Illinois Forensic Science Commission- Public Policy Subcommittee

Meeting Minutes

July 10, 2025, 10:00 a.m. meeting

I. Call to order

Ms. Dragovich called the meeting to order at approximately 10:00 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. Katherine Drummond, FS Commission Member, subcommittee member*
5. John Hanlon, FS Commission Member, subcommittee chairperson*
6. Cris Hughes, FS Commission Member, subcommittee member
7. Carrie Ward, FS Commission Member, subcommittee member*
8. Amy Watroba, Executive Director-Forensic Science Commission
9. Gina Havlik, NIRCL

*Denotes person who joined meeting after roll call

III. Review/Adoption of Minutes

1. The Meeting Minutes of 5/9/25 were adopted by unanimous vote.

IV. Discussion:

1. Identification and reporting of emerging drugs in Illinois
    i. The subcommittee continued its previous discussion on how to more efficiently and effectively make decisions about drugs controlled by chemical class and how to share information between labs testing seized drugs. The topic was discussed at the June Commission meeting and the Commission decided to send the issue back to the subcommittee for further discussion on two items/goals. The first is to have the subcommittee work on having the three accredited lab systems start a more formalized working group for the exchange of information about emerging drugs observed at labs. The second goal is

to explore where such a working group could be permanently housed and what steps/considerations that would entail. Ms. Baker suggested the subcommittee focus first on identifying the purpose of the working group, which then could inform the issue of where it could be housed. She noted that the primary reason identified for forming the working group is to consistently evaluate and report compounds encountered by labs to determine whether they fall within an existing chemical class under the Illinois Controlled Substances Act ("the Act"). Auxiliary purposes are to provide recommendations for legislative changes to the Act and to identify trends in emerging drugs. Trends could include identifying how often labs encounter compounds that do not fall within an existing chemical class but are related to the class, such as when a particular substitution is absent. Another trend could be identifying how often labs observe a whole new drug or class of drugs that is not currently controlled, such as when designer benzodiazepines first emerged in casework and now when nitazenes are emerging.

ii. Dr. Hughes inquired about how the group would document new observed drugs. Ms. Dragovich explained that when a lab observes a new compound that is not necessarily controlled, there normally is communication with other labs to see if/how they identified it and where standards can be purchased. Labs also regularly monitor available literature on emerging drugs across the United States. A more challenging situation is when a lab encounters a new drug that is not controlled, because labs do not report non-controlled substances and are not likely to expend resources to purchase a standard to identify the non-controlled drug. However, non-controlled substances can start to have an impact on the user population (overdoses or adverse health effects), and labs endeavor to share that information when trends are apparent. Dr. Hughes noted that the group may want to establish boundaries with respect to identifying non-controlled substances to ensure the group is not overburdened.

iii. Dr. Hughes inquired as to when labs would make recommendations for legislative change. The two main scenarios are: 1) when labs observe a compound that is related to a currently controlled class but the compound does not include a particular substitution and that new compound is being abused; and 2) when a new class of compounds (like nitazenes, which are synthetic opioids) emerges where there are structurally similar compounds controlled by name in the Act. In those situations, the labs can report that the compound is consistent with the named compound and include a footnote explaining that the observed

compound is reported in literature as being structurally similar to the named controlled substance and that the named controlled substance is, for example, a Class 1 controlled substance. Ms. Dragovich described some challenges in identifying new synthetic drugs and how in such situations data from toxicological testing conducted by medical examiners/coroners can help provide a more holistic view of a possible emerging drug trend in Illinois. There also are instances when emerging drugs are brought to the attention of legislators via media or community members, which was the case with the "zombie drug" xylazine.

iv. The subcommittee discussed a possible tiered approach to the implementation of the working group. The primary task identified for the working group was to provide a formalized process for labs to communicate with other labs when they encounter compounds that they believe meet the class characteristics for reporting out as a controlled substance. The subcommittee wants the working group to host this function. The next tier could involve sharing the labs' collective information regarding emerging drugs identified by class with other entities (i.e. medical examiners/coroners, public health officials, hospital, law enforcement agencies) to assist in recognizing drug trends. A key question is who does the working group channel its data to. Dr. Hughes noted that the infrastructure needs for the second tier (sharing data with other entities) would be greater and cautioned against establishing a working group with expectations and responsibilities that are not supported by the group's infrastructure. Ms. Drummond inquired about how labs currently communicate with other entities such as hospitals. Ms. Dragovich responded that the DuPage Lab produces an annual statistical report outlining the drugs they identified and how many times the drugs were encountered at the lab.

v. Ms. Watroba proposed a possible framework for the working group based on the subcommittee's discussion where the Commission could serve as a facilitator within its statutory scope for the sharing of data compiled by the working group. The lab working group could meet as discussed to identify emerging drugs that qualify as controlled substances by class and identify emerging drugs of concern that are not currently controlled by class. The Commission could then create an ad hoc subcommittee on Drugs that the working group could present its data to. The Drugs Subcommittee could include additional stakeholders from public health, medical examiners/coroner offices, toxicology, etc.

and the data compiled by the working group could be discussed and shared with the subcommittee. This would allow the Commission to serve as a mechanism for disseminating information about emerging drugs to other stakeholders at least in the short term and possible commonalities in observed trends could be identified. Since Illinois does not have a pharmacophore legislative model, data from the subcommittee could then be compiled, perhaps in a report, and shared with groups that drive legislative and policy decisions regarding whether compounds should be controlled. The subcommittee then discussed who that information could be shared with based on the legislative process in Illinois. Ms. Ward suggested sharing the data first with interest groups (such as ISP, state's attorney associations, etc.), then legislative staff, then legislators who have a demonstrated history of interest in legislation related to controlled substances. Ms. Baker noted that the mechanisms for driving legislative changes already exist, so the working group could gather and compile the information and disseminate via the subcommittee to existing channels. The subcommittee could also share the data compiled by the working group with other subcommittees, such as the Technology and Training Subcommittees, since the data may identify a need for new technology for an analytical issue and new training needs. Ms. Dragovich and Ms. Watroba agreed that the primary goal is to formalize the working group so that labs can share information about new compounds and ensure consistency in reporting. Disseminating the information for other purposes is the secondary goal.

vi. The subcommittee discussed how, once the working group is established with the three accredited laboratories, other labs producing seized drugs results should be included in the working group. Another way to ensure that any lab testing seized drugs is aware of the data compiled by the working group would be to have the proposed ad hoc Drug Subcommittee compile the data into a report and then publish the report on the Commission's webpage.

vii. Mr. Hanlon noted that Captain Thompson from ISP could be a useful resource for disseminating information that might inform policy and legislative action. Mr. Hanlon further observed that data provided by other stakeholders involved in the proposed ad hoc subcommittee, such as medical examiners/coroners and public health officials, could provide useful data for legislative purposes about fatalities, etc. Dr. Arunkumar provided an example from 2023 when there was a cluster of unexplained deaths that ultimately were determined to involve a

new synthetic cannabinoid, and she described how they had to send toxicological samples to a research laboratory to identify the compound. Coroners and medical examiners routinely share this type of information amongst themselves when a new issue arises and make notifications to other agencies, such as public health, prosecutors, and jails. Dr. Arunkumar indicated they have the ability to survey through the coroner and medical examiner's association to identify trends.

viii. Ms. Baker indicated that some of the concerns voiced at the Commission meeting about having the working group housed within the Commission, and therefore subject to OMA, could be addressed by not including things like case information in the working group discussions. Ms. Watroba noted that additional requirements of OMA could still impede the working group's ability to meet expediently and in real-time as they observed new compounds in case work, specifically notice, agenda, and minutes requirements. Additionally, concerns were raised about discussing emerging compounds in open meetings, specifically the possibility that bad actors could see what compounds were discussed and then make adjustments to compounds in an attempt to circumvent the classification requirements or creating notoriety related to novel compounds that may not qualify as controlled substance by class but be amenable to abuse.

ix. The subcommittee discussed whether the working group could fall under an exemption in OMA. Ms. Watroba explained that particular groups are exempt from the definition of "public body" under section 1.02 of the OMA and that if the working group wanted to be housed in the Commission eventually but exempt from OMA requirements, it would require a legislative change to specifically exempt the working group once it is already established. That could be a long-term solution, since it likely would take several legislative sessions to achieve a legislative change. It would also require detailed reasons why the group should be exempt from the OMA, since the presumption is that the Commission's work is open and transparent under the OMA. Another legislative option would be for the working group to be allowed hold closed meetings under Section 2 of the OMA (5 ILCS 120/2), and it was noted that "meetings or portions of meetings of the advisory committee and peer review subcommittee created under Section 320 of the Illinois Controlled Substances Act during which specific controlled substance prescriber, dispenser, or patient information is discussed" are closed under OMA. (See 5 ILCS

120/2(c)(33)). Further research into what this particular advisory committee does may provide guidance on this topic.

x. Ms. Watroba noted that the Commission has statutory authority to create subcommittees, but working groups are not specifically noted in the statute. Proceeding, at least initially, in a similar manner as the Technology Subcommittee did in recommending that the labs create a working group amongst themselves to share information related to LIMS outside of the Commission and then recommending creation of an ad hoc Drugs Subcommittee within the Commission might be the best approach in the short term to enable labs to start sharing information and deciding how the working group will function as soon as possible. The Commission already recommended that the three accredited labs start the working group, so once a representative from each lab system is identified they could begin work. In the meantime, the Public Policy Subcommittee could recommend the creation of an ad hoc Drugs Subcommittee at the September Commission meeting, and identify the need for the subcommittee, it goals, and what type of work it could do, with one component being that the working group would report its data on emerging drugs to the subcommittee and the subcommittee could convene different subject matter experts to facilitate sharing of information. Essentially, the Drugs Subcommittee could serve as the hub or entity within the Commission through which the working group and other entities can share and discuss data related to emerging drugs. The Drugs Subcommittee also could address other issues related to drugs and/or loop in the Public Policy Subcommittee.

xi. Ms. Watroba suggested that, if they want to recommend creation of an ad hoc Drugs Subcommittee, that they present that to the Commission at the September meeting.

xii. The subcommittee discussed how to initiate communications between representatives from the three accredited labs to get the working group up and running, possible logistics for discussing an emerging drug when it is encountered at a lab, and how to compile data regarding emerging drugs identified by the laboratory systems. The data compiled can then be shared with the Drugs Subcommittee (if approved by the Commission), and the Drugs Subcommittee can decide how to compile information and disseminate to stakeholders and policy makers.

V. Old Business
None.

VI. New Business
None.

VII. Public Comment
No public comment offered.

VIII. Next Meeting/Adjournment
The next meeting will be scheduled via Doodle Poll. The meeting was adjourned at approximately 11:20 a.m.