

A decorative graphic on the left side of the slide consisting of a network of light blue lines and small circles, resembling a circuit board or a stylized tree structure, extending from the top to the bottom of the frame.

CHANGES TO CANNABIS LAWS

CANNABIS-RELATED DUI INVESTIGATIONS

An abstract graphic on the left side of the slide, consisting of white lines and circles on a blue gradient background. The lines are vertical and horizontal, with some diagonal segments, and the circles are of varying sizes, creating a circuit-like or network-like pattern.

CANNABIS DUI

OBSERVE, TEST, DOCUMENT, ARTICULATE, AND PROSECUTE.

TYPES OF CANNABINOIDS

- Cannabidiol (CBD)
- Cannabinol (CBN)
- Tetrahydrocannabivarin (THCV)
- Synthetic

TYPES OF CANNABINOIDS

- the main drivers of cannabis' therapeutic and recreational effects:
- THC ([Δ9-tetrahydrocannabinol](#)) makes us feel hungry and high, and relieves symptoms like pain and nausea.
- CBD ([cannabidiol](#)) is a non-intoxicating compound known to alleviate anxiety, pain, inflammation, and many other medical ailments.

IDENTIFY

SATIVA

- + Tall in stature
- + Narrow leaves
- + Longer flowering cycles
- + Better suited for warm climates with a long season



Sativa

Aca

Acapulco Gold

Sativa

Pam

Panama Red

Sativa

Dp

Durban Poison

INDICA

- + Short in stature
- + Broad leaves
- + Shorter flowering cycles
- + Suitable for colder climates with shorter seasons



Indica

Hk

Hindu Kush

Indica

Mis

Mazar I Sharif

Indica

Afk

Afghan Kush

IDENTIFY



Indica

Sativa

CANNABIS SATIVA

- Effects:
 - Invigorating, uplifting cerebral effects
 - Recommended for physical activity and creativity

INDICA

- Effects:
 - Physically sedating
 - Relaxing
 - May cause drowsiness

SYMPTOMS

- Some short-term effects of THC include:
- Elation
- Relaxation
- Sedation
- Pain relief
- Memory impairment
- Energy
- Hunger

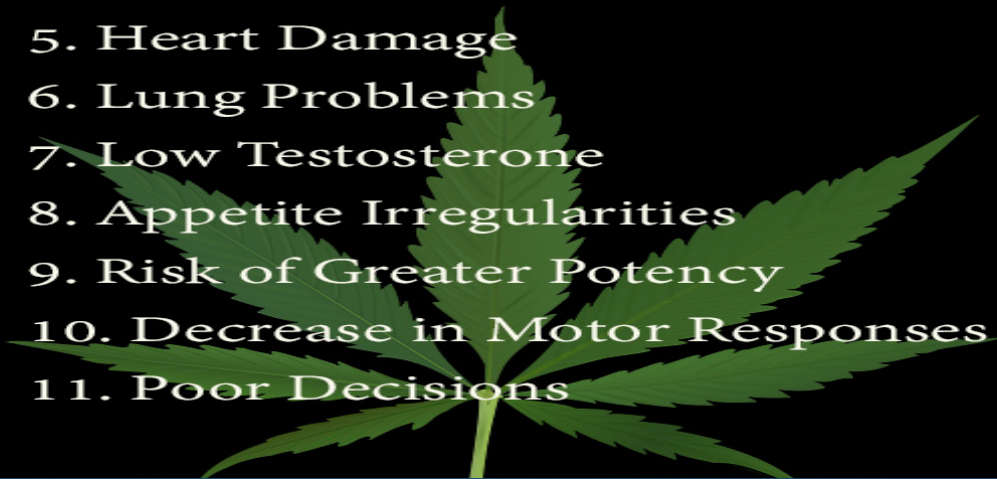
SYMPTOMS OF USE

- Drowsiness
- Increased heart rate
- Dry mouth
- Red eyes
- Slowed perception of time
- Laughter
- Dizziness
- “Couch-lock,” or feeling heavy
- Anxiety/paranoia

SYMPTOMS

11 Negative Side Effects of Using Marijuana

1. Addiction
2. Memory Loss
3. Social Anxiety Disorders
4. Paranoia
5. Heart Damage
6. Lung Problems
7. Low Testosterone
8. Appetite Irregularities
9. Risk of Greater Potency
10. Decrease in Motor Responses
11. Poor Decisions



MARIJUANA CONCENTRATION

- Historical Strength of THC in Marijuana 0.11-27.3%
- 2013 THC strength - many products above 20%
- Marijuana concentrate-above 50% THC

FACTORS LEADING TO PEAK INTOXICATION

- Dose
 - THC Concentration in the Marijuana
 - Amount smoked
 - Duration and frequency of smoking/inhalation
 - Tolerance
 - Co-ingestion with alcohol or other drugs

CANNABIS IMPAIRMENT

- Typical Major Effects of Cannabis on User
 - Euphoria
 - Relaxation
 - Perceptual Changes
 - Time
 - Distance

CANNABIS IMPAIRMENT

- Frequent natural side effects
 - Inappropriate laughing
 - Droopy Eyelids
 - Bloodshot eyes
 - Appetite Stimulation
 - Muscle tremors, head movements and jerks

CANNABIS IMPAIRMENT

- Know Cognitive Effects
 - Concentration and sustained attention and vigilance
 - Fatigue, sleepiness, lethargy, memory problems
 - Reaction time
 - Difficulty in thinking and problem solving
 - Difficulty in registering, processing and using information

HORIZONTAL GAZE NYSTAGMUS



HORIZONTAL AND VERTICAL GAZE NYSTAGMUS

- The CB1 receptor is not connected to the brain which control the tracking of the eyes
- However at extreme levels of intoxication Horizontal Gaze Nystagmus may occur

PUPILS

- The radial and pupillary dilatory muscles in the iris control the changes in pupil size
- The muscles are mostly controlled by the sympathetic/parasympathetic nervous system
- Pupil dilation is a symptom of cannabinoid use or the constriction of the opioi mu receptor

PUPILS

- SIZE:
 - High THC concentration causes a transient sympathetic/parasympathetic effect resulting in dilation



REACTION TO LIGHT

- Pupils contract and dilate in response to the amount of light in the environment
- THC slows/reduces the electrical activity in the brain and minimizes the pupils response to light. –Normal
- Due to the dilated pupils one of the most common traffic infractions indicating possible driver impairment is Driving without headlights at night.

STANDARDIZED FIELD SOBRIETY TEST (SFST)

- The Papafotiou, Carter and Stough, Psychopharm of December 2004 study found the following results in the effectiveness of SFSTs in regards to cannabis impairment:
 - In heavy users SFSTs were only mildly sensitive to cannabis induced impairment
 - The most sensitive test was the One Leg Stand Test
 - After two hours from the time of using cannabis 15 of subjects showed HGN
 - Subjects who have used cannabis may self-report feeling “high” at the time of the SFSTs
 - Many of the participants in the study developed behavioral tolerance to THC impairment

STUDY CONCLUSIONS

- Signs of impairment observed during SFSTs indicate subject is substantially impaired
- Many subjects who recently used Marijuana will not demonstrate impairment
- It is important for officers to report observations of impairment at the time of the arrest

CHEMICAL TESTING

- Blood draw is at this time the most effective way to determine the current concentration of THC in the blood.
- However THC mostly metabolizes to the fatty tissue such as the brain.
- Urine can be collected but only shows the user has a history of THC.

COGNITIVE AFFECTS

- Attentiveness
- Vigilance
- Perception of time and space
- Use of acquired knowledge

AREAS OF PERFORMANCE IMPAIRMENT DUE TO THC

- Tracking
- Motor Coordination
- Visual function
- Complex divided attention tasks

DRE'S USE APPLIED SCIENCE TO ASSIST IN OBTAINING PROBABLE CAUSE AND PROSECUTION OF THE CASE.

DRE Matrix

	Depressants	Inhalants	Dissociative Anesthetics	Cannabis	Stimulants	Hallucinogens	Narcotic Analgesics
Horizontal Gaze Nystagmus	Present	Present	Present	None	None	None	None
Vertical Gaze Nystagmus	Present	Present	Present	None	None	None	None
Lack of Convergence	Present	Present	Present	Present	None	None	None
Pupil size	Normal	Normal	Normal	Dilated	Dilated	Dilated	Constricted
Reaction to light	Slow	Slow	Normal	Normal	Slow	Normal	Little to none
Pulse	Down	Up	Up	Up	Up	Up	Down
Blood Pressure	Down	Up/Down	Up	Up	Up	Up	Down
Body Temp	Normal	Up/Down /Normal	Up	Normal	Up	Up	Down

BOTTOM LINE

- The officer on scene must use their training and observations to establish probable cause.
- The officer must gather evidence such as video and chemical testing
- The officer must thoroughly document and articulate the observations of indicators of impairment



CHANGES TO CANNABIS LAWS

CHANGES AND THEIR IMPACT ON BUSINESSES, LOCAL

GOVERNMENT & THE COMMUNITY

HB 1438 - PUBLIC ACT 101-0027

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- ***“In the interest of allowing law enforcement to focus on violent and property crimes, generating revenue for education, substance abuse prevention and treatment, freeing public resources to invest in communities and other public purposes, and individual freedom, the General Assembly finds and declares that the use of cannabis should be legal for persons 21 years of age or older and should be taxed in a manner similar to alcohol.”***
- Signed into law on June 25, 2019 by Gov. Pritzker and is EFFECTIVE immediately
- Will allow for the lawful use, production and sale of recreational cannabis BEGINNING January 1, 2020

THE WHO, WHAT, WHERE & HOW OF ILLINOIS CANNABIS LEGISLATION

WHO: (as of 1/1/20)

- Illinois Residents 21+ years and over (like alcohol)
- Somewhat different rules for 21+ years and over Non-Residents (unlike alcohol)

WHAT:

ACT DEALS WITH BOTH MEDICAL AND RECREATIONAL CANNABIS POSSESSION, CULTIVATION, SALE AND CONSUMPTION.

LEGALIZED RECREATIONAL CANNABIS:

Possession Limits

Raw cannabis (cannabis flower)

Residents: 30 grams

Non-Residents: 15 grams



WHAT: (CONT'D.)

LEGALIZED RECREATIONAL CANNABIS: Possession Limits

Cannabis Concentrates (oils, tinctures)

Residents: 5 grams

Non-Residents: 2.5 grams



WHAT: (CONT'D.)

LEGALIZED RECREATIONAL CANNABIS:

Possession Limits

Cannabis-infused Products (edibles)

Residents: 500 milligrams THC

Non-Residents: 250 milligrams THC



WHERE, WHEN & HOW

RECREATIONAL CANNABIS



- **MUST** be purchased from a licensed dispensary
- PROHIBITS “home grown” plants for recreational use
- ALLOWED in PRIVATE areas only - includes private residences
- PROHIBITED in PUBLIC Places – any place where it would be reasonably expected to be seen by others, specifically including all governmental buildings.
 - No use on school buses, school grounds, in public parks, motor vehicles, child care facilities (even if residential home), or “knowingly” in close proximity to anyone under 21.
 - Can be prohibited from use in “private areas” of public buildings such as businesses or common areas of condominiums. NOTE: Condo’s can use their declarations to prohibit the *smoking* of Cannabis in units but not its consumption in other forms (i.e. edibles and other liquid or food-based products)
- Can be transported in a motor vehicle but **MUST** be in a sealed container that is “reasonably inaccessible” and must not create odor

WHERE, WHEN & HOW (CONT'D)

MEDICAL CANNABIS CHANGES:



- Users can cultivate if:
 - The Individual is part of the Medical Cannabis Pilot Program (Medical Cannabis Card)
 - That individual lives in the residence where it is grown or has permission from owner
 - Individual does not exceed the maximum of 5 plants that are 5 inches or taller
 - Plants are kept secured from unauthorized access in a closed, locked space

TYPES OF CANNABIS BUSINESSES

- Cultivation Center – can grow up to 210,000 square feet of cannabis
- Craft Grower – can grow between 5,000 and 14,000 square feet of canopy space and may be separately licensed as a dispensary and infuser at the same location
- Transportation Organization – transports cannabis between business licensees
- Dispensary – provides cannabis products to adult consumers
- Infuser – infuses products such as edibles with cannabis extracts

IMPACT ON EMPLOYERS

It's helpful to start thinking about and dealing with legal cannabis use like you do alcohol.



WHAT CAN EMPLOYERS DO?

- Can an Employer regulate the use of cannabis by its employees? YES – sort of...
- Employers CAN update their written policies/employee handbooks to address cannabis in the workplace
- Employers CAN adopt a zero tolerance policy for use / possession during work hours on work property
- Employers CAN still discipline and/or terminate an employee for violating these policies.
- Employers CAN send for mandatory drug testing if it is believed the employee is under the influence of cannabis but employer must have a **good faith belief** that there are outward signs of use and impairment while working which effects employees ability to do job.

IMPACT ON EMPLOYERS (CONT'D)

It's helpful to start thinking about and dealing with legal cannabis use like you do alcohol.

WHAT CAN'T EMPLOYERS DO?



- Employers CAN'T discipline based on alleged cannabis impairment without providing employees the chance to contest the basis for any discipline
- Employers CAN'T discriminate against employees for use of “lawful products” like cannabis during non-working and non-call hours
- Employers CAN'T use a positive pre-hire drug test as a basis to deny employment (so pre-hire drug testing policies and practices will need to be re-evaluated)

LOCAL GOVERNMENT REGULATION

- NOTE: Local Governmental entities CAN'T prohibit recreational cannabis use/possession completely
- Units of local government, including counties, home rule and non-home rule bodies, have significant regulatory authority of recreational cannabis businesses. BUT cannot regulate in a manner MORE restrictive than in the Act!!
- Local governments CAN enact *reasonable* zoning ordinances or resolutions to regulate, prohibit or limit a cannabis business establishment provided they do not conflict with the Act.
- CAN require distances between cannabis businesses and “sensitive locations” such as schools, playgrounds and churches.
- CAN enact ordinances regarding time, place, manner and number of cannabis businesses provided they do not *unreasonably* restrict them.
- There is no “Opt Out” time frame requirement so if a local body has not passed ordinances permitting/regulating/limiting/banning cannabis businesses by 1/1/20 the local body may still do so after that date but is subject to those businesses already in existence.
- CAN'T license the activities of a cannabis business (i.e. CAN'T give a business a dispensary license but CAN enforce normal building codes)

CANNABIS TAXATION

Types of Taxes

- Municipal Retailers' Occupation Tax: Up to 3% of the gross receipts of a Dispensary
- Cultivation Privilege Tax(State): 7% tax on the gross receipts from the sale of cannabis by a cultivator (or craft grower) who sells to a Dispensary
- Cannabis Purchaser Excise Tax(State) – Paid by recreational buyers:
 - Cannabis with a THC level at or below 35% has a tax of 10% of purchase price
 - Cannabis with a THC level at or above 35% has a tax of 25% of purchase price
 - All cannabis-infused products have a tax of 20% of purchase price
- County Retailers Occupation Tax: CAN tax dispensary up to .75% of the gross receipts in municipalities and up to 3.75% of the gross receipts of sales in unincorporated areas of a non-home rule county
 - 3% of the gross sales receipts made in a municipality located in a home rule county.
- Medical cannabis is exempt from these taxes

CANNABIS TAXATION

WHERE DOES THE TAX MONEY GO?



- AFTER administrative expenses are paid the monies raised from State taxes will be divided into different areas/funds specifically designated for purposes related to crime prevention or the rebuilding of communities, areas and populations affected by drugs and crime

CANNABIS TAXATION

WHERE DOES THE TAX MONEY GO?

- 35% to the General Revenue Fund
- 25% to the Recover, Reinvest, and Renew (3R) Program
- 20% to Mental Health Services and substance abuse programs
- 10% to pay unpaid state bills backlog (currently \$5.8 Billion)
- 8% to Local Government Distributive Fund – for Law Enforcement
- 2% to Public Education and Safety Campaigns



IMPACT ON THE COMMUNITY

SOCIAL EQUITY PROGRAMS



- “In the interest of establishing a legal cannabis industry that is equitable and accessible to those most adversely impacted by the enforcement of drug-related laws in this State, including cannabis related laws, the General Assembly finds and declares that a social equity program should be established.”
- Part of the social equity program is to offer financial assistance and license application benefits to those individuals “most directly and adversely impacted by the enforcement of cannabis-related laws who are interested in starting cannabis business establishments.”
 - Applicants can qualify as a “social equity applicant” for licensing status if:
 - Illinois resident
 - At least 51% ownership and control of business by one or more who have resided for at least 5 of the prior 10 years in an area disproportionately impacted OR have been arrested for, convicted of, or adjudged to be a ward of the juvenile court for any offense that is eligible for expungement under this Act OR a member of an impacted family.

IMPACT ON THE COMMUNITY

SOCIAL EQUITY PROGRAMS



Cannabis Business Development Fund:

- Fund held by the State Treasury
- Will provide low-interest loans and grants to social equity applicants to start cannabis businesses.
- Will conduct studies on the participation of minorities, women, veterans and people with disabilities in the cannabis business
- Will assist in job training for residents in areas impacted by poverty and high rates of arrests for cannabis offenses.

IMPACT ON THE COMMUNITY

SOCIAL EQUITY PROGRAMS



Restore, Reinvest, and Renew Program ("R3")

- Will invest revenues from cannabis taxes to communities impacted by economic disadvantages, poverty and violence.
- Will identify those areas that are R3 eligible using data on gun violence, unemployment, child poverty and incarceration.
- R3 will receive 25% of the state tax revenue after expenses
- R3 board will provide grants to address economic development, violence prevention, re-entry services, youth development and civil legal aid.

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THE END