



Marijuana Legalization Illinois Impact Report 2022

Table of Contents

Chicago HIDTA

Acknowledgements.....	3
Executive Summary.....	4
Introduction.....	6
Purpose.....	6
Current Illinois Law.....	6
Illinois Law Update.....	6
Federal Law Update.....	7
Illinois Department of Public Health’s Position.....	8
Section I. Traffic Fatalities and Impaired Driving.....	10
Illinois Driving Data-2021.....	10
Illinois Driving While Under the Influence Law and Data.....	11
Challenges for Law Enforcement 2022.....	12
Illinois Case Law.....	12
Section II. Marijuana Use in Illinois.....	14
Summary.....	14
Adult Marijuana Use in Illinois.....	16
Marijuana Use by Students in Illinois.....	17
Illinois Opioid Alternative Pilot Program.....	17
Section III. Public Health.....	19
Centers for Disease Control and Prevention Cannabis Strategy.....	19
Concern Regarding Rising THC Levels.....	19
Health Risks of Marijuana Usage Drawing Scrutiny.....	20
Illinois Poison Control.....	21
Section IV. Illicit Market.....	22
Marijuana Trafficking.....	22
Violence in Proximity to Open-Air Drug Markets in Chicago.....	23
Summary and Forecast.....	25
Long-Term Impact on Public Health.....	25
Legalization and the Illicit Market.....	26
The Future of Marijuana Usage in Illinois.....	26
Forecast of the Impact of Legalization in Illinois.....	27
National Perspectives.....	27
International Perspectives.....	29

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Executive Summary

In 2021, the Chicago High Intensity Drug Trafficking Area (HIDTA) Investigative Support Center (ISC) drafted and published a strategic report reviewing the impact that the legalization of marijuana for recreational use had on the state of Illinois. This 2022 update of that report provides new information, updated data, and perspectives on the change in public policy and messaging regarding the use of marijuana in Illinois since the passage of the Illinois Cannabis Regulation and Tax Act in 2019.

Section I: Traffic Fatalities and Impaired Driving (pages 10-13)

- The National Highway Traffic Safety Administration (NHTSA), a division of the Department of Transportation, estimated that 42,915 people died in the United States because of motor vehicle traffic crashes in 2021, a 10.5% increase from the 38,824 fatalities that occurred in 2020. The deaths include pedestrians, cyclists, and others who may have died during a crash. (Page 10)
- A statistical projection of traffic fatalities for the first half of 2022 shows that an estimated 20,175 people will have died in motor vehicle traffic crashes in the United States. This represents a marginal increase of about 0.5 percent compared to the 20,070 fatalities that occurred in the first half of 2021. (Page 10)
- From 2009 to 2019, fatalities from car crashes in Illinois averaged approximately 1,000 per year. However, since the legalization of recreational marijuana use by adults in 2020, deaths from car crashes have increased. Because Illinois does not distinguish DUI arrests between alcohol intoxication, marijuana impairment, or involving other substances the link between these fatalities and marijuana usage must be further investigated and evaluated. (Page 10)
- Driving Under the Influence in Illinois remains a serious criminal offense and applies to driving while intoxicated or impaired. In 2020, there were over 20,000 DUI arrests reported to the Illinois Secretary of State. (Page 11)
- Due to the nature of THC metabolization, especially for chronic users, there is no national standard for determining impairment by drivers using marijuana. Illinois law enforcement officers still do not have a chemical test available to them in the field and determining impairment from marijuana usage remains elusive. In 2022, Illinois law enforcement officers continue to rely primarily on field sobriety tests to determine driver impairment. (Page 12)
- Due to the significant rise in THC levels, especially in waxes, oils, and edibles, the true cost of marijuana legalization will be assessed by future generations of Illinois citizens.

Section II: Marijuana Use in the U.S. and Illinois (pages 14-18)

- Per the National Institute on Drug Abuse (NIDA), marijuana and hallucinogen use in the United States during the past year reported by young adults 19 to 30 years old increased significantly in 2021. The proportion of young adults who reported past-year marijuana use reached 43% in 2021, a significant increase from 34% five years ago (2016) and 29% 10 years ago (2011). According to the Monitoring the Future (MTF) panel study, marijuana usage compared to five and ten years ago reached historic highs in this age group, the highest since 1988. (Page 15)
- Among college students, 44% reported using marijuana in 2020, compared to 38% in 2015. In contrast, similar increases and record highs in marijuana use have not been observed among 12th graders in recent years, with 35% of high school seniors reporting using marijuana in 2020. (Pages 15-16)
- Despite claims that the legalization of marijuana would result in a reduction in the use of opioids, fatal opioid overdoses in Illinois are a continuing public health crisis with 2,944 lives lost in 2020 and 3,013 in 2021. (Page 17)

Section III: Public Health (pages 19-21)

- Illinois currently does not cap the THC levels in marijuana-related products although the Illinois State Medical Society supports limitations. The Society cited the dramatic increase in Illinois vehicle crashes, the link between increased THC levels and diagnosis of psychosis, and that THC use at a potency of 12% is associated with almost a fivefold higher risk for progression to cannabis use disorder symptom onset within a year. (Pages 19-20)
- Vermont and Connecticut are the only states that cap the potency of THC on most types of cannabis products sold, despite this being a useful tool to prevent harmful consumption. Both of these states' medical societies are calling for a cap on all marijuana products' THC levels at 15%. (Page 19)
- The (CDC) reported on the findings of a recent study that estimated that 3 in 10 people who use marijuana have a marijuana use disorder. (Page 19)

Section IV: Illicit Market (pages 22-20)

- Marijuana continues to be trafficked in Illinois with significant seizures of marijuana-related products by Chicago HIDTA initiatives in 2021 and 2022. (Page 22)
- Marijuana trafficking by street gang members and the violence associated with open-air drug markets remains a problem in some Chicago neighborhoods despite the plethora of legal dispensaries. (Pages 23-24)

Introduction

Purpose

This update uses available data to identify trends and provide an analysis of marijuana legalization on public safety and overall impact. The legalization of marijuana for medicinal usage was publicized as being a compassionate reaction to the needs of the chronically ill, providing legal protections for usage by those with a qualifying debilitating medical condition, and following the lead of other states in decriminalizing marijuana for qualifying individuals. In 2019, Illinois passed the Cannabis Regulation and Tax Act which became law on January 1, 2020. This act legalized recreational marijuana for adults, making Illinois the 11th state in the nation to do so. As of July 2022, 19 states have approved marijuana for recreational purposes and 38 have approved marijuana for medicinal use.

This updated report aims to inform policymakers, public safety officials, health professionals, and the public of the impact legalization of marijuana has had on Illinois and the country.

Current Illinois Law

(410 ILCS 130/) Compassionate Use of Medical Cannabis Program Act

On August 12, 2019, changes to the Compassionate Use of Medical Cannabis Program became effective. The Compassionate Use of Medical Cannabis Program Act is now a permanent program, and the “pilot” designation has been removed.

(410 ILCS 705/) Cannabis Regulation and Tax Act.: This law legalized the recreational use of marijuana for those 21 years of age and older. An adult can legally possess up to 30 grams of marijuana flower (slightly more than one ounce), 5 grams of concentrated cannabis, and edibles infused with up to 500 milligrams of THC or any equivalent combination. In addition, this law contained a provision that resulted in almost 500,000 criminal arrest records for possession to be expunged by the Illinois State Police and 20,236 pardons for “low-level” marijuana convictions issued. A “low-level” marijuana arrest was classified as a nonviolent crime involving the possession, manufacturing, and distribution of less than 30 grams of marijuana. Under the current law, only state-registered medical marijuana patients are authorized to grow marijuana for personal use. Consuming marijuana in public, in vehicles, and under the age of 21 remains illegal.

Illinois Law Update

Illinois Cannabis Social Equity Program

The Illinois Cannabis Social Equity Program was created as part of the 2019 Cannabis Regulation and Tax Act (CRTA), which legalized the recreational use of cannabis for those over the age of 21 in Illinois.

The social equity program created a lottery in which qualifying candidates would have a chance to be awarded a marijuana dispensary license. However, there was extensive litigation over the selection of applicants and the lottery process.

In July 2021, Public Act 102-0098 was passed which was intended to resolve issues with the original applicant selection process and lottery. Because of the pending litigation, the 185 dispensary licenses initially designated to be awarded were placed on hold and were not formally issued pursuant to a Cook County Circuit Court Judge's order.

On August 6, 2022, the State of Illinois Department of Financial and Professional Regulation resumed issuing social equity licenses, awarding 177 of the 185 licenses it was supposed to have issued in July 2021.

Federal Law Update

Current pending bills

H.R. 3617-Marijuana Opportunity Reinvestment and Expungement Act or the MORE Act. Received in the Senate and read twice now referred to the Committee on Finance.

This bill decriminalizes marijuana federally. Specifically, it removes marijuana from the list of scheduled substances under the Controlled Substances Act and eliminates criminal penalties for an individual who manufactures, distributes, or possesses marijuana.

The bill also makes other changes, including the following:

- replaces statutory references to *marijuana* and *marihuana* with *cannabis*,
- requires the Bureau of Labor Statistics to regularly publish demographic data on cannabis business owners and employees,
- establishes a trust fund to support various programs and services for individuals and businesses in communities impacted by the war on drugs,
- imposes an excise tax on cannabis products produced in or imported into the United States and an occupational tax on cannabis production facilities and export warehouses,
- makes Small Business Administration loans and services available to entities that are cannabis-related legitimate businesses or service providers,
- prohibits the denial of federal public benefits to a person on the basis of certain cannabis-related conduct or convictions,
- prohibits the denial of benefits and protections under immigration laws on the basis of a cannabis-related event (e.g., conduct or a conviction),
- establishes a process to expunge convictions and conduct sentencing review hearings related to federal cannabis offenses,
- directs the Government Accountability Office to study the societal impact of state legalization of recreational cannabis,
- directs the National Highway Traffic Safety Administration to study methods for determining whether a driver is impaired by marijuana,
- directs the National Institute for Occupational Safety and Health to study the impact of state legalization of recreational cannabis on the workplace, and
- directs the Department of Education to study the impact of state legalization of recreational cannabis on schools and school-aged children.

H.R.365 - Marijuana 1-to-3 Act of 2021

Introduced in House (01/19/2021)

This bill moves marijuana to a lower schedule of the Controlled Substances Act.

Specifically, it directs the Drug Enforcement Administration to transfer marijuana from schedule I to schedule III. (A schedule I controlled substance is a drug, substance, or chemical that has a high potential for abuse; that has no currently accepted medical use; and that is subject to regulatory controls and administrative, civil, and criminal penalties under the Controlled Substances Act. A schedule III-controlled substance is a drug, substance, or chemical that has less potential for abuse than a schedule I or II substance; that has a currently accepted medical use, and that has a low or moderate risk of dependence if abused.)

[Illinois Department of Public Health's Position that Cannabis is not a Harmless Drug is Unchanged in 2022](#)

The Illinois Department of Public Health (IDPH) provides information to the public on a wide range of subjects concerning public health. One page is dedicated to informing the public about the dangers of marijuana. As of September 20, 2022, marijuana is described as a drug by the IDPH that can lead to addiction as well as have a negative effect on the human brain.

Illinois Department of Public Health:

“Cannabis, also known as marijuana, pot, weed, ganja, Mary Jane, and a vast number of other names, is the dried leaves, flowers, stems, and seeds from the Cannabis sativa or Cannabis indica plant. The plant contains tetrahydrocannabinol (THC), a mind-altering chemical.

When a person smokes cannabis, THC passes from the lungs into the bloodstream, which carries the chemical to the brain and other organs throughout the body. The effects are felt more slowly when a person eats (edibles) or drinks cannabis.

THC over-activates certain brain cell receptors, resulting in effects such as:

Altered senses

Changes in mood

Impaired body movement

Difficulty with thinking and problem-solving

Impaired memory and learning

The amount of THC in cannabis has been increasing steadily in recent decades, creating more harmful effects in some people.

Cannabis is not a harmless drug. Cannabis directly affects the brain, specifically the parts of the brain responsible for memory, learning, attention, decision-making, coordination, emotions, and reaction time. Developing brains, like those in babies, children, and teenagers are especially

susceptible to the harmful effects of cannabis. Cannabis' effects may last a long time or even be permanent. This means someone who uses cannabis may not do as well in school and may have trouble remembering things. Although scientists are still learning about these effects, studies show cannabis use by mothers during pregnancy may be linked to problems with attention, memory, problem-solving skills, and behavior problems in their children.”

There are no reports of teens and adults dying from using cannabis use alone, but cannabis can cause some very uncomfortable side effects, such as anxiety and paranoia and, in rare cases, extreme psychotic reactions.

Cannabis use can lead to substance use disorder, often referred to as addiction.¹

Smoking marijuana is only one of the multiple ways that this drug is now consumed. Marijuana is now commonly consumed by vaping, mixed or infused into foods such as cookies, cakes, or other liquids, or taken orally in the form of edibles, tinctures, capsules, or oils.

¹ <https://dph.illinois.gov/topics-services/prevention-wellness/cannabis.html>

Section I-Traffic Fatalities and Impaired Driving

The National Highway Traffic Safety Administration (NHTSA), a division of the Department of Transportation, estimated that 42,915 people died in the United States because of motor vehicle traffic crashes in 2021, a 10.5% increase from the 38,824 fatalities that occurred in 2020. The deaths include pedestrians, cyclists, and others who may have died during a crash.² This would be the highest total number of fatalities since 2005.

“The National Highway Traffic Safety Administration today released its early estimates of traffic fatalities for the first half of 2022. An estimated 20,175 people died in motor vehicle traffic crashes, an increase of about 0.5% as compared to the 20,070 fatalities NHTSA projected for the first half of 2021.”³

Illinois Driving Data-2021

• Registered Motor Vehicles	11.32 million
• Licensed Drivers	9.17 million
• Vehicle Miles Travelled	94 billion
• Total Fatal Crashes	1,089
• Total Crash Fatalities	1,334

From 2009 to 2019, fatalities from car crashes in Illinois averaged approximately 1,000 per year.⁴ However, since the legalization of recreational marijuana use by adults in 2020, deaths from car crashes have increased.⁵ In 2020, there were 1,196 deaths as a result of vehicle crashes, an increase of 18 percent in deaths compared to 2019 when 1,011 people were killed in Illinois due to vehicle crashes. Provisional numbers reported by the Illinois Department of Transportation for 2021, reflect that 1,334 people died in traffic crashes in Illinois, the highest death toll since 2005. Compared to 2020, this is a 12 percent increase and a 44 percent increase compared to 2014, the year that medical marijuana became legal in Illinois.

Illinois does not distinguish DUI-alcohol from DUI-cannabis or other drugs in arrest or crash reports, so it is difficult to definitively link the legalization of marijuana to these deaths. However, states that have legalized marijuana, including Illinois, have seen an increase in traffic crashes resulting in fatalities which mirrors the national trend. A study released in 2021 by the Insurance Institute of Highway Safety found that in states that legalized marijuana the rate of car crashes with injuries increased by nearly 6%, while fatal crashes rose by 4%.⁶ The report cites this is a byproduct of both legalization and the emergence of retail sales in those states.

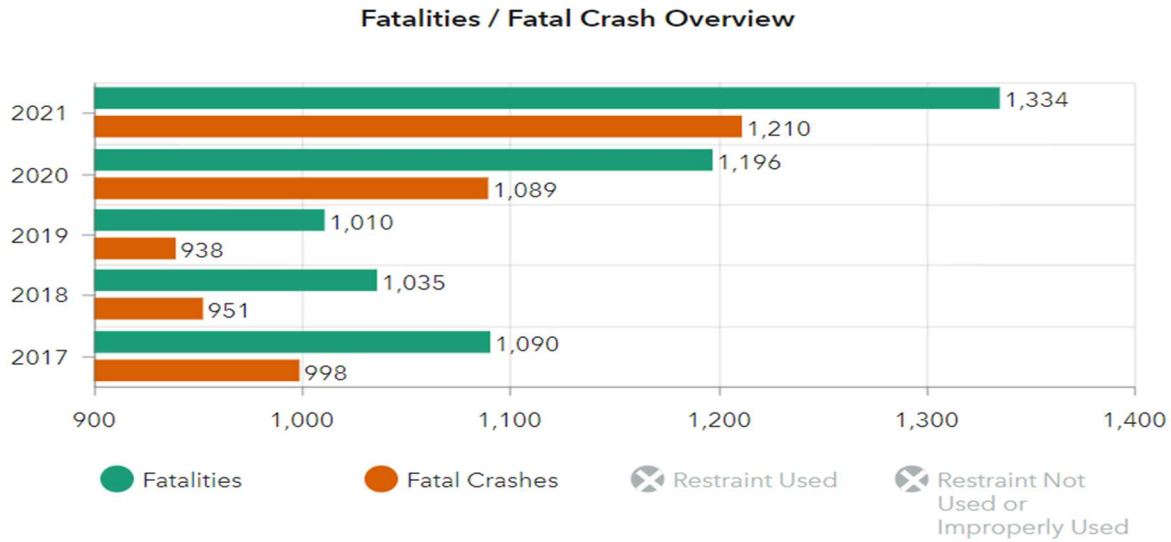
² <https://www.nhtsa.gov/press-releases/early-estimate-2021-traffic-fatalities>

³ <https://www.nhtsa.gov/press-releases/early-estimates-traffic-fatalities-first-half-2022>

⁴ IDOT-Bureau of Data Collection

⁵ Ibid.

⁶ “Crash Rates Jump in Wake of Marijuana Legalization, New Studies Show.” *IIHS-HLDI Crash Testing and Highway Safety*, www.iihs.org/news/detail/crash-rates-jump-in-wake-of-marijuana-legalization-new-studies-show.



IDOT-illinois.gov/FatalCrash/historicsnapshot.html

A study conducted by the Journal of Studies on Alcohol and Drugs published in July of 2022 found that “the legalization of the recreational use of marijuana was associated with a 6.5% increase in injury crash rates and a 2.3% increase in fatal crash rates.”⁷ The combined effect of legalization and retail sales was a 5.8% increase in injury crash rates and a 4.1% increase in fatal crash rates.”

Illinois Driving While Under the Influence Law and Data

The Illinois Vehicle Code (625 ILCS 5/11-501) prohibits the operation of a vehicle while under the influence of alcohol, other drug, drugs, intoxicating compound or compounds, or any combination thereof. This statute provides that if a law enforcement officer has reasonable suspicion to believe the person is impaired by the use of cannabis or other substance, the driver must submit to field sobriety testing and/or validated roadside chemical tests. Refusal to submit to testing or failure of field sobriety tests and/or validated roadside chemical tests will result in the suspension of the person's driver's license for one year. Driving while impaired by the use of marijuana or illegal transportation of marijuana in a motor vehicle may result in the loss of driving privileges, and for a medical marijuana registry cardholder, the revocation of the driver's medical marijuana card.

In 2020, there were 20,131 DUI arrests reported to the Illinois Secretary of State's office.⁸ These arrests are not distinguished by DUI for alcohol, marijuana, or other substances. According to the Illinois DUI Fact Book published by the Illinois Secretary of State:

- “25 percent of those arrested for DUI were women, who represented 50 percent of all licensed drivers.”

⁷ *Journal of Studies on Alcohol and Drugs*, July 2022 Farmer, Charles M. / Monfort, Samuel S. / Woods, Amber N.

⁸ Illinois DUI Fact Book-Illinois Secretary of State

- “Males ages 21-24 had the highest DUI arrest rate (about 7 per 1,000 licensed drivers).”
- “86 percent of all drivers arrested for DUI are first offenders.”

Regarding marijuana, chemical testing is the mechanism that is used to determine if a driver has a THC level of 5 nanograms or more per milliliter of blood or other bodily fluid. Chemical testing methods include a driver's "breath, blood, urine or other bodily substance," according to the Illinois Secretary of State's office.

The test can be administered within two hours of the driver being pulled over. A medical professional may only administer blood tests, though police can perform breath, urine, and "other bodily substance" tests.

Illinois does have a program that sets standards for law enforcement officers to draw blood for investigative purposes. Established in 2018, the Illinois Law Enforcement Phlebotomy Program allows police officers to draw blood on the scene, thus eliminating the need for hospitals resulting in timely and thus more accurate evidence. As of September 2022, only approximately 30 Illinois law enforcement officers were trained in the program.

Challenges for Law Enforcement in 2022

There is still no chemical test available in 2022 for officers in the field to accurately determine the preliminary level of THC in a driver suspected of being impaired. While preliminary breath testing devices for alcohol have been approved for law enforcement use for decades, the science and technology to accurately detect THC levels in the field have yet to be developed.

There are approximately 41,000 law enforcement officers in Illinois working for 877 agencies.⁹ The majority of these officers have received training on Standardized Field Sobriety Tests (SFST). Officers certified as Drug Recognition Experts (DRE) have received specialized training in determining the impairment levels of those suspected of operating a motor vehicle under the influence of substances such as marijuana. Per the International Association of Chiefs of Police (IACP), in 2022 only 143 Illinois law enforcement officers have been certified as DRE. In 2021, per IACP data, Illinois DRE Officers conducted 204 Enforcement Evaluations on Illinois roads. Until technology is developed and approved to establish a driver's level of impairment, officers in the field continue to rely primarily on SFST to determine probable cause for arrest.

Illinois Case Law

New Illinois Appellate Court Rulings-A key case impacting Illinois law enforcement and determining probable cause is *People v. Stribling, 2022 IL App (3d)*. This is an Illinois Appellate Court case addressing the issue of probable cause to search vehicles and was filed on Sep. 19, 2022. This case involved a Will County, Illinois deputy who pulled a car over, smelled burnt cannabis, and searched the vehicle. The offender had a gun in the car and was arrested. Based on *People v. Stout, 106 Ill. 2d 77 (1985)*, the smell of burnt cannabis was sufficient probable cause in Illinois for law enforcement officers to search a vehicle. The trial court granted a motion to

⁹ Wikipedia contributors. (2022, June 16). List of law enforcement agencies in Illinois. Wikipedia. https://en.wikipedia.org/wiki/List_of_law_enforcement_agencies_in_Illinois

suppress the evidence and the State appealed. The Illinois Appellate court ruled, based on the legalization of cannabis in Illinois, absent further indicia of criminal activity, the smell of burnt cannabis alone is no longer probable cause in Illinois to search a vehicle. The Appellate Court held:

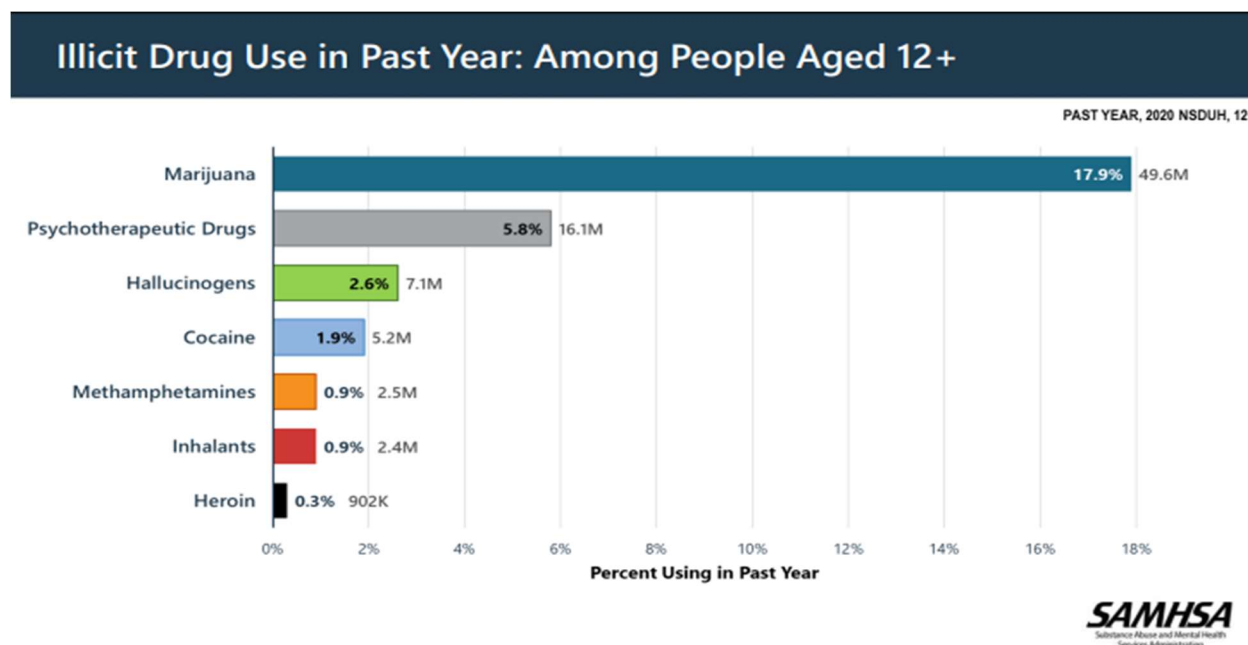
“We hold that the smell of the burnt cannabis, without any corroborating factors, is not enough to establish probable cause to search the vehicle, and the court did not err in granting the motion to suppress.”

A second case on the issue of the odor of burnt marijuana supporting probable cause for searching a vehicle was *People v. Redmond* 2022 IL App (3d) 21052. In the instant case, the Court referenced *Stribling* and discussed the issues of marijuana legalization and probable cause. The Appellate Court held that “as was the case in *Stribling*, no evidence existed to lead a reasonable officer to conclude that there was a reasonable probability that Redmond’s vehicle contained contraband or evidence of criminal activity giving rise to probable cause to search.” The odor of burnt marijuana without the presence of other factors will no longer support probable cause for law enforcement officers to conduct a search of the interior of vehicles on Illinois roads.

Section II-Marijuana Use in Illinois

Summary

Marijuana is the most commonly used federally illegal drug in the United States.¹⁰ In 2020, 17.9% (or 49.6 million people) used marijuana in the last year.¹¹ Recent research estimated that approximately 3 in 10 people who use marijuana have marijuana use disorder.¹² The risk of developing marijuana use disorder is greater in people who start using marijuana during youth or adolescence and who use marijuana more frequently.¹³



Source: SAMHSA

Nationally, marijuana use is rising among most age groups. The National Survey on Drug Use and Health (NSDUH) conducted by the Substance Abuse and Mental Health Services Administration (SAMHSA) revealed that past month marijuana use for some age groups has been increasing steadily. Usage by those 26 years of age and older has been increasing from 16.8 million past-month users in 2017 to 23.6 million past-month users in 2020.

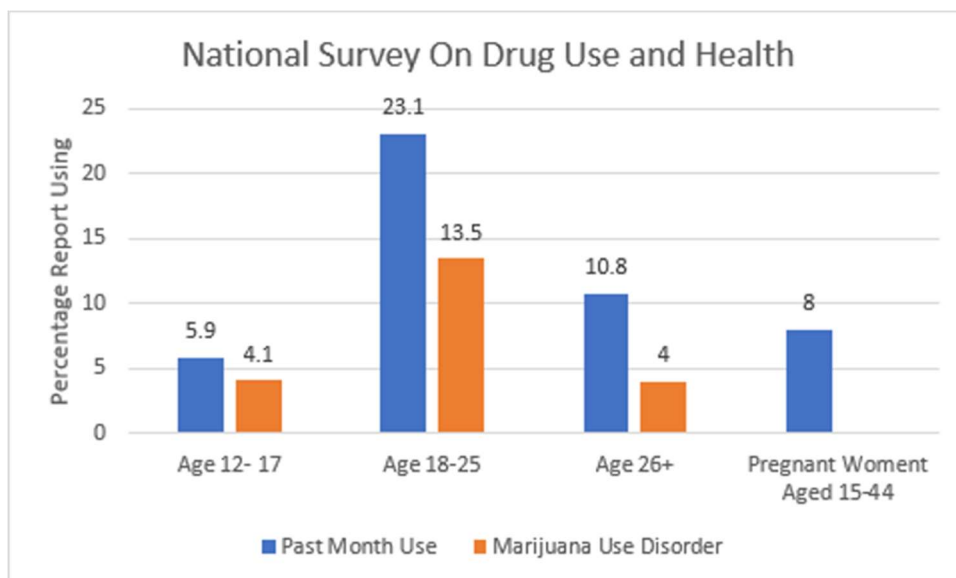
¹⁰ Marijuana | CBHSQ Data. www.samhsa.gov/data/taxonomy/term/435. Accessed 31 Oct. 2022.

¹¹ www.samhsa.gov/newsroom/press-announcements/202110260320

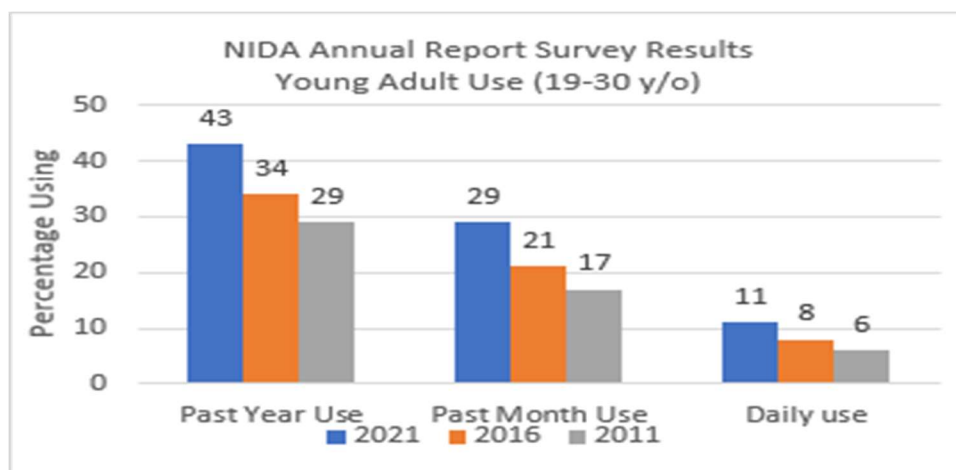
¹² Marijuana Use Disorder/Cannabis Use Disorder | Disease or Condition of the Week | CDC. (n.d.). <https://www.cdc.gov/dotw/marijuana-use/index.html>

¹³ Winters KC, Lee C-YS. Likelihood of developing an alcohol and cannabis use disorder during youth: association with recent use and age. *Drug and Alcohol Dependence*. 2008;92(1-3):239-247.

The following chart depicts data from the 2020 National Survey on Drug Use and Health.



On August 22, 2022, the National Institute on Drug Abuse (NIDA) at the National Institutes of Health released the 2021 Monitoring the Future Panel Study Annual Report. Survey results from this report found that “past-year, past-month, and daily marijuana use (use on 20 or more occasions in the past 30 days) reached the highest levels ever recorded since these trends were first monitored in 1988.”¹⁴



Data Source: National Institutes of Health

The National Institute on Drug Abuse reported that “annual marijuana use has continued to increase over the past five years for college students, reaching the highest level in over three-

¹⁴ “Marijuana and Hallucinogen Use Among Young Adults Reached All-time.” *National Institutes of Health (NIH)*, 22 Aug. 2022, www.nih.gov/news-events/news-releases/marijuana-hallucinogen-use-among-young-adults-reached-all-time-high-2021.

and-a-half decades in 2020. Among college students, 44% reported using marijuana in 2020, compared to 38% in 2015, representing a significant increase.”¹⁵

Conversely, the percentage of adolescents reporting substance use decreased significantly in 2021, according to the latest results from the Monitoring the Future survey of substance use behaviors and related attitudes among eighth, 10th, and 12th graders in the United States.¹⁶

In addressing the apparent decrease in adolescent usage, NIDA Director Nora Volkow M.D. stated “We have never seen such dramatic decreases in drug use among teens in just a one-year period. These data are unprecedented and highlight one unexpected potential consequence of the COVID-19 pandemic, which caused seismic shifts in the day-to-day lives of adolescents,” She added, “Moving forward, it will be crucial to identify the pivotal elements of this past year that contributed to decreased drug use – whether related to drug availability, family involvement, differences in peer pressure, or other factors – and harness them to inform future prevention efforts.”¹⁷

Adult Marijuana Use in Illinois

In January 2022, Illinois had 110 marijuana dispensaries licensed to sell both recreational and medical marijuana. In late July 2022, Governor Pritzker issued a second round of conditional adult-use marijuana dispensary licenses that brought the total number of issued licenses to 185.¹⁸

The sale of marijuana to in-state residents and out-of-state residents continues to grow in Illinois. In 2020, the Illinois Department of Professional Regulation (IDPR) reported 669,084,410 dollars in recreational marijuana sales which increased to \$1,379,088,278 in 2021. For the first eight months of 2022, marijuana sales in Illinois exceeded one billion dollars.

2022-Illinois Adult Use Cannabis Sales Figures

Month	Items sold	In-state resident sales	Out-of-state resident sales	Sales total
January	2,645,046	\$81,991,809.30	\$35,259,950.43	\$117,251,759.72
February	2,586,830	\$79,750,084.46	\$34,242,961.60	\$113,993,046.06
March	3,007,699	\$90,391,353.23	\$40,568,767.43	\$130,960,120.66
April	3,102,233	\$90,928,278.73	\$40,854,378.54	\$131,782,657.26
May	3,044,806	\$88,824,672.00	\$40,979,345.72	\$129,804,017.72
June	3,023,145	\$86,685,388.39	\$40,123,518.63	\$126,808,907.02
July	3,251,062	\$92,155,002.40	\$43,503,289.06	\$135,658,291.46
August	3,063,423	\$88,309,118.85	\$41,132,196.95	\$129,441,315.80

¹⁵ “Marijuana Use at Historic High Among College-aged Adults in 2020.” *National Institute on Drug Abuse*, 19 Jan. 2022, nida.nih.gov/news-events/news-releases/2021/09/marijuana-use-at-historic-high-among-college-aged-adults-in-2020.

¹⁶ “Percentage of Adolescents Reporting Drug Use Decreased Significantly in 2021 as the COVID-19 Pandemic Endured.” *National Institute on Drug Abuse*, 31 Mar. 2022, nida.nih.gov/news-events/news-releases/2021/12/percentage-of-adolescents-reporting-drug-use-decreased-significantly-in-2021-as-the-covid-19-pandemic-endured.

¹⁷ Ibid.

¹⁸ IDFPR | Annual Cannabis Report 2022 |

Marijuana Use by Students in Illinois

The Illinois Youth Survey (IYS) is conducted by the University of Illinois at Urbana biennially and is funded by the Illinois Department of Human Services. This survey collects data from school-aged youths in Illinois to determine their usage of substances such as alcohol, marijuana, and illicit controlled substances. The 2020 IYS was impacted by COVID-19 and the school shutdown that began on March 17, 2020. There was lower participation statewide, with sufficient data collected from only three of the four community types. Because of this, a report for the city of Chicago and a statewide report was not produced for 2020.¹⁹

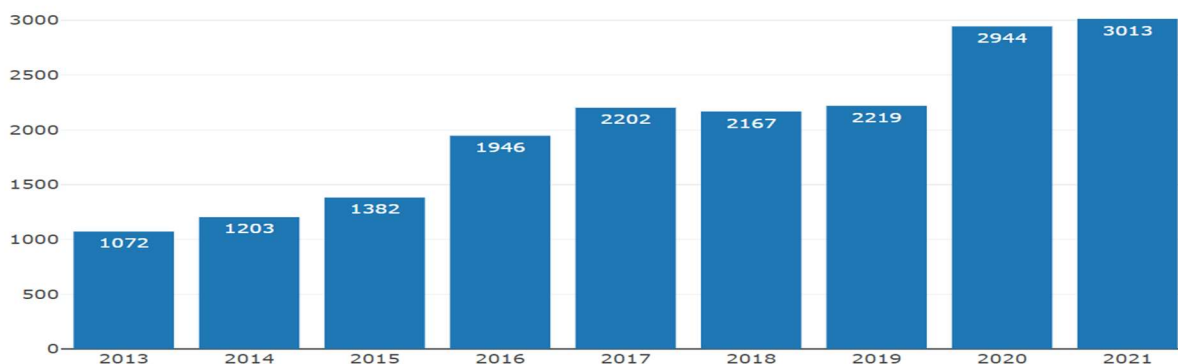
The 2018 IYS Suburban Chicago Frequency Report, conducted biennially, polled 2,024 high school seniors on several topics including marijuana usage. In 2018, 35 percent of seniors reported having smoked marijuana in the last year.²⁰ Because of COVID-19 restrictions, the 2020 Suburban Chicago Frequency Report polled only 993 high school seniors and for that year, 28 percent of high school seniors reported having smoked marijuana during the last year.²¹

Illinois Opioid Alternative Pilot Program

“On August 28, 2018, Public Act 100-1114, the Alternative to Opioids Act of 2018, was signed into law which made changes to the Compassionate Use of Medical Cannabis Pilot Program Act. The Public Act created the Opioid Alternative Pilot Program (OAPP), which allows access to medical marijuana for individuals who have or could receive a prescription for opioids as certified by a physician licensed in Illinois.”²² The program’s objective is to reduce the reliance of qualifying patients on opioids and instead use medical marijuana as a pain management tool.

Despite this program, the number of opioid-related deaths in Illinois has continued to be a major health crisis. The Illinois Department of Public Health reported that opioid overdose deaths of Illinois residents increased by 2.3 percent from 2,944 deaths in 2020 to 3,013 deaths in 2021. As of September 27, 2022, there are a total of 416 patients statewide registered in the OAPP.

Yearly opioid fatalities in Illinois from 2013-2021 as reported by the Illinois Vital Records System, IDPH



¹⁹ *State Reports - Illinois Youth Survey*. (n.d.). <https://iys.cprd.illinois.edu/results/state>

²⁰ *State Reports - Illinois Youth Survey*. iys.cprd.illinois.edu/results/state.

²¹ Ibid.

²² dph.illinois.gov/topics-services/prevention-wellness/medical-cannabis/opioid-alternative-pilot-program..

There is debate by researchers regarding the effectiveness of marijuana as a substitute for opioids. Researchers from Columbia University determined that people do not substitute marijuana for prescription opioids.²³ "Our results suggest that cannabis seldom serves as a substitute for non-medical opioids among opioid-using adults, even among those who report experiencing moderate or more severe pain," said Deborah Hasin, professor of epidemiology at Columbia Mailman School and a professor in the Department of Psychiatry at Columbia University Irving Medical Center. "In other words, our study suggests that cannabis is not an effective way to limit non-medical opioid use."²⁴

Overdose deaths, particularly related to synthetic opiates such as fentanyl, continue to be the most significant threat in the Chicago HIDTA area of responsibility. Provisional numbers from the Illinois Department of Health (IDPH) reflect that overdose deaths related to opioids increased in the first quarter of 2022 (748) compared to the first quarter of 2021 (644), a 16 percent increase.

²³ Columbia University's Mailman School of Public Health, Cannabis use appears to encourage, not replace, non-medical opioid use (October 8, 2020)

²⁴ Ibid.

Section III: Public Health

Centers for Disease Control and Prevention Cannabis Strategy

The CDC warns the public that the potency of tetrahydrocannabinol (THC) in cannabis continues to increase and new strains of cannabis with varying levels of THC and cannabidiol (CBD) are being introduced into the marketplace.²⁵

The (CDC) reported on the findings of a recent study that estimated that 3 in 10 people who use marijuana have marijuana use disorder, meaning that they are unable to stop using marijuana even though it is causing health and/or social problems in their lives.²⁶ Other findings include:

- Marijuana use directly affects the brain, specifically the parts of the brain responsible for memory, learning, attention, decision-making, coordination, emotion, and reaction time. Infants, children, and teens (who still have developing brains) are especially susceptible to the adverse effects of marijuana.
- Long-term or frequent marijuana use has been linked to an increased risk of psychosis or schizophrenia in some users.
- Using marijuana during pregnancy may increase the person's risk for pregnancy complications. Pregnant and breastfeeding persons should avoid marijuana.

Concern Regarding Rising THC Levels

Illinois does not regulate the levels of Delta-9-Tetrahydrocannabinol (THC) in marijuana products. Other states, however, have recognized the dangers that increased THC levels present to marijuana users. Vermont passed Act 164 which created Vermont's recreational marijuana market and capped marijuana flower THC levels at 30 percent.²⁷ This Act also prohibits the sale of solid concentrates, such as edibles, hashish, and dabs, with THC levels above 60 percent.²⁸ Connecticut passed similar legislation, S.B. 1118, which also capped THC levels at 30 percent for flower marijuana and 60 percent for other marijuana products.²⁹ Legislation to cap the THC levels in marijuana products has been proposed in Florida, Massachusetts, Montana, and Washington.

In 2022, Illinois Representative Mark Batinick introduced House Bill 4709 seeking to cap the THC levels of marijuana flower at 10 percent and marijuana concentrates and marijuana-infused products at 15 percent.

This Bill was supported by the Illinois State Medical Society (ISMS) in the form of issuing a resolution (07.2021-04) that supported a THC potency limit (cap) of ten percent on all inhalational cannabis products. In the resolution ISMS, cited:

- The dramatic increase in Illinois fatal vehicle crashes since legalization,

²⁵ <https://www.cdc.gov/marijuana/pdf/CDC-Cannabis-Strategy-2020-2025-Fiscal-Year-3-Pager-508.pdf>

²⁶ *Marijuana Use Disorder/Cannabis Use Disorder | Disease or Condition of the Week | CDC.* www.cdc.gov/dotw/marijuana-use/index.html. Accessed 18 Oct. 2022.

²⁷ <https://legislature.vermont.gov/Documents/2020/Docs/ACTS/ACT164/ACT164%20As%20Enacted.pdf>

²⁸ Ibid.

²⁹ <https://www.cga.ct.gov/2021/TOB/S/PDF/2021SB-01118-R00-SB.PDF>

- The link between increased THC levels and diagnosis of psychosis,
- That THC use at a potency of 12% is associated with almost a fivefold higher risk for progression to cannabis use disorder symptom onset within a year,
- Greater control and regulation is needed by Government, on numerous points, when it comes to the legalization of marijuana.

This proposal met swift condemnation by marijuana advocates and industry insiders.³⁰

Health Risks of Marijuana Usage Drawing Scrutiny

Several studies have been recently published on health issues associated with marijuana usage. A study published on June 27, 2022, by BMJ Journals, a weekly peer-reviewed medical trade journal, reviewed the medical data of 30,000 Canadian citizens, aged 12 to 65 over a six-year period. Researchers found that marijuana users were 22 percent more likely to visit a hospital emergency room or be hospitalized compared to those who do not use marijuana.³¹

Citing a study conducted by EClinicalMedicine, CNN reported that marijuana users were found to have higher blood and urine levels of several smoke-related toxins such as naphthalene, acrylamide, and acrylonitrile than nonsmokers. Naphthalene is associated with anemia, and liver and neurological damage, while acrylamide and acrylonitrile have been associated with cancer and other health issues.³²

Another study was published on January 19, 2001, by JAMA Pediatrics, a monthly peer-reviewed medical journal published by the American Medical Association. This study titled *Association of Cannabis Use With Self-harm and Mortality Risk Among Youths With Mood Disorders* determined that heavy marijuana use by teens and young adults with mental health conditions, such as depression or bipolar disorders, is linked to suicide attempts and self-harm. The study concluded that “Cannabis Use Disorder (CUD) is a common comorbidity and risk marker for self-harm, all-cause mortality, and death by unintentional overdose and homicide among youths with mood disorders. These findings should be considered as states contemplate legalizing medical and recreational marijuana, both of which are associated with increased CUD.”³³ “The perception is that marijuana is safe to use, but we need to educate parents and kids that there are risks involved, particularly with heavy and high potency cannabis use,” said study author Cynthia Fontanella, an assistant professor in the Department of Psychiatry and Behavioral Health at the Ohio State University's (OSU) College of Medicine, in a CNN story on the JAMA Pediatrics-published study findings.³⁴

A study that addressed marijuana usage by pregnant women's impact on the mental issues of their children was also recently published. On September 13, 2022, researchers from

³⁰ Bill to limit THC in pot sold at dispensaries draws swift backlash: Sun-Times. Jan 25, 2022, Schuba.

³¹ <https://www.cnn.com/2021/01/11/health/weed-marijuana-smokers-toxins-wellness>

³² Vozoris, Nicholas. “Cannabis Use and Risks of Respiratory and All-cause Morbidity and Mortality: A Population-based, Data-linkage, Cohort Study.” *BMJ Open Respiratory Research*, 1 May 2022, bmjopenrespres.bmj.com/content/9/1/e001216

³³ Association of Cannabis Use With Self-harm and Mortality Risk Among Youths With Mood Disorders
Cynthia A. Fontanella, PhD1; Danielle L. Steelesmith, PhD1; Guy Brock, PhD2; et al

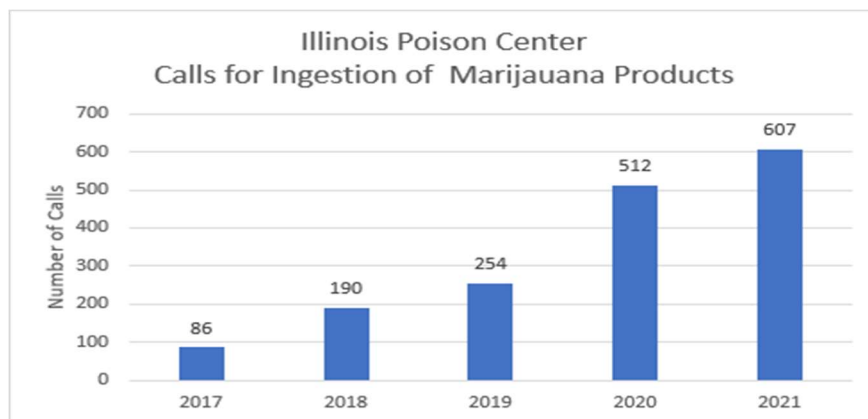
³⁴ Kavalier, Bernard. “Recent Studies May Raise Red Flags in CT Effort to Legalize Marijuana.” *Connecticut by the Numbers*, 25 Jan. 2021, ctbythenumbers.news/ctnews/recent-studies-reason-to-pause-movement-toward-marijuana-legalization.

Washington University in St. Louis found an association between marijuana use and an adverse effect on brain development and structure. It is believed that “THC, which is the main psychoactive substance in cannabis, can cross the placenta and potentially affect brain development, according to past research on cannabis use in pregnancy.”³⁵

The CDC warns that “...studies suggest that marijuana use by persons during pregnancy could be linked to problems with attention, memory, problem-solving skills, and behavior in their children later in life.”³⁶

Illinois Poison Control

In 2017, there were 86 calls to the Illinois Poison Center for health issues related to the ingestion of marijuana products. This increased to 190 calls in 2018 and 254 calls in 2019. In 2020, the first year of legalization for adult recreational use of marijuana, the Illinois Poison Center handled 512 calls regarding adverse reactions to marijuana. In 2021, provisional numbers indicate that there were 607 calls regarding an adverse reaction to marijuana. Compared to 2019, this is a 139% increase.



In contrast, Colorado was the first state to legalize marijuana for commercial adult use in their 2012 election cycle. Calls in 2013, their first year of data post-legalization, calls to the Rocky Mountain Poison and Drug Control Center (RMPDC) for marijuana-related exposures totaled 125. By 2020, that number rose to 318, a 154% increase.

In looking at the same time frame of 2017 – 2020, where Illinois experienced a 605% increase (see above chart) in marijuana exposure calls, Colorado’s RMPDC documented only a 42% increase in exposure calls. The majority of which centered around edible products and the predominant age group involved were children under 12 years of age.³⁷

³⁵ Murez, Cara. “Pot Use in Early Pregnancy Linked to Long-Term Mental Health Issues in Kids.” *Consumer Health News | HealthDay*, 13 Sept. 2022, consumer.healthday.com/b-9-13-pot-use-early-in-pregnancy-linked-with-long-term-mental-health-issues-in-kids-2658201136.html.

³⁶ *Pregnancy | Health Effects | Marijuana | CDC*. www.cdc.gov/marijuana/health-effects/pregnancy.html. Accessed 19 Oct. 2022.

³⁷ Rocky Mountain HIDTA, *The Legalization of Marijuana in Colorado: The Impact*. Vol. 8. September 2021. <https://www.thenmi.org/the-legalization-of-marijuana-in-colorado-the-impact-2/> (Accessed November 18, 2022)

Section IV: Illicit Market

Marijuana Trafficking

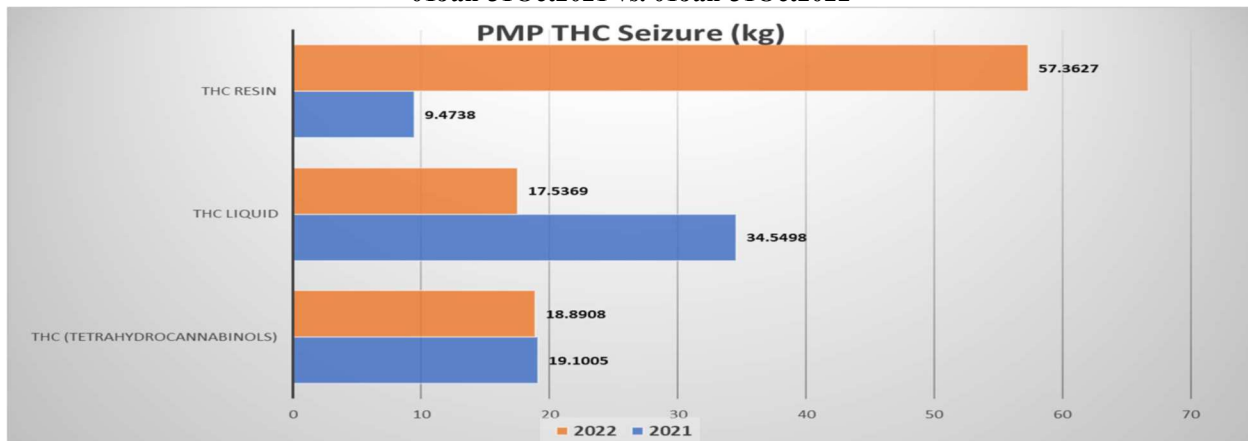
The Northwestern Medill School of Journalism published a report in 2019 proclaiming that “Chicago’s illegal drug market was likely to thrive in the wake of marijuana legalization.”³⁸ This has proven to be accurate as evidenced below.

Although Chicago HIDTA enforcement initiatives do not focus on marijuana enforcement, bulk seizures are still being made. In 2020, Chicago HIDTA initiatives seized approximately 12,708 pounds of marijuana-related products compared to 6,874 pounds seized in 2019. In 2021, Chicago HIDTA initiatives seized 22,420 pounds of marijuana-related products, an increase of 75 percent compared to 2020 and a 226 percent increase compared to 2019.³⁹

Marijuana seizures included Mexico-sourced marijuana, Western U.S.-produced high-grade marijuana products, locally produced hydroponic marijuana, marijuana edibles, “high-grade” marijuana Sinsemilla, synthetic marijuana, liquid THC, and THC resin.⁴⁰ Marijuana concentrates remain popular and are commonly encountered by law enforcement.

Chicago HIDTA initiatives continue to make substantial seizures of marijuana-related contraband in 2022. THC resin recoveries are significantly higher (307%) in 2022 compared to 2021 (01Jan-31Oct timeframe). During the first ten months of 2022, Chicago HIDTA initiatives seized 128 kilograms of liquid THC resin, THC liquid, and other THC products compared to 98 kilograms of these items seized during the first ten months of 2021. Chicago HIDTA analysts opine that the marketplace for illicit marijuana products in addition to smokable marijuana is growing in the region.

**Marijuana-Related Products Seizure Data
01Jan-31Oct2021 vs. 01Jan-31Oct2022**



Chicago HIDTA PMP Data 2022

³⁸ ---. “Chicago’s Illegal Drug Market Likely to Thrive in the Wake of Marijuana Legalization.” *Medill Reports Chicago*, 10 Dec. 2019, news.medill.northwestern.edu/chicago/chicagos-illegal-drug-market-likely-to-thrive-in-the-wake-of-marijuana-legalization.

³⁹ U//FOUO) HIDTA Performance Management Process, 2022

⁴⁰ (U//FOUO) HIDTA Performance Management Process, 2020.

Violence in Proximity to Open-Air Drug Markets in Chicago

Open-air drug markets in Chicago are a catalyst for violence as gang-controlled drug trafficking organizations (DTOs) compete and fight for control of these lucrative markets. In 2021, according to the Chicago Police Department, there were 797 murders reported in Chicago compared to 772 murders in 2020, a 3% increase.⁴¹ Open-air drug markets are the primary source of revenue for the violent street gangs that control them. Law enforcement officers have reported an increase in the sale of illicit marijuana on the streets of Chicago as there is little concern about being arrested. Selling marijuana, as opposed to other drugs, is less risky and more profitable.

Marijuana has always been one of the various illicit substances available for sale at these open-air drug markets. Proponents of marijuana legalization speculated that by legalizing marijuana sales and offering a legal source to obtain it, the illicit marijuana market and the violence associated would be reduced. However, of the 10 states with legalized recreational marijuana for adults, Illinois has the second-highest tax burden on retail sales. These taxes include a 7 percent excise tax of value at the wholesale level; retail excise taxes of 10 percent on marijuana with a THC level of 35 percent or less; 20 percent on cannabis-infused products; and 25 percent for marijuana with a THC level above 35 percent. A study conducted by the University of Southern California-Leonard D. Schaffer Center of Health Policy and Economics supports the idea that taxes based on potency, rather than price or weight, do a better job of incentivizing moderate THC consumption.⁴² Restrictions on marijuana sales based on weight do not promote moderation in use.⁴³ Due to high tax rates, some will seek out marijuana from an illicit source to save money despite increased risks to personal safety from buying from an “open air” marijuana market.

Highlighting this issue are the abundance of open-air drug markets and unacceptable violence taking place in the Austin neighborhood on the west side of Chicago. In 2021, there were 177 shooting incidents in this neighborhood and 65 homicides. Open-air drug markets are far too common and greatly impact the quality of life of the residents. The below heat map illustrates the proximity between illegal marijuana sales and violence. In the illustrated area, there were 90 shooting incidents in 2021. In this same area, there were 70 arrests for the manufacture or delivery of marijuana and only seven for the delivery of heroin.

⁴¹ <https://home.chicagopolice.org/wp-content/uploads/CompStat-Public-2021-Year-End.pdf>

⁴² Pacula, Rosalie Liccardo, PhD, et al. “Federal Regulations of Cannabis for Public Health in the United States.” *USC Schaeffer*, 13 Oct. 2022, healthpolicy.usc.edu/research/federal-regulations-of-cannabis-for-public-health-in-the-u-s.

⁴³ *Ibid.*

Summary and Forecast

Long-Term Impact on Public Health

Illinois is quickly expanding access to marijuana as evidenced by the increasing number of marijuana dispensary licenses being approved. In addition, there is legislation being considered in Illinois which would afford enhanced workplace protections for marijuana users. Although public policy on marijuana use in Illinois is rapidly changing, research on the long-term public health and public safety impacts of marijuana is slow to catch up with the pace of legalization efforts and policy creation.

Recent studies, however, are pointing out the negative long-term impact of marijuana. Some of these include:

- A research study, published on March 8, 2022, by The American Journal of Psychiatry, closely followed approximately 1,000 individuals in New Zealand from age 3 to age 45 to understand the impact of marijuana use on brain function. Researchers concluded that “Long-term cannabis users showed cognitive deficits and smaller hippocampal volume in midlife.” The IQs of long-term marijuana users declined by 5.5 points on average from childhood. In addition, there were deficits in learning and processing speed compared to those who did not use marijuana, as well as problems with memory retention and attention span. The more frequently an individual used cannabis, the greater the resulting cognitive impairment, suggesting a potential causative link.⁴⁴
- A statement from the American Heart Association published on February 10, 2022, titled: *Use of Marijuana: Effect on Brain Health*, found, among other harmful effects, that, “Repeated exposure to cannabis, especially during the adolescent developmental period, may be especially harmful to brain health and cause structural, molecular, and functional alterations of brain circuits.” “Accordingly, long-term THC exposure during adolescence may disrupt dynamic changes occurring in glutamatergic and GABAergic systems, leading to excessive synaptic pruning (ie, loss of synaptic contacts), long-term dysfunction in prefrontal excitatory/inhibitory balance, and desynchronization of PFC neuronal networks, which also dysregulate the mesolimbic dopaminergic pathway.”⁴⁵

⁴⁴ Long-Term Cannabis Use and Cognitive Reserves and Hippocampal Volume in Midlife
Madeline H. Meier, Ph.D., Avshalom Caspi, Ph.D., Annchen R. Knodt, M.Sc., Wayne Hall, Ph.D., Antony Ambler, M.Sc., HonaLee Harrington, B.A., Sean Hogan, B.A., Renate M. Houts, Ph.D., Richie Poulton, Ph.D., Sandhya Ramrakha, Ph.D., Ahmad R. Hariri, Ph.D., Terrie E. Moffitt, Ph.D. Published Online:8 Mar 2022<https://doi.org/10.1176/appi.ajp.2021.21060664>

⁴⁵ Testai FD, Gorelick PB, Aparicio HJ, Filbey FM, Gonzalez R, Gottesman RF, Melis M, Piano MR, Rubino T, Song SY; on behalf of the American Heart Association Stroke Brain Health Science Subcommittee of the Stroke Council; Council on Arteriosclerosis, Thrombosis and Vascular Biology; Council on Cardiovascular and Stroke Nursing; Council on Lifestyle and Cardiometabolic Health; and Council on Peripheral Vascular Disease. Use of marijuana: effect on brain health: a scientific statement from the American Heart Association. *Stroke*. 2022;53:e176–e187. doi: 10.1161/STR.0000000000000396

- A research study published by Frontiers in Psychology on July 1, 2021, addressed the belief in the benefits of marijuana as a vehicle for stress management. This study cited that “Stress and cannabis use likely have a bidirectional relationship, such that stress likely promotes and maintains cannabis use, while cannabis use likely alters stress responses both acutely and chronically in ways that may, ultimately in the long-term, increase perceived stress and risk for anxiety and depression.”⁴⁶

Legalization and the Illicit Market

Part of the legislative intent of Illinois policymakers was to reduce the scope and scale of the illegal marijuana market. Specifically stated in the Cannabis Regulation and Tax Act (410 ILCS 705/1-5(b)(4)) is that legitimate, taxpaying businesspeople, and not criminal actors, will conduct sales of cannabis. Thus far, this goal of the Act has not been successful. Due to the high taxes on legally sold marijuana, there remains a robust market on the streets in Illinois for illegally sold marijuana. Bulk seizures by Chicago HIDTA initiatives have dramatically increased since the legalization of recreational marijuana in Illinois.

As law enforcement resources are deployed to address other issues, street gang members who are the primary sellers of marijuana on the streets have little concern about being arrested and prosecuted for conducting illicit sales. New Frontier Data, a cannabis industry research firm headquartered in Washington, D.C. estimates that the illicit market marijuana sales in Illinois exceeded \$2 billion in 2021.⁴⁷ The higher prices of legal marijuana will continue to create and support a thriving illicit market. Marijuana available on the street is unregulated, not inspected by state officials, and easily tainted or adulterated with other dangerous substances. Law enforcement agencies in other jurisdictions have warned the public of marijuana being laced with fentanyl, cocaine, and methamphetamine.⁴⁸

The Future of Marijuana Usage in Illinois

As Illinois residents, including children, continue to be frequently exposed to advertising espousing the benefits of marijuana, more and more people will be viewing this drug as harmless. Billboards across Illinois roadways tout the quality and potency of marijuana products available for sale in various Illinois dispensaries. Despite concerns from the medical community regarding the long-term health effects of marijuana use, the popular messaging to the public is the economic benefits of cannabis tax revenue to the state budget. This is despite the warnings

⁴⁶ . Frontiers in Psychology, Impact of Acute and Chronic Cannabis Use on Stress Response Regulation: Challenging the Belief That Cannabis Is an Effective Method for Coping Mustafa al’Absi and Alicia M. Allen (2021)

⁴⁷ Schuba, Tom. “Billions in Black-market Weed Still Selling in Illinois 18 Months After Marijuana Legalized.” *Chicago Sun-Times*, 15 June 2021, chicago.suntimes.com/cannabis/2021/6/14/22534079/illinois-dispensaries-illegal-legal-marijuana-cannabis-pot-bud-sale.

⁴⁸ DiGiammerino, T. (2021, November 19). State Health Officials Warn of Marijuana with Fentanyl After Reports of Overdoses. NBC Connecticut. <https://www.nbcconnecticut.com/news/local/state-health-officials-warn-of-marijuana-with-fentanyl-after-reports-of-overdoses/2655760/>

still posted in 2022 on the Illinois Department of Health’s website warning residents that marijuana is a harmful drug. Public safety will have significant challenges in the future as more and more marijuana users take to the roads. Determining impairment remains a significant issue as technology is lacking in this regard.

Forecast of the Impact of Legalization in Illinois

The forecast made in the 2021 Chicago HIDTA Marijuana Impact Report remains the same in this 2022 Update. Tax revenue from the sale of marijuana has resulted in a substantial revenue stream for the state and seems to be the primary metric when evaluating the success of marijuana legalization in Illinois. Additional dispensary licenses are being issued and more marijuana retail outlets are opening in communities throughout Illinois. The illicit marijuana market will continue to grow due to the heavy tax on legally sold marijuana. Marijuana traffickers will exploit the lack of prosecution for marijuana offenses as law enforcement struggles in determining if the marijuana they encounter is legally or illegally possessed.

Based on trends in states that have legalized marijuana for several years, Illinois can expect to follow the same trajectory regarding impacts on public health and public safety. As Illinois citizens are further exposed to commercial marijuana and evaluate the content of industry-based messaging that marijuana is medicinal, socially acceptable, not addictive, or safer than alcohol, it is likely to anticipate an increase in use by some members of the state. Further research is needed to aid in the understanding of this drug so that laws, policies, and personal choices are based on facts and valid science.

We will not be able to fully understand or objectively analyze the true long-term impact of the normalization of marijuana usage for several years. But we do know from numerous studies that marijuana abuse is a danger and will have long-term health consequences for chronic users. Due to the significant rise in THC levels, especially in waxes, oils, and edibles, the true cost of marijuana legalization will be assessed by future generations of Illinois citizens.

National Perspectives

Across the United States, marijuana legalization is a topic of discussion and legislation. According to a PEW Research Center poll, only 10 percent of respondents say that marijuana should be illegal with 88 percent of respondents saying it should be legal in some form, either recreational, medicinal, or both.⁴⁹ However, the United States Drug Enforcement Administration categorizes marijuana as a drug with no currently accepted medical use and a high potential for abuse so it remains illegal federally.

As of November 2022, laws regarding marijuana usage are inconsistent throughout the United States.

⁴⁹ Green, T. van. (2022, November 22). Americans overwhelmingly say marijuana should be legal for medical or recreational use. Pew Research Center. <https://www.pewresearch.org/fact-tank/2022/11/22/americans-overwhelmingly-say-marijuana-should-be-legal-for-medical-or-recreational-use/>

In the states that have legalized or decriminalized marijuana, there remains a thriving illicit market that sells unregulated and untaxed marijuana for a fraction of the cost compared to licensed establishments. Although one of the primary stated goals of marijuana legalization was to decrease arrests related to marijuana possession and sales, the illicit market now is in direct competition with legal sales. In the city of New York, for example, marijuana is widely available at thousands of local, unregulated businesses that sell marijuana and marijuana-related products. After decriminalizing marijuana in 2021, New York was slow to issue licenses for dispensaries. This resulted in an explosion of unlicensed dealers who openly sell marijuana and marijuana-related products from small stores, bodegas, and phone delivery services. In an effort to clear the way for licensed marijuana dealers, New York State and New York City law enforcement issued 66 criminal charges and 500 civil summonses for marijuana-related violations in November and December of 2022.⁵³

One of the issues facing authorized marijuana dealers remains the inability to utilize banks and credit unions as marijuana remains a Schedule I drug federally, the same as heroin or lysergic acid diethylamide (LSD). In order to address this, marijuana proponents have pushed for the passage of the Secure and Fair Enforcement Banking Act (SAFE) which would allow licensed marijuana dealers to utilize financial institutions. This bill generally prohibits a federal banking regulator from penalizing a depository institution for providing banking services to a legitimate cannabis-related business.⁵⁴ This Bill has stalled and was excluded from the recent \$1.7 trillion omnibus spending bill, the third time the Bill failed to pass the Senate.

International Perspectives

Cannabis legalization in parts of the world appears to have accelerated daily use and related health impacts, according to the UN Office on Drugs and Crime (UNODC)'s World Drug Report 2022.⁵⁵ Findings from this report include:

- Cannabis remains by far the world's most-used drug
- An estimated 209 million people used cannabis in 2020, representing 4 percent of the global population
- The number of people who use cannabis has increased by 23 percent over the past decade
- Use remains the highest in North America where 16.6 percent of the population uses the drug
- Cannabis remains the main drug of concern for the majority of people in treatment in Africa
- The percentage of women who use cannabis varies across regions, among those 9 percent in Asia to 42 percent in North America
- Cannabis cultivation is reported to be on the increase in 2020
- Seizures of cannabis resin increased to a record high in 2020

⁵³ Dismantling NYC's "Cornucopia of Cannabis Pleasure" - Hell Gate. (2022, December 16). <https://hellgatenyc.com/fridays-are-for-narcs>

⁵⁴ H.R.1996 - SAFE Banking Act of 2021

⁵⁵ World Drug Report 2022. (n.d.). United Nations : Office on Drugs and Crime. <https://www.unodc.org/unodc/en/data-and-analysis/world-drug-report-2022.html>

- Seizures of cannabis herb increased substantially in 2020, following a downward trend over the last decade, driven by large decreases in seizures in North America
- The carbon footprint of indoor cannabis cultivation is considerably larger than that of outdoor cannabis cultivation (between 16 to 100 times higher), mostly owing to differences in energy consumption
- Periods of lockdown during the COVID-19 pandemic drove increases in the use of cannabis, in terms of both amounts used and frequency of use, in 2020. Cannabis accounts for a substantial share of global drug-related harm, owing in part to its high prevalence rates. Some 40 percent of countries reported cannabis as the drug associated with the greatest number of drug use disorders, and 33 percent reported it as the main drug of concern for those in drug treatment
- Early indicators point to wide-ranging impacts of cannabis legalization in jurisdictions in North America on public health, public safety, market dynamics, commercial interests, and criminal justice responses