

# Illinois Forensic Science Commission- Public Policy Subcommittee

## Meeting Minutes

February 28, 2025, 11:30 a.m. meeting

### I. Call to order

Subcommittee chairperson John Hanlon, called the meeting to order at approximately 11:30 a.m. The meeting was held via Web Ex.

### II. Roll-call

The following subcommittee members and staff were present:

1. Dr. Ponni Arunkumar, FS Commission member, subcommittee member
2. Jillian Baker, FS Commission Member, subcommittee member
3. Claire Dragovich, FS Commission Member, subcommittee member
4. John Hanlon, FS Commission Member, subcommittee chairperson
5. Cris Hughes, FS Commission Member, subcommittee member
6. Amy Watroba, Executive Director-Forensic Science Commission

The following members of the public were present:

1. Maya Dukmasova (joined at 11:50 a.m.)

### III. Review/Adoption of the Minutes

1. The Meeting Minutes of 1/24/25 were adopted by unanimous vote.

### IV. Discussion: Continued discussion on ideas and topics for subcommittee to consider addressing in 2025

The following ideas were discussed:

1. Ms. Baker summarized the topic she raised at the last meeting. Ms. Baker explained that substances are controlled in Illinois under the Illinois Controlled Substances Act either by name or by chemical class. Ms. Baker suggested that the subcommittee explore the idea of creating a group that could review new or novel compounds to determine whether the compounds fall within a controlled class. Advantages to this approach would include consistent reporting of novel compounds across all Illinois lab systems and a mechanism to monitor new and emerging compounds. Recommendations for amendments to the Controlled Substances Act could be made in response to

identified trends in emerging drugs. Ms. Baker explained that she spoke to a forensic scientist in Ohio, where there is a scientific working group that meets to determine whether novel compounds are controlled under Ohio's controlled substances laws. Each lab evaluates new compounds based on the lab's own policies and then brings that information to the scientific working group. The scientific working group meets and discusses a new observed compound and determines whether it is controlled. A determination of whether a compound is controlled requires a unanimous decision. If unanimity is not achieved, the working group may bring in a pharmacologist or other outside subject matter expert for further evaluation.

Ms. Dragovich explained that currently each lab system in Illinois determines whether new drugs they receive are controlled by chemical class. If a lab determines that a drug is not controlled by chemical class, then the lab does not report out the identity of the compound because it would not be pursued for prosecution. This creates a possible disconnect where labs could see a surge in the submission of a compound that is not controlled but that is causing overdoses in the community.

Mr. Hanlon asked for clarification regarding how new or emerging chemical compounds are named. Ms. Baker explained that a simple way to identify them would be as novel psychoactive substances (NPSs) within the different statutory classifications (such as benzodiazepines or cannabinoids). Ms. Watroba added that drug cases can be prosecuted if a substance is listed by name in the Illinois Controlled Substances Act or if the substance qualifies as a controlled substance based on the statutory definition of a controlled class of drugs. Ms. Dragovich shared an example of how a class of drugs is defined in the Illinois Controlled Substances Act. Ms. Dragovich explained that it is possible that different labs could encounter the same compound and reach inconsistent conclusions as to whether that compound is controlled under a particular class. Mr. Hanlon asked if drug manufacturers intentionally alter the chemical structure of substances so that they do not qualify as controlled under the statute. Ms. Dragovich indicated that it was possible and that it is also possible that different isomers and analogs of controlled substances result from changes in the process of developing substances due to factors like issues with precursors or the availability of chemicals.

Ms. Baker explained how scientists in the Drug Chemistry Section of the DuPage County Forensic Science Center conduct an evaluation to decide whether an observed drug is controlled when it has not previously been encountered in the lab. First, the scientist determines what the compound is. Next, they look through the Illinois Controlled Substances Act to determine if

the compound is controlled by name. They then look at the different classes of controlled substances and evaluate the chemical structure of the compound (including the chemical core and areas of substitutions) to determine if the area with substitutions meets the criteria to be controlled under a chemical class in the statute. They use a uniform reporting system any time the compound is identified to assist law enforcement officers and prosecutors, which includes the statutory citation under which the compound is controlled. Ms. Baker shared an example of an evaluation of a novel compound. Ms. Dragovich added that there are situations where compounds are described as controlled in scientific literature, but when they evaluate the chemical structure, they find that it does not qualify as controlled under the Illinois statute. Mr. Hanlon asked what the lab does when they identify a substance that is not controlled. Ms. Baker explained that they will report that the substance was not conclusively identified, but that it is consistent with a certain compound, and explain that while that compound can be abused it does not meet the statutory definition of a controlled substance.

Ms. Watroba commented that there appears to be a clear need and good reason for exploring creating a mechanism to ensure consistent identification of and reporting related to novel compounds. She then discussed some possibilities and limitations due to the Commission's scope. The Commission is an advisory Commission and can create subcommittees as needed, but it does not have the express authority to create a scientific working group that would have authority over any labs in Illinois. However, the Commission does have the statutory authority to make recommendations for changes in rules, policies, and procedures related to forensic science. Ms. Watroba suggested that this issue could possibly be approached in manner similar to how the subcommittee approached the statement about the 2-hour collection window in the DUI-Cannabis statute, where the subcommittee could outline the issues related to consistency and public health and the reasoning behind any recommendations. If the recommendation involves creating an entity similar to Ohio's working group, the entity likely would need to be created by statute either within the Commission's statute or elsewhere in the Illinois Compiled Statutes. The subcommittee may want to develop a plan for how the entity would function, how it would be populated, etc. Ms. Watroba noted that the entity's decisions would likely be advisory and could not relieve the prosecution of the burden of proving that a substance is controlled in a criminal case or preclude the defense from challenging the issue by calling an expert to disagree. Ms. Baker shared language from an Ohio controlled substances statute which provides, "except as otherwise provided in this chapter, any compound that meets all of the following fentanyl

pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory...” then lists what is required.

Mr. Hanlon suggested that the subcommittee might benefit from inviting someone from Ohio to speak to the subcommittee about Ohio’s laws and the interplay with the scientific working group. Ms. Baker will reach out to a contact in Ohio to see if she can speak at a future meeting. Ms. Watroba will then create a Doodle Poll to schedule the meeting.

Ms. Dragovich observed that even if a legislative option is not available, there would be a clear benefit to providing an opportunity for labs to communicate regarding seized drugs analysis to prevent inconsistent reporting and to avoid reinventing the wheel. Ms. Watroba also noted a possible public health benefit to labs communicating regarding emerging drugs. They could identify trends and share that information with law enforcement, medical examiners/coroners, and public health agencies. Dr. Arunkumar indicated that such information would be useful because sometimes emerging designer drugs are not in their expanded toxicology panels. Such information would let the ME’s Office know that they may need to test for additional drugs. Mr. Hanlon asked how frequently the labs see new drugs. Ms. Baker responded that often comes in waves, such as when spice, K2, and bath salts were emerging drugs. Currently they are seeing a lot of designer benzodiazepine emerging drugs.

By consensus vote, the subcommittee decided to study the issue of identifying emerging drugs consistently in Illinois and identifying possible strategies to address the topic.

2. Ms. Watroba brought up the idea of memorializing the Commission’s prior work and ultimate recommendation related to the use of victim DNA in databases in a document that could be published on the website as a public resource. Ms. Watroba will work on a draft summarizing the history of the issue, the Commission’s work on the topic, the Commission’s position on the issue, the letters that were sent from the Commission, and the legislation that eventually passed.
3. Dr. Hughes summarized her suggestion from the previous subcommittee meeting that the subcommittee examine issues related to the Illinois Missing Persons Act and possible funding sources for medical examiners and coroners to obtain the forensic testing services needed to attempt to identify unidentified human remains (UHR). Dr. Hughes also discussed the idea of creating a state-wide centralized tracking mechanism for missing persons and

UHR to assist with matching UHR to missing persons cases. Dr. Hughes outlined discussions and efforts currently in motion by the Cook County Sheriff's Office and the Illinois Coroners & Medical Examiners Association (ICMEA) as well as funding and logistical challenges that exist in Illinois. Dr. Arunkumar noted that coroners and medical examiners are required to enter information about UHRs into NamUs and that a similar requirement for missing persons cases could lead to solving more cases without having to resort to DNA testing. Dr. Hughes indicated that once the work being done comes to fruition the subcommittee could review it and consider expressing support for legislative changes or funding.

The subcommittee decided by consensus to keep this issue alive for future consideration. Dr. Hughes and Dr. Arunkumar will inform the subcommittee as work related to this issue progresses and when it may be ripe for the subcommittee to examine what action the subcommittee might consider taking within the Commission's statutory scope.

4. Due to time constraints, the subcommittee decided to postpone additional discussion on the topic of upcoming changes to FBI QAS and the use of Rapid DNA technology, which was raised at the last meeting.

V. Old Business  
None.

VI. New Business  
None.

VII. Public Comment  
Ms. Dukmasova asked if there is any pending legislation related to UHRs in Illinois at this time and what the bill number is. Dr. Hughes provided the statutory citation for the Illinois Missing Persons Identification Act (50 ILCS 722/1). Dr. Hughes noted that there is no proposed legislation to amend the Act at this time.

VIII. Meeting Schedule  
The next meeting will be scheduled via Doodle Poll depending on guest speaker availability.

IX. Adjournment  
Mr. Hanlon adjourned the meeting at approximately 12:52 p.m.