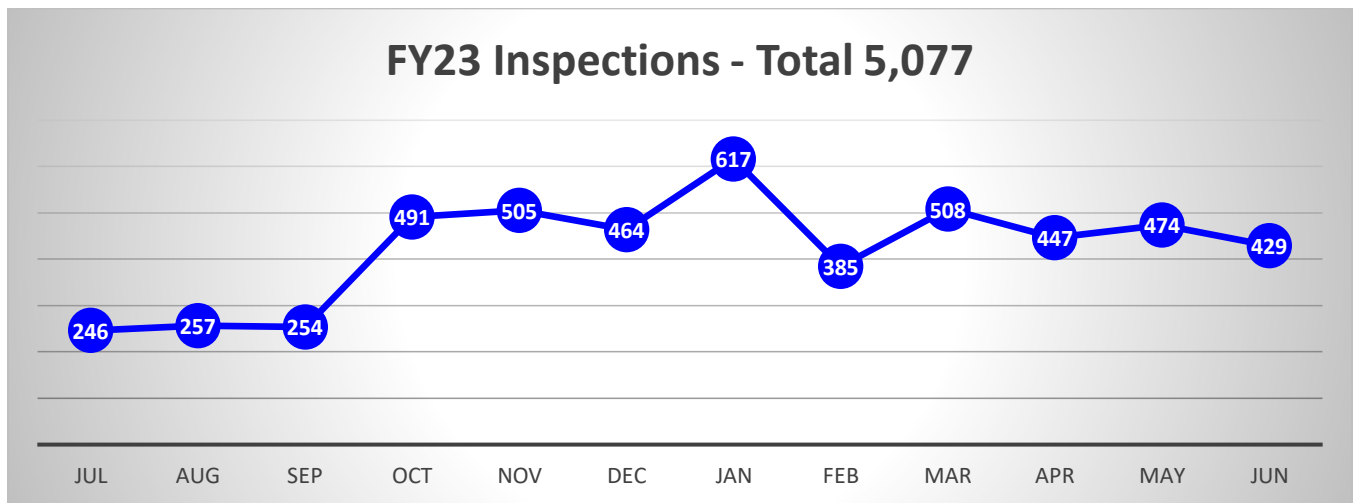
Cannabis Business Facility Inspections

In FY23, the CCO conducted 5,077 inspections, most of which were facility inspections conducted at 150 dispensaries, 21 cultivation centers, 8 craft growers, and 8 infusers throughout the state. The remainder of the inspections were transportation organization inspections which occurred during deliveries at the dispensaries.

5,077 inspections

 conducted in FY23

150	dispensary licenses
21	cultivation center licenses
8	craft grower licenses
8	infuser licenses
84	transportation licenses

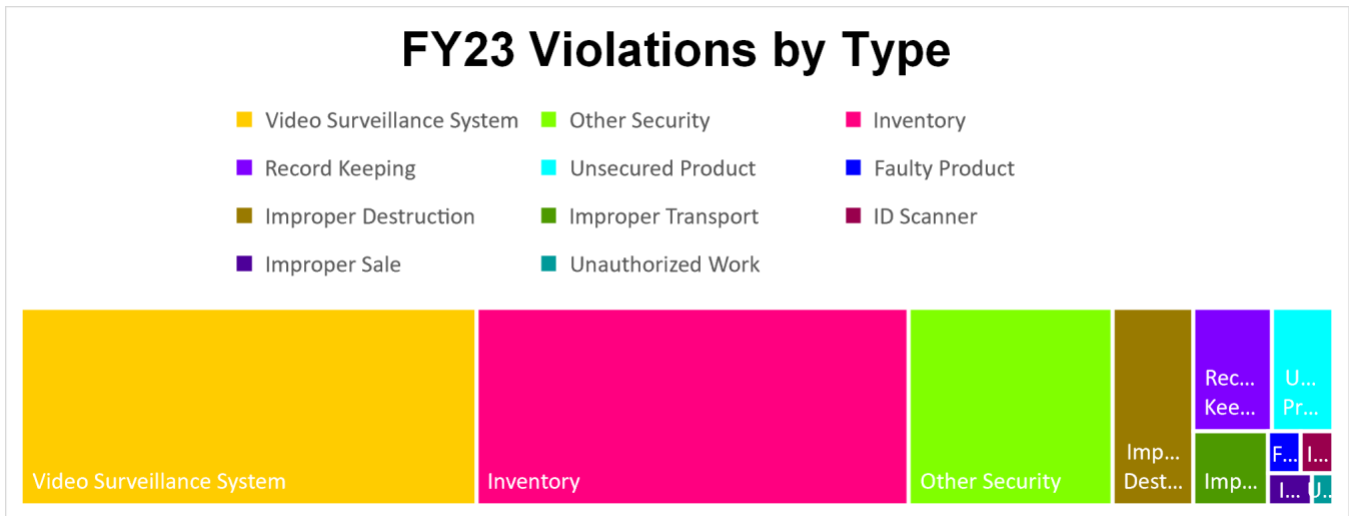
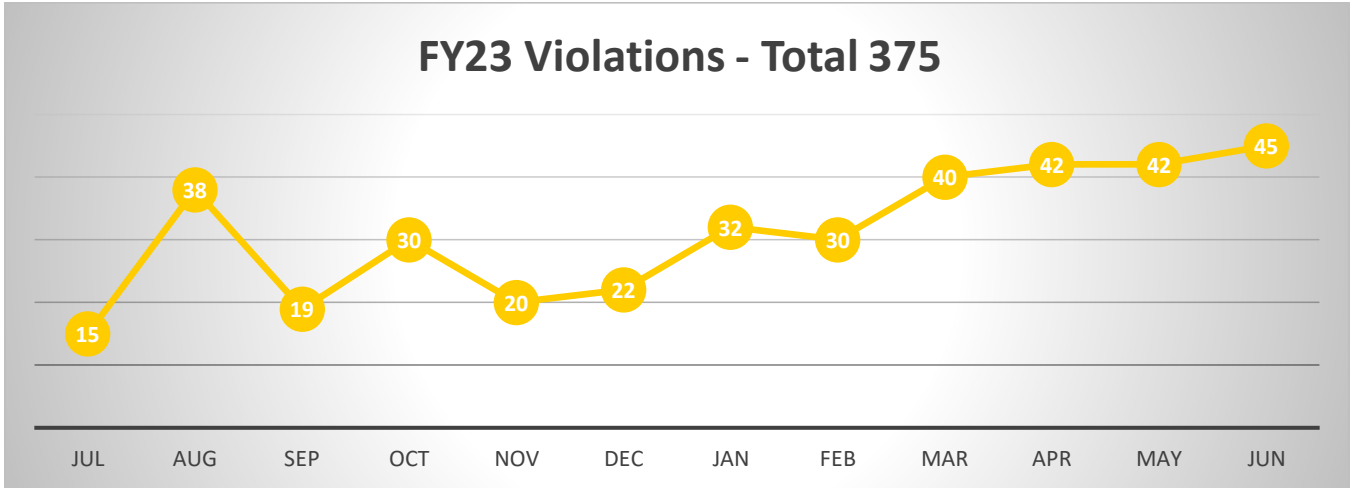


14 Investigators in FY23

All 14 ISP Investigators are former law enforcement and have completed the mandatory training required to perform their assigned duties. The Investigators continue to receive other ISP training mandated throughout the year. The CCO will be adding seven ISIs in FY23. The CCO has proposed adding six additional ISIs in FY24, six additional ISIs in FY25, and six additional ISIs in FY26 bringing the total to 25 ISIs. These ISIs would replace the current contractual investigators.

375 Violations

Identified in FY23



163 referrals

Received from ISP, local law enforcement and the public

14

Security plans reviewed in FY23

The CCO worked closely with IDOA on physical security reviews and pre-operational inspections on all new craft grow and infuser operations.

Agent, Agent-in-Charge, and Principal Officer Background Checks

ISP conducts background checks of all Agents, Agents-in-Charge, and Principal Officers. Below, please find summary-level figures on Department action taken on Agent, Agent-in-Charge, and Principal Officer background checks in FY23.

7,947
total background checks
conducted in FY23

FY23				
DESCRIPTION	TOTAL	AVERAGE PROCESSING TIME	# LESS THAN 48 HOURS	% LESS THAN 48 HOURS
PRINCIPAL OFFICERS, BOARD MEMBERS AND AGENTS CULTIVATION CENTER	599	1	577	96.33%
PRINCIPAL OFFICERS, BOARD MEMBERS AND AGENTS OF A CRAFT GROWER	219	1	212	96.80%
PRINCIPAL OFFICERS, BOARD MEMBERS AND AGENTS OF CANNABIS INFUSER	195	1	189	96.92%
PRINCIPAL OFFICERS, BOARD MEMBERS AND AGENTS CANNABIS TRANSPORTER	175	1	171	97.71%
CANNABIS CULTIVATION AGENT	1,918	1	1,832	95.52%
CANNABIS DISPENSING AGENT	2,278	1	2,213	97.15%
CANNABIS VOCATIONAL TRAINING	0	0	0	0.00%
DISPENSING ORGANIZATION AGENT	2,113	1	2,061	97.54%
	7,497	1	7,255	96.77%

- Average processing time for background investigations is reported in days

Effect of Cannabis Regulation on Law Enforcement Resources

Division of Forensic Services

- Drug Chemistry Impact (FY23)
 - ◆ While staffing was not added to the instrument validation project, cost of living increases adjusted the approximate salary from \$90,000 in FY22 to \$100,000 in FY23.
- Toxicology THC quantitation
 - ◆ Purchase of additional commodities to include columns, pre-columns, seal-kits and emerging drug standards at a cost of approximately \$5,000 annually. These are general operating commodities/expenditures to conduct maintenance (i.e. purchase of bullets for firearms)
 - ◆ Currently, Forensic Sciences Command (DFS) has four LCQQQ instruments functional for casework (two in Chicago and two in Springfield). The LCQQQ instruments were procured in FY20 (1), and FY21 (2); no instruments were procured in FY22. A fourth instrument was purchased for a cost of \$343,753,19 in FY23. DFS Command is evaluating the need to purchase additional instruments.
 - ◆ The validation and implementation for the LCQQQ to quantitate THC in plant material and infused products is underway, but is a large, multi-year project. The first phase of the project, Decision Point Analysis, was nearly completed for approval and was expected to be implemented in the Fall of 2022. However, unexpected delays and a focus on LIMS development have delayed this project. It is anticipated the project will be completed in late 2023. This process utilizes GC-MS to screen plant material to identify which samples must move on for further analysis by LCQQQ methods, which is necessary due to the volume of casework. The LCQQQ portion of the project is also progressing. Related to the LCQQQ portion, the theory has been learned and initial methods have been in development. Since the LCQQQ has two detectors for various applications (one QQQ and one Diode Array Detector), two methods for the different detection options have been identified and developed to ensure separation of Delta 9 THC and Delta 9 THC acid from other cannabinoids (like Delta-8). Additionally, method development had to be adjusted for room temperatures and performance of the methods in the lab conditions. Furthermore, sample extraction techniques for various sample types have been evaluated. At this point, both the sample preparation methods and instruments methods have been developed. The next steps of the process are to validate the robustness, precision and sensitivity of the sample preparation and instrumental methods developed to ensure consistent use in the laboratory. Once these studies are completed, the final validation report can be developed along with applicable training materials, operating procedures and implementation plans.
- Scene and Evidence Services Command (SESC)
 - ◆ Illicit cannabis evidence (6,600 lbs.) was transported to Veolia Environmental Services in Sauget, Illinois for destruction in FY23. No CCO funds were expended for this project, however; CCO funding usage is being explored as an option for future large cannabis destructions.

Division of Patrol

The ISP Division of Patrol (DOP) continued to be impacted by staffing and use of resources which led to redesigning operational organization within the DOP. To better serve the citizens of Illinois and become more adaptable with resources, on January 1, 2023, the DOP reorganized patrol structure from 21 patrol Districts to 11 patrol Troops and three Special Operations Groups: Statewide Anti-Violence Enforcement (S.A.V.E.), Highway Interdiction Team (H.I.T.), and the Fatal 4 Team. Established in January, the DOP specialty teams have a primary focus on intercepting criminal activity and reducing traffic fatalities across Illinois roadways.

One of the primary missions of the DOP revolves around criminal enforcement and the 360-degree State Trooper Concept which targets the growth of professional State Troopers, new and seasoned, through advanced training and development. The necessity for the development of training and the downtime required to train officers to handle a variety of situations and topics involving cannabis such as, the transportation of cannabis and impairment due to cannabis consumption, continued across the DOP in FY23.

After the decriminalization of cannabis in the State of Illinois on January 1, 2020, the ISP decided to temporarily pause the imprinting of ISP canines with the odor of cannabis. During the last three years, more extensive reviews/revisions of the law have occurred along with many favorable Circuit and District published rulings upholding cannabis-imprinted canine usage. In 2023, ISP made the decision to resume imprinting cannabis on a small portion of the canine section; specifically, canines assigned to the Special Operations Group – Highway Interdiction Teams (HIT). By adding a small number of cannabis-imprinted canines each year, it will allow the ISP to continually monitor the ever-evolving court rulings and law changes while also providing an imperative service, namely, the interdiction of illicit market cannabis.

The highly specialized professional officers operating on the HIT are selected because of their knowledge, drive, and work ethic. A major part of HIT's mission is to seek out and interdict narcotic traffickers in-transit on Illinois' highways and byways. HIT's interdiction success stems from cannabis-imprinted canines prior to the decriminalization in January 1, 2020. Imprinting ISP canines with the odor of cannabis assists in apprehending traffickers transporting large amounts of illicit, untaxed cannabis in Illinois. Increasing the number of cannabis-imprinted canines also supports HIT's and ISP's mission of interdicting crime throughout Illinois.

The DOP is made up of roughly 1,000 sworn officers with approximately 10% assigned to the Special Operations Groups whose focused enforcement is designed to target criminal activity and traffic safety as well as provide training and mentoring to other law enforcement officers both within and outside the ISP. The Special Operation Groups seized over 379,842 grams (837 lbs.) of illicit market cannabis during the months of January through June 2023; a 16% increase from the same timeframe in 2022.

It should also be noted, the number of illicit cannabis trafficking charges as a result of ISP DOP operations decreased from 91 in FY22 to 45 in FY23. The number of Manufacture/Delivery of Cannabis charges also decreased from 205 in FY22 to 181 in FY23 and Possession of Cannabis from 1,248 in FY22 to 1,091 in FY23. The DOP is unable to attribute any specific reasons for the reduction in trafficking charges from FY22 to FY23. There exists a wide array of factors which could impact the trafficking of cannabis and the detection and prosecution of trafficking cases.

Division of Criminal Investigation

The information provided by the Division of Criminal Investigation (DCI) is based upon observations of special agents, communications with prosecutors, other law enforcement partners, and case material (open and completed cases) substantiating DCI's assessment which focus on the growth of the illicit market, impact on other investigations, and evolving air operations.

The legalization of cannabis has had a profound effect on Illinois law enforcement in several ways. The DCI Drug Metropolitan Enforcement Groups (MEG), as well as Drug Task Force (TF) units across the state have noted since the legalization and regulation of cannabis in Illinois, prosecutors (Illinois and Federal) are more reluctant to file criminal offenses involving illicit market cannabis, unless related to more "serious" criminal offenses. DCI indicated reluctance by the courts to secure formal criminal charges, often hinders the ability of the MEG and TF agents to gain leverage when seeking the assistance and cooperation of confidential and other sources. The lack of leverage also has a negative impact on the ability of agents to build cases in furtherance of locating and combating narcotics and firearms.

The legalization and regulation of cannabis in Illinois has vastly expanded the cannabis consumer market, drawing in those individuals who would not have previously ventured into what was formerly an unlawful activity. DCI noted the immensely expanded and diverse consumer base has effectuated an increased illicit or unregulated cannabis market. The increase in the number of consumers within the illicit market can be seen as a result of dispensary taxes and the increased "legalized" cost of cannabis product. In FY23, ISP Zones statewide seized a combined total of 7,330,894.6 grams of illicit cannabis, which has a total street value of approximately \$33,290,580. In addition, 4,773 illicit cannabis plants were seized, which at harvest, can yield up to one pound of cannabis "buds" per plant. Additionally, 148 illegally possessed firearms, were seized during investigations where arrests were made. In order to protect their assets, including their illicit cannabis, traffickers often arm themselves with firearms which poses a significant threat to the safety of Illinois citizens.

Zone 1 – *Will County Cooperative Police Assistance Team (WCPAT), DuPage Metropolitan Enforcement Group (DUMEG), Lake County Metropolitan Group (LCMEG), Narcotics & Currency Interdiction Team (NARCINT) and North Central Narcotics Task Force (NCNTF), Joliet Metropolitan Area Narcotics Squad (JMANS), Kendall County Police Assistance Team (KCPAT) and Kankakee Metropolitan Enforcement*

- Zone 1 narcotics had the following illicit cannabis seizures which have a total street value of approximately \$16,239,780.

WCPAT – 321,900.75 grams
DUMEG – 455,059.03 grams
LCMEG – 13,471 grams
NARCINT – 1,646,182 grams
NCNTF – 58,977 grams
JMANS – 619,676.51 grams
KCPAT – 351,476 grams
KAMEG – 48,534.4 grams

Zone 2 – *Blackhawk Area Task Force (BATF), Quad City MEG (QCMEG), State Line Area Narcotics Team (SLANT)*

- Zone 2 narcotics had the following illicit cannabis seizures which have a total street value of approximately \$1,373,800.

BATF – 218,629 grams
SLANT – 51,489 grams
QCMEG – 41,480 grams

Zone 4 – *Peoria Metropolitan Enforcement Group (PMEG), Central Illinois Enforcement Group (CIEG) and West Central Illinois Task Force (WCITF)*

- Zone 4 narcotics had the following illicit cannabis seizures which have a total street value of approximately \$10,119,000.

PMEG – 23,666 grams
CIEG – 2,270,079.5 grams
WCITF – 1, 203 grams

Zone 5 – *East Central Illinois Task Force (ECITF), Vermillion Metropolitan Enforcement Group (VMEG), and Task Force 6*

- Zone 5 narcotics had the following illicit cannabis seizures which have a total street value of approximately \$3,609,600.

ECITF – 688,163.13 grams
VMEG – 73,317 grams
Task Force 6 – 57,232 grams

Zone 6 – *Metropolitan Enforcement Group of Southern Illinois (MEGSI), and South-Central Illinois Drug Task Force (SCIDTF)*

- Zone 6 narcotics had the following illicit cannabis seizures which have a total street value of approximately \$1,597,000.

MEGSI – 268,333.78 grams
SCIDTF – 28,535.74 grams

Zone 7 – *Southern Illinois Enforcement Group (SIEG), and Southern Illinois Drug Task Force (SIDTF)*

- Zone 7 narcotics had the following illicit cannabis seizures which have a total street value of approximately \$220,600.

SIEG – 21,511.7 grams
SIDTF – 42,300 grams

Zone 8 – *Southeastern Illinois Drug Task Force (SEIDTF)*

- Zone 8 narcotics had the following illicit cannabis seizures which have a total street value of approximately \$130,800.

SEIDTF – 29,688.2 grams

A large amount of high-grade cannabis originates from states such as California, Oregon, and Colorado, via the United States Postal Service; United Parcel Service; and the FedEx Corporation. DCI indicates the aforementioned package delivery services are no longer overtly scrutinizing suspicious packages as a result of the legalization and regulation of cannabis.

Furthermore, law enforcement officers are often not contacted when packages carrying suspected illicit cannabis are identified. As a result of an increased illicit cannabis market, facilitated in part through these delivery methods, proceeds continue to be large sources of income for traffickers. They then purchase weapons and make other drug purchases. A correlation between increased acts of violence, including deaths, and the support and control of the increased illicit cannabis market has also been observed since the legalization and regulation of cannabis in Illinois. Many factors are indicated in the rise of violent crime across the state and the country, so the impact of the illicit cannabis market and cannabis policy on the investigation of violent crime warrants close monitoring and assessment in the years ahead.

Midwest High Intensity Drug Trafficking Area (HIDTA) also notes that overproduction of cannabis and cannabis products in states where production and sale of cannabis is legal, represents a major challenge to law enforcement. Overproduction of legal cannabis products causes those legally licensed facilities to reduce their prices or suffer a total loss. To increase profit and avoid losses, some of those facilities sell their cannabis products on the illicit market where those products are untaxed and some of the products are trafficked out of state.

Those consumers who purchase legal, regulated cannabis from Illinois dispensaries are paying nearly double the price of what illicit dealers charge for the same product(s). The average cost per ounce of flower at an Illinois dispensary is about \$270 before taxes and \$340 after taxes. According to the Midwest (HIDTA) program, the average cost of illicit cannabis flower per ounce is \$200 and \$2,000 per pound.

The following represents illicit cannabis seizure highlights by ISP/DCI Zone Narcotics units:

- August 2022, ECITF seized approximately 1,436 pounds of high-grade illicit cannabis.
- September 2022, QCMEG seized approximately 39.5 pounds of high-grade illicit cannabis.
- October 2022, WCPAT seized approximately 316.4 pounds of high-grade cannabis in Chicago and Crest Hill, IL.
- November 2022, MEGSI seized approximately 102.2 pounds of high-grade cannabis during an investigation in Marine and Madison, IL.
- December 2022, CIEG seized approximately 4,371 pounds of high-grade illicit cannabis.
- January 2023, BATF seized approximately 1,473 pounds of high-grade illicit cannabis during an interdiction stop in Atkinson, IL.
- February 2023, WCPAT seized approximately 188.5 pounds of cannabis, over 13,3310 grams of THC oil, 259,197 grams of edibles and 1,466 grams of vape cartridges.
- March 2023, VMEG seized approximately 108.1 pounds of cannabis in Vermilion County
- April 2023, TASK Force 6 seized approximately 19.4 pounds of cannabis.
- May 2023, MEGSI seized approximately 23.2 pounds of high-grade illicit cannabis in Madison, IL.
- June 2023, JMANS seized approximately 55.3 pounds of cannabis and 4,208 cannabis plants in Chebanse, Piper City and Cabery, IL.

Impact of Cannabis Regulation on Highway and Waterway Safety

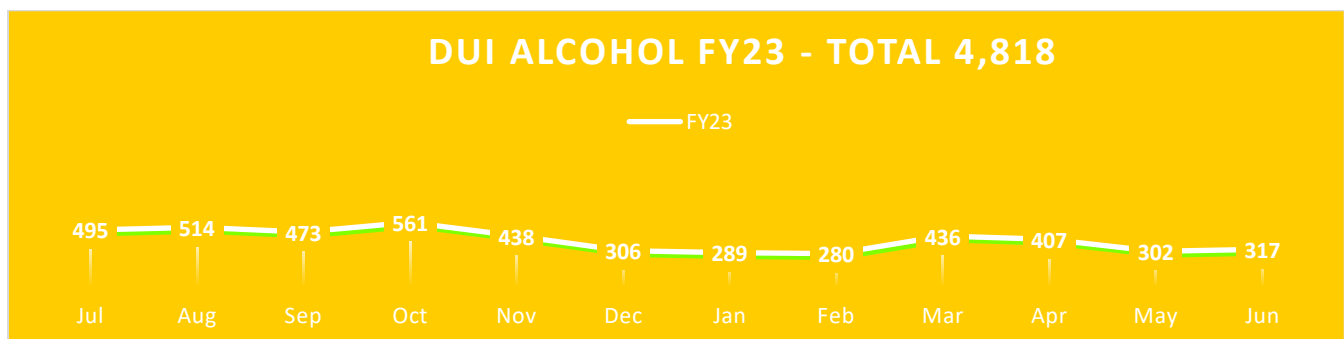
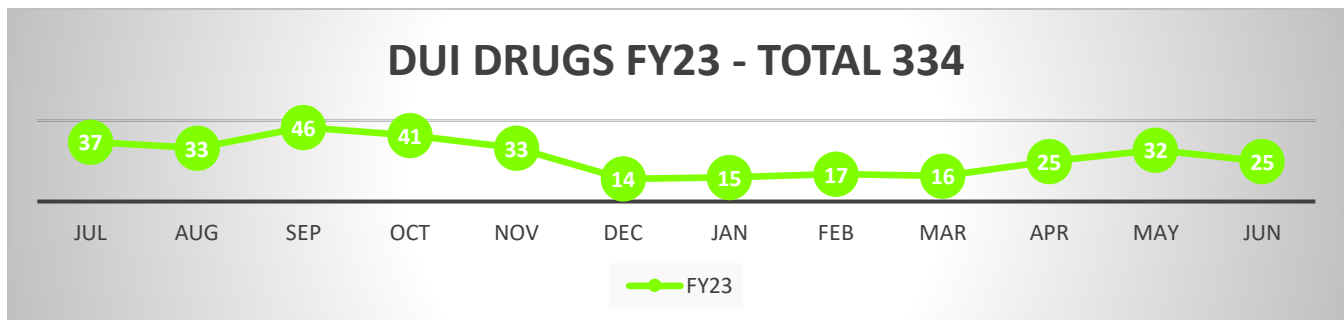
Division of Patrol

In FY23, 182 DUI Cannabis related charges were filed by the ISP. There were 57 crashes involving cannabis, (or having a cannabis nexus) an increase of 68% compared to FY22, and 11 medical cannabis charges. In FY23, the ISP DOP continued to see decreased staffing, and the Division continued the reallocation of resources statewide to help combat critically impacted areas (locations throughout the state with a need for additional resources due to violent crimes) until the reorganization of the DOP on January 1, 2023. The cannabis trafficking information below contains information for the number of charges for each category. All the statistics below were ad hoc (advanced searches) inquiries conducted by the Department of Innovation and Technology (DoIT) for FY23. Each request from the DOP required DoIT to review all Field Reports and Citations entered into the ISP’s Traffic and Criminal Software (TraCS) software.

Note: All statistics provided are Illinois State Police Statistics only and are not representative of all law enforcement agencies statewide.

Offense	FY23
Cannabis Trafficking	45
Manufacture/Delivery of Cannabis	181
Possession of Cannabis	1,091
DUI Cannabis	8
DUI Combination w/Cannabis Nexus	74
Crashes Involving Cannabis (Cannabis Nexus)	57
Medical Cannabis Charges	11
Unlawful Possession of Cannabis in Vehicle	691

The chart below represents the total number of DUI Drugs in FY23 including other illicit compounds or combination thereof.



Emerging Methods to Test for the Presence of THC in Bodily Fluids

Division of Forensic Science

FY23 - The Division of Forensic Services (DFS) has methods available for detecting the metabolites for delta-9-tetrahydrocannabinol in bodily fluids, including, without limitation, blood and saliva. DFS continued the use of established methods and procedures to provide the toxicological services of detecting Delta-9 Carboxy THC (THC metabolite) in blood and urine and quantitating Delta-9 THC in blood. Since this regulation was established, the DFS has validated methods for analysis on three (3) LCQQQ instruments to facilitate this analysis. A fourth (4th) LCQQQ was purchased in FY23 for a cost of \$343,753.19 with general revenue fee funds.

Division of the Academy and Training

A major obstacle officers across the state are having is obtaining blood draws for Driving Under the Influence (DUI) arrests. Often, area hospitals refuse to draw blood for officers or the wait time to obtain a blood sample is several hours. The statutory two-hour time frame to obtain a blood sample (625 ILCS 5/11-501(a)(7)) causes major issues when prosecuting drivers for DUI cannabis. An additional issue arises when a suspect is taken from a crash scene by helicopter. In many cases, these suspects are flown to hospitals outside areas where officers can obtain a blood sample.

One possible solution to this issue is the phlebotomist training program. Illinois has a police phlebotomy training program at Richland Community College. The phlebotomy training consists of four weeks of online training, three days of classroom training and one week of clinicals which includes 100 successful blood draws. Illinois currently has 21 officers trained as phlebotomists.

Efficacy of Existing DUI Laws

Division of Academy and Training

Illinois Compiled Statute 625 ILCS 5/11-501(a)(7) states “the person has, within 2 hours of driving or being in actual physical control of a vehicle, a tetrahydrocannabinol concentration in the person’s whole blood or other bodily substance as defined in paragraph 6 of subsection (a) of Section 11-501.2 of this code.” Paragraph 6 of subsection (a) of Section 11-501.2 states “Tetrahydrocannabinol concentration means either 5 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of whole blood or 10 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of other bodily substances.

The above section is the only section in the Driving Under the Influence statute that places a time restriction on an officer to obtain an evidentiary sample and cannabis is the only drug substance which requires an officer obtain a sample within a certain timeframe. Currently in Illinois, officers must take a suspect to the hospital to obtain a blood sample. This forces officers to take into consideration how far away the hospital is from the arrest location and to try to guess how busy the hospital will be when they arrive. Officers then have to rely on the willingness of the hospital staff to draw the blood within the timeframe. This two-hour time restriction does not give the state the proper evidence for possible prosecution.

There is currently a surge in new cannabis products (for example delta-8-tetrahydrocannabinol and delta-10-tetrahydrocannabinol) that do not fall under the CRTA. This means they can be sold virtually anywhere, but still have the same impairing effects as delta-9-tetrahydrocannabinol. By only testing for delta-9-tetrahydrocannabinol in the blood, all the different byproducts from these other types of cannabis are being excluded.

According to research conducted by DR. M.A. Huestis in *Cannabis (Marijuana) - Effects on Human Behavior and Performance*, most cannabis has left the blood stream within two hours of ingestion. Doctor Huestis' research also showed that by their own admission, subjects in this study were still impaired for a considerable amount of time after all cannabis had left the bloodstream. This research shows that there is no correlation between the amount of cannabis in the blood stream and the impairment of an individual.

The two-hour time restriction to obtain an evidentiary blood draw sample should be removed from statute. Research has shown a person can still be impaired after two hours. Paragraph 6 of subsection (a) of Section 11-501.2 should be repealed due to research showing no correlation to the amount of delta-9-tetrahydrocannabinol in a person's blood when compared to the impairment a person is exhibiting. At a minimum, the reference to delta-9-tetrahydrocannabinol should be removed and replaced with "any cannabis metabolite". One additional tool to better equip ISP personnel to combat drivers impaired by cannabis is the aforementioned phlebotomy training. Without changes to the two-hour time restriction, sending personnel to phlebotomist training is the best way to prosecute offenders of drugged driving.

Oral Fluid Instrument Feasibility Program

The Oral Fluid program was completed on December 31, 2021 and the results were not favorable for any of the testing methods included in the study (Please refer to FY22 Annual Report). The impaired driving section will continue to monitor and study the oral fluid device testing market for trends involving improved testing devices and successes from other states and countries.

Advanced Roadside Impaired Driving Enforcement (ARIDE)

The Advanced Roadside Impaired Driving Enforcement (ARIDE) program was developed by the National Highway Traffic Safety Administration (NHTSA) with input from the International Association of Chiefs of Police (IACP) Technical Advisory Panel (TAP) and the Virginia Association of Chiefs of Police. ARIDE was created to address the gap in training between the Standardized Field Sobriety Testing (SFST) and the Drug Evaluation and Classification (DEC) Program.

ARIDE is intended to bridge the gap between these two programs by providing officers with general knowledge related to drug impairment and by promoting the use of DREs in states that have the DEC Program. One of the more significant aspects of ARIDE is its review and required student demonstration of the SFST proficiency requirements.

Law enforcement officers are trained to observe, identify, and articulate the signs of impairment related to drugs, alcohol or a combination of both, in order to reduce the number of impaired drivers and impaired driving related traffic collisions.

- The Academy hosted 12 ARIDE Classes from July 1, 2022 through June 30, 2023.
- A total of 143 ISP Troopers received ARIDE training during FY23.
- The Impaired Driving Section continues the instruction of classes at the ISP Academy.

Drug Recognition Expert (DRE)

A Drug Recognition Expert or Drug Recognition Evaluator (DRE) is a police officer trained to recognize impairment in drivers under the influence of drugs other than, or in addition to, alcohol. The International Association of Chiefs of Police (IACP) coordinates the International Drug Evaluation and Classification (DEC) Program with support from the National Highway Traffic Safety Administration (NHTSA) of the U.S. Department

of Transportation. In addition to officers, who are certified as DREs, the DEC Program educates prosecutors and toxicologists on the DRE process and the drug categories.

The Los Angeles Police Department (LAPD) originated the program in the early 1970s when LAPD officers noticed that many of the individuals arrested for driving under the influence (DUI) had very low or zero alcohol concentrations. The officers reasonably suspected that the arrestees were under the influence of drugs but lacked the knowledge and skills to support their suspicions. In response, two LAPD sergeants collaborated with various medical doctors, research psychologists, and other medical professionals to develop a simple, standardized procedure for recognizing drug influence and impairment. Their efforts culminated in the development of a multi-step protocol and the first DRE program. The LAPD formally recognized the program in 1979.

The LAPD DRE program attracted NHTSA's attention in the early 1980s. The two agencies collaborated to develop a standardized DRE protocol, which led to the development of the DEC Program. During the ensuing years, NHTSA and various other agencies and research groups examined the DEC Program. Their studies demonstrated that a properly trained DRE can successfully identify drug impairment and accurately determine the category of drugs causing such impairment.

- The ISP Academy hosted a DRE School in February 2023 and a total of 18 Troopers and local law enforcement officers statewide successfully completed the training.
- The Academy will be offering a DRE School in February of 2024 (Approximately 25 officer are expected to attend)
- The ISP currently has 31 Troopers DRE certified statewide.

Division of Patrol

The ISP trains officers to recognize and enforce impairment to ensure the safety of the motoring public with the goal of preventing tragedies, including serious injuries and the loss of life. The effectiveness of current DUI laws relies on the ability of law enforcement officers to utilize their on-scene observations to navigate through the next necessary steps in order to investigate illegal activity. It is imperative law enforcement officers have all the necessary tools to identify illegal activity such as driving impairment, to help ensure that the motoring public traveling on our Illinois roadways are safe. A recommendation to help achieve this goal would be for law enforcement officers to have the ability to investigate based on the odor of cannabis coming from inside the vehicle and the evidence of unlawfully transported cannabis inside the motor vehicle. Allowing these two factors to be considered probable cause to investigate based upon the belief the driver is impaired and the occupants are engaged in illegal activity, similar to the illegal transportation of alcohol in a motor vehicle, will help ensure the safety of all Illinois roadway travelers.

FUNDING USAGE

Summary

The appropriations of funds for the CCO in FY23 were: Medical Use - \$2.2 million, Adult Use - \$5 million. The CCO did not request an increase in funding for FY24. The projected expenditures for FY24 are \$904,390.42 (Medical) and \$2,922,858.79 (Adult Use).

\$1,526,080.47

Medical Use balance as of June 30, 2023

\$2,949,649.47

Adult Use balance as of June 30, 2023

FY23 Expenditures

Medical Use

Appropriation Amount: \$2,200,000.00

Expenditures: \$673,919.53

Adult Use

Appropriation Amount: \$5,000,000.00

Expenditures: \$2,050,350.53

Legislation, Updates, and Initiatives

Summary of FY23 Legislation

- No cannabis legislation was signed during FY23.

EMERGING Trends/Issues

An issue continuing to impede law enforcement efforts is the proliferation of synthesized Cannabidiol (CBD) products being sold throughout the state. They are often sold as “Delta-8” or “THC-O” and usually contain high THC-A content. The products are marketed as “Hemp-based” or CBD but are often only CBD or hemp in name only. To produce the products, delta-9-tetrahydrocannabinol (THC) has been artificially synthesized from a CBD product and sprayed, or otherwise incorporated, back onto another (usually legal) hemp, food, vape or other product.

In Illinois, industrial hemp-derived CBD products can be cultivated and marketed under the state's agricultural hemp program. As a result, CBD may be accessible in many places, including corner stores and grocery markets. The state and federal government have, as of now, done very little to regulate the wide array of hemp and CPD products available for sale. The synthesizing of THC is illegal under federal law. Under state law the synthesized product is categorized as “cannabis” and therefore should be controlled under, and subject to the restrictions of, the CRTA.

Illinois law enforcement has struggled with convincing State’s Attorneys to prosecute because of the product’s initial association with hemp/CBD which, since it is legal, leads the State’s Attorneys to be reluctant to prosecute. The CCO created a power point presentation approved by the Division of the Academy and Training and provided several trainings to local law enforcement and prosecuting authorities to help them better understand this issue. The ISP also recommends legislation which would regulate CBD and hemp products to bring them in line with federal law and the CRTA.