

Jersey State's Attorney, Others React to Illinois Marijuana Law Changes

by Michael Weaver
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SPRINGFIELD - Gov. J.B. Pritzker signed legislation Tuesday that will tax and regulate recreational marijuana sales in Illinois, marking a major shift in the state's drug policies and kickstarting the bureaucratic process to create and implement rules for retail sales of the drug starting Jan. 1. The measure will legalize, regulate and tax recreational

marijuana for adult use that Pritzker said will move the state forward with empathy and hope after decades of drug prohibition policies that disproportionately harmed minority communities in Illinois.

The rule-making process will bring all the various agencies together to implement the regulations contained in the new law.

Pritzker's signature Tuesday started the rule-making process for the various state agencies – including the Illinois State Police, the Department of Agriculture and others – to set up the regulatory framework for recreational marijuana use in Illinois.

“We can’t turn the clock back, but we can turn the page,” Pritzker said at a bill-signing ceremony in Chicago. “I’m so proud that our state is leading with equity and justice in its approach to cannabis legalization and its regulatory framework.”

Despite passing a detailed law, there are still some unanswered questions.

Jersey County State's Attorney Ben Goetten said, "With the recent decriminalization of small amounts of marijuana, we've been slowly preparing the transition toward full legalization. The difficulty will be DUI enforcement. Like any new challenge, we'll deal with this as it comes."

When the bill was being debated at the statehouse, Sangamon County Sheriff Jack Campbell, testified in opposition. Campbell said he and others are still worried about people driving while high.

“And law enforcement has no mechanism, no testing procedure, that we can identify those drivers to get them off the road and keep our families safe,” Campbell said.

While Illinois is the 11th state in the nation to legalize adult-use recreational cannabis, Pritzker said Illinois was the first to do it through the legislative process.

“With this legislation, our state once again is a leader, putting forward the most equity-centric cannabis legalization in the nation,” the governor said.

Beginning Jan. 1, the law allows adults 21 and older to buy marijuana at licensed dispensaries and legally carry up to 30 grams of the flower product. The legislation set lower thresholds for possession of edible marijuana product and oils.

Although local governments won't be allowed to prohibit use or possession of cannabis, they will have the authority to regulate the industry through zoning rules. Those rules would allow municipalities to ban dispensaries and cultivation sites.

Recreational cannabis products will come with much higher taxes than medical cannabis. The taxes would be more than 41 percent on the most potent products, such as THC oil and other concentrates. Edible pot products and the dried flower that can be smoked would have lower taxes. Local governments will also be able to levy their own taxes of up to 3 percent.

Revenue from recreational sales, which are expected to begin Jan. 1, would be split among the state, law enforcement agencies, and social service providers. Pritzker said 25 percent of the revenue would go to social service providers in communities affected by the war on drugs.

“And the rest will be used to pay down the state’s bill backlog, help balance our state budget and support crime prevention, law enforcement and public education programs,” the governor said.

Retail sales lagged behind legalization in some of the other states that adopted recreational marijuana use laws. In Massachusetts, the first retail marijuana sales began in November 2018, more than two years after voters approved a ballot measuring to legalize recreational use. Other states had similar delays. However, Illinois could be different and state lawmakers have said retail sales will begin when the legislation goes into effect Jan. 1.

Illinois already has a medical cannabis program with dispensaries and cultivation sites up and running. The legislation Illinois lawmakers passed, and the governor signed, also lays out specific parameters for implementing the recreational program. That’s different than in other states where legalization happened via voter referendum and then state lawmakers had to go in and work the rules to conform with legalization.

Pritzker said some drivers are already getting behind the wheel after consuming cannabis, but the governor said his administration would work with law enforcement agencies to get the right tools to find impaired drivers.

“There is a task force that is created under this legislation with law enforcement involved to help us look at all the best technology that is available and maybe develop it here in the state of Illinois,” Pritzker said Tuesday.

Eight percent of the revenue from legal cannabis sales will go to law enforcement for things like drug recognition experts and roadside testing, as it becomes available.

The licensing provisions in Illinois’ recreational marijuana law award special points to applicants from communities negatively affected by the War on Drugs.

State Rep. Jehan Gordon-Booth, D-Peoria, said that's about "reparations."

"This is about repairing harm, harm that's been done to communities for the last 40 years as part of the failed War on Drugs," Gordon-Booth said.

Colton Grace, from Smart Approaches to Marijuana, a group that lobbied against legalization, said he wasn't convinced the social-equity provisions would be equitable.

"In reality what we're seeing is big groups such as Altria, the parent company of Phillip Morris, you have big alcohol companies investing millions, and billions even, of dollars into the marijuana industry and are just not going to be able to compete," Grace said.

The legislation creates a taxpayer-funded revolving loan program designed to help minorities get into the legal marijuana industry as part of a social-equity licensing program.

Tax rates for medical cannabis would remain in line with state taxes on over-the-counter medicines.

Only medical cannabis patients would be able to grow marijuana at home. Home cultivation will be limited to five plants. Law enforcement groups have asked for a follow-up measure to allow for some kind of inspection of such home grows. They fear unregulated home cultivation could mean illegal, untaxed pot sales would continue.

Licensing provisions in the measure would open up to more cultivators and dispensaries, but would be limited. More licenses could be made available after a demand study included in the law.

Part of the legislation addresses the harm of past drug policies by allowing those who have criminal convictions for cannabis possession to get their convictions expunged.

"This legislation will clear the cannabis-related records of non-violent offenders through an efficient combination of automatic expungement, of gubernatorial pardon, and of individual court action," Pritzker said.

Despite the social equity provisions in the bill, existing medical cannabis cultivators and dispensaries will have first dibs on the recreational licenses for sales and cultivation. However, the law will create a revolving loan fund to help diversify the cannabis industry by giving minorities and others affected by the drug war access to capital to get started in the legal industry.

Supporters of the measure have said it is not perfect and that they expect follow-up legislation to address various aspects of the law.