

When we first set out to legalize and regulate cannabis for adult use, we were immediately labeled the “marijuana moms” as we each had kids ranging from toddlerhood to adulthood. And we embraced that label, acknowledging that youth use of cannabis has shown to decrease in effectively regulated markets. We also faced our fair share of outlandish “chicken little” arguments from opponents to legalization such as the southern Illinois sheriff who claimed legalization would require drug sniffing dogs to be euthanized. Recently McHenry County State’s Attorney Patrick Kenneally decided to join the disinformation brigade.

In the mid-1930’s, then Federal Bureau of Narcotics Commissioner Harry Anslinger infamously vilified cannabis as a catalyst for violence, and unscientifically attributed half of violent crimes in minority communities to the consumption of “marihuana.”¹ He spent decades misdirecting federal enforcement powers to promote fear over scientific evidence, and successfully prohibited cannabis throughout the nation. As his primary basis for doing so, he loosely associated the cannabis plant to unverified acts of violence, immoral behavior, and even “satanic music” – such as jazz.²

Now nearly a century later, Kenneally takes another swing from the Anslinger playbook. In an announcement that he will force state-licensed cannabis dispensaries in McHenry County to post unscientific warnings to consumers about cannabis, Kenneally claims “half of the county’s recent homicides involve cannabis or cannabis-induced psychosis.” Like Anslinger a century before him, Kenneally’s connection of cannabis consumption to these tragedies is unexplained.

In a meandering editorial, Kenneally carelessly conflates cannabis use with the most complex societal issues that our own Illinois researchers, institutions, and community leaders work collectively every day to further understand and improve upon. To the McHenry State’s Attorney, the tragedies of violent crime, addiction, mental illness, and suicide can be narrowed down to one oversimplified, unbelievably obvious common denominator – *they’re all a bunch of pot users*.

¹ Professor George Fisher, “Racial Myths of the Cannabis War.” Boston University Law Review, July 2021. Available at – <https://www.bu.edu/bulawreview/files/2021/07/FISHER.pdf>

“They attribute to Anslinger, an American representative to the Cannabis Subcommittee, the report’s claim that American narcotics officers estimated that “fifty per cent of the violent crimes committed in districts occupied by Mexicans, Turks, Filipinos, Greeks, Spaniards, Latin-Americans and Negroes, may be traced to the abuse of marihuana.”

² Robert Solomon, “Racism and Its Effects on Cannabis Research.” National Institute of Health, March 2020. Available at – <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7173675/>

“Anslinger did not hide his prejudice, with comments like, ‘There are 100,000 total marijuana smokers in the US, and most are Negroes, Hispanics, Filipinos, and entertainers. Their Satanic music, jazz and swing, results from marijuana use. This marijuana causes white women to seek sexual relations with Negroes, entertainers, and others.’”

At best, Kenneally misleads weekend editorial readers. At worst, he continues an unfortunate tradition in American history of using hyperbole to vilify cannabis use and possession, including for medical purposes.

The timing for Kenneally to issue an editorial calling medical cannabis “elaborate dupery” was poor, to say the least. Just days *before* his op-ed landed, the U.S. Food and Drug Administration (FDA) officially recognized the medical benefits of marijuana following an evidence-based review, recommending to the U.S. Drug Enforcement Agency (DEA) that marijuana be rescheduled as a Schedule III substance, because it has a medical utility and low potential for abuse.

As legislators who have investigated this topic substantially ourselves, we don’t need to wait for the full federal scheduling report and findings to understand an integral part of the utility of medical cannabis. We have seen and heard the human experiences in our own offices: Late-stage cancer patients restored to a quality of life. Debilitating seizure disorders become a distant memory. Our own Illinois veterans pleading for relief from the side effects of pharmaceutical drugs, and an alternative, legal pathway to medical cannabis following active combat.

During this time, we have watched the nation’s registered medical cannabis patient population grow to exceed 5 million, now spanning 38 different states from coast to coast and in between.³ As the number of positively touched lives increases, we have witnessed public support for medical cannabis now hovering at 90%, covering all demographics and across party lines.⁴

Further, as legislators who have worked collectively for the better part of a decade to build a strictly regulated, consumer protection-focused medical and adult-use cannabis industry in Illinois, we take particular umbrage with the assertion that the state has “warned no one and done nothing” about the potential public health impacts of cannabis.

In fact, since the inception of Illinois’ strictly regulated medical cannabis program in 2013 mandatory product labels and dispensary signage are required to conspicuously warn patients and purchasers that:

Cannabis is only for registered medical patients or adults 21 and over; cannabis can impair cognition and may be habit forming; cannabis should not be used by pregnant or

³ National Conference of State Legislatures, State Medical Cannabis Laws. Updated April 24, 2023. Available at – <https://www.ncsl.org/health/state-medical-cannabis-laws>

⁴ Gallup, “Americans Overwhelmingly Say Marijuana Should Be Legal for Medical or Recreational Use.” November 2022. Available at – <https://www.pewresearch.org/short-reads/2022/11/22/americans-overwhelmingly-say-marijuana-should-be-legal-for-medical-or-recreational-use/>

*breastfeeding women; this particular cannabis product causes intoxication, the effects of which may be delayed for up to 2 hours, among several others.*⁵

We further mandated child-resistant containers, strict prohibitions against marketing or advertising to minors, independent lab testing of all products for safety, labeling of potency and serving sizes, real-time inventory controls and electronic tracking of cannabis to prevent diversion, and electronically scanned age verification at all dispensaries, to name a few.⁶

We also make no apology for the economic and reinvestment dollars into Illinois communities. Our state's legal cannabis industry now produces over \$500 million annually in state and local tax revenue for the benefit of Illinois, surpassing alcohol tax revenue. For the first time in the state's history, tens of millions of dollars *in sustained funding* are being reinvested into Illinois' most historically disinvested communities every year. The revenues go to build youth recreational centers, support anti-violence programs in partnerships with local law enforcement, job training programs, and fund mental health and substance abuse clinics, as a few examples. In addition, a significant portion of the revenue supports training and DUI enforcement. SA Kenneally's vague claim about increased DUIs could be because there is adequate training and resources to enforce against intoxicated driving now.

The State of Illinois will continue to follow the science in making regulatory considerations. The law was built for regulators to update its consumer safety protocols accordingly. In doing so, we will remain careful not to compel government speech on private businesses in violation of well-established First Amendment protections, simply because certain businesses may not see the world from our eyes, nor use our selective reading of publicly available literature to accomplish the same.

We stand willing to work with anyone from anywhere in our great state to address consumer safety, public safety, public health, and child development. We will not, however, stand idly and allow others to point myopically to cannabis to nonsensically explain away highly complex, multi-faceted societal problems.

Rep. Kelly Cassidy

Speaker Pro Tempore Jehan Gordon-Booth

Former Sen. Toi Hutchinson

Former Sen. Heather Steans

⁵ 410 ILCS 705/55-21.

⁶ *Id.*