Illinois Forensic Science Commission- Public Policy Subcommittee

Meeting Minutes

April 11, 2025, 11 a.m. meeting

I. Call to order

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

II. Roll-call

The following subcommittee members and staff were present:

1. Jillian Baker, FS Commission Member, subcommittee member
2. Claire Dragovich, FS Commission Member, subcommittee member*
3. John Hanlon, FS Commission Member, subcommittee chairperson (left meeting at 11:30 a.m.)
4. Cris Hughes, FS Commission Member, subcommittee member
5. Carrie Ward, FS Commission Member, subcommittee member*
6. Amy Watroba, Executive Director-Forensic Science Commission

The following invited guests were present:

1. Jennifer Berg
2. Gail Gutierrez
3. Gina Havlik
4. Lindsay Simpson
5. Peter St. Andre
6. Timothy Tripp
7. Jennifer Watson (guest speaker)

The following members of the public were present:

1. Maya Dukmasova
2. Percilla Madera*

(*Indicates individual who joined meeting after roll call)

III. Review/Adoption of Minutes

1. The Meeting Minutes of 2/28/25 were adopted by unanimous vote, with one noted typographical error to be corrected.

IV. Discussion: Tracking and reporting of emerging drugs by lab systems in Illinois. Guest speaker: Jennifer Watson, Chemistry Technical Leader from the Miami Valley Regional Crime Laboratory in Ohio.

1. Jennifer Watson presented on the topic of Pharmacophores and the State of Ohio. Ms. Watson summarized the evolution of Ohio's statutory scheme for controlled substances which ultimately led to their current statutes which include classes of compounds and pharmacophore legislation. She explained that for the pharmacophore legislation they worked with pharmacologists to demonstrate that when certain changes are made to a compound it will inevitably result in a drug of abuse. The statutes are then written in such a way that a drug chemist can look at the structural requirements in a statute and determine whether an emerging drug of concern meets the statutory criteria of a controlled substance. Ms. Watson shared an example (ORC 2925.01) which is a Fentanyl Pharmacophore provision and explained how a drug chemist would make a determination under the statute.

2. With the pharmacophore statutes already in place, in 2021 a state-wide group called the Ohio Emerging Drug Scientific Working Group (EDSWG) was created. The goal of the scientific working group was to contribute to the government response to the current drug epidemic and the prevention of future epidemics by: 1) establishing a ready resource for data related to emerging drug trends, 2) providing scientists a mechanism to collaboratively classify emerging drugs for forensic purposes, 3) creating a statewide, data-driven source for triaging concerns related to emerging drugs, 4) affording timely policy updates to all crime labs responsible for the identification and reporting of emerging drugs. EDSWG is part of the Ohio Narcotics Intelligence Center in the Ohio Department of Public Safety and is overseen by the Governor's Office.

3. Ms. Watson explained that Ohio has many labs in addition to the state lab, including labs that are attached to coroner's offices or law enforcement agencies, and stand-alone private labs. Prior to the creation of EDSWG, all the different labs made independent determinations about whether an emerging drug was controlled under Ohio statutes. This approach created a risk that different labs would reach different conclusions about the same compound. EDSWG also allows labs from different regions to communicate regarding drug trends, which often differ by region, and to communicate information about emerging drugs of concern to state and health officials. EDSWG also has provided a better mechanism for labs to obtain timely updates related to drugs that are in the pipeline to become controlled and legislative and policy updates that may affect analysis and reporting at crime labs. EDSWG meets quarterly.

Ms. Watson provided an overview of who attends EDSWG meetings and how they are conducted.

4. In 2023, an EDSWG subcommittee was created to address pharmacophore and structural similarity determinations to ensure consistency in what is being reported by crime labs throughout the state. The goals of the subcommittee were to harmonize classification of new drugs in reports across lab systems, create clarity for criminal justice system, and to streamline the classification process for individual labs moving forward. Prior to the statewide review conducted by the subcommittee, labs followed their own internal process, made decisions and reported their conclusions with no information from other labs as to how or what they were reporting.

5. During the process of creating the subcommittee, potential issues to consider or resolve were identified, including: what information should labs provide, process determination, timeframe on meetings to avoid delays in release of laboratory reports, meeting attendance requirements (whether to require representatives from each lab), voting requirements (majority vs. unanimous decision of participating labs), and how to address a situation if labs had unknowingly disagreed in the past. At the outset, labs provided lists of all substances that they had determined met the definition of a controlled substance under the pharmacophore legislation or had been found to be structurally similar. Labs reviewed and compared the lists to see if there were areas of disagreement and any disagreements would have been discussed. Fortunately, no areas of disagreement were identified, which speaks to how well-written the legislation was. Ms. Watson indicated that nothing had to be reclassified or readdressed to her knowledge.

6. The quarterly EDSWG meetings were determined to be insufficient to address issues that arise in a timely manner. A 10-day time frame was settled upon for the subcommittee to meet to discuss whether a new drug identified by a lab meets the requirements to be a controlled substance. The following process was established: 1) compound identified by lab system for the first time, 2) notice of new compound identification sent to ONICDrugScience@dps.ohio.gov (group administrator); 3) message sent to network of representatives identified by lab systems; 4) representatives meet and determine classification; (TEAMs meeting) 5) classification notice is sent out via ONICDrugScience@dps.ohio.gov to record the decision of the group. Ms. Watson observed that this process allows individual labs to adhere to their own internal policies for determinations and then pass along their final decision to the group for state-wide review.

7. Ms. Watson shared an example of the process worksheets used internally at her lab when a new drug is encountered and indicated how the review by EDSWG is noted on the worksheet.

8. Ms. Watson noted some advantages to the EDSWG approach adopted in Ohio, stating that the group provides the state with timely information related to emerging drugs of concern, fosters relationships between laboratories, creates consistency in the state for stakeholders, and allows all laboratories timely access to changes/pending changes in drug legislation. She also noted that because legislative changes can require labs to validate new testing methods, the group has helped smaller labs prepare for possible future changes. One challenge is the quick turn-around for state-wide consensus regarding a new drug, which often requires the lab that identified the new drug to complete their internal process quickly.

9. Ms. Watroba asked whether any differences in Ohio's controlled substances statutes compared to Illinois's controlled substances statutes (specifically the classification sections) would preclude Illinois from pursuing a similar type of state-wide review/consensus body on emerging drugs. Ms. Watson and Ms. Baker explained that the classification sections are similar and would thus allow for a similar type of consensus body. Ohio just uses a pharmacophore model to decide what substances should be controlled, which Illinois does not.

10. In response to a question from Dr. Hughes, Ms. Watson explained that lab participation in the EDSWG subcommittee is voluntary and that when a new drug is presented for review the group requires a unanimous decision of the labs participating in that particular meeting.

11. Ms. Watroba asked if there have been any downstream impacts observed when cases reviewed by the group go to court. Ms. Watson responded that she is not aware of any issues. She observed that with the way Ohio's laws are written, analysts do not frequently testify or encounter much back and forth about a determination that a drug is controlled.

12. Ms. Baker asked if, in addition to the email notification that is sent to labs after a new drug is reviewed state-wide, there is a central list of the drugs reviewed and determinations made. Ms. Watson responded that her lab keeps a list for accreditation assessment and that the determinations are discussed at the quarterly EDSWG meetings. She is not sure if the administrator keeps a master list, so to speak.

13. Ms. Gutierrez inquired about the stakeholders involved in the quarterly meetings. Ms. Watson responded that a diverse group of people attend the meetings, including individuals from crime labs, drug chemists, pharmacologists, members of academia, people involved in narcotics intelligence, and others.

14. Ms. Watroba asked if Ms. Watson knew how the working group was created (by statute or executive order for example) and how EDSWG is populated. Ms. Watson indicated she could provide contact information for someone better positioned to answer that question.

15. Ms. Baker provided additional background information to the subcommittee including the fact that Ohio was the epicenter of the fentanyl crisis and that the creation of EDSWG was in part due to that fact. Ms. Watroba asked about what labs do after a new drug is identified in that first case and reviewed by the state-wide group. Ms. Watson indicated that every lab has its own procedures. Her lab is an OSAC-implementing lab and she is monitoring new best practice documents and standards from OSAC for alignment with what the group is doing.

V. Old Business
None.

VI. New Business
None.

VII. Public Comment
Gina Havlik offered public comment, indicating that she found the presentation valuable and that it resonated with her as a drug chemist in a smaller lab. She explained that when they encounter new drugs at NIRCL they often reach out to DuPage County and ISP, so much of what Ms. Watson described is occurring informally in practice. Ms. Havlik stated that there would be great value to a formalized working group in Illinois. It is a foolproof way to ensure uniformity across the state in the identification of new drugs and to minimize the chance of errors or inconsistencies in the future. Ms. Havlik noted that the drug market changes quickly and encouraged the Commission to help facilitate the creation of a working group similar to the Ohio group.

Timothy Tripp offered public comment, indicating that Illinois's structural approach to classifying drugs has greatly improved labs' ability to address emerging drugs. Formalizing communications between labs in Illinois would be an advantage in identifying drugs like in Ohio. Mr. Tripp discussed pending legislation in Illinois intended to fill in gaps in the controlled substances statutes, including a structural adjustment to fentanyl. Mr. Tripp also noted that trailer bills

are another opportunity to address new emerging drugs in Illinois. Mr. Tripp commented that the Commission, a subcommittee, or a working group finding a way to centralize communications between lab systems would be an improvement over ad hoc communication. He also suggested looking at entities and administrative rules already in place to see if there is a functional and appropriate way to engage all stakeholders, including DHS, on the issue of emerging substances.

VIII. Next Meeting/Adjournment

The next meeting will be scheduled via Doodle Poll. The meeting was adjourned at approximately 12:01 p.m.