

# Illinois Forensic Science Commission

## Quality Systems Subcommittee

### Meeting Minutes

September 4, 2025, 12:00 p.m. meeting

- I. Call to order  
Subcommittee Chairperson Claire Dragovich, called the meeting to order at approximately 12:00 p.m. The meeting was held via Web Ex.
- II. Roll-call  
The following people were present:
  1. Claire Dragovich, FS Commission Member, Subcommittee Chairperson
  2. Jillian Baker, FS Commission Member, Subcommittee Member
  3. Jeffrey Buford, FS Commission Member, Subcommittee Member
  4. Judge Art Hill (ret.), FS Commission Member, Subcommittee Member
  5. Amy Watroba, Executive Director-Forensic Science Commission
  6. Sarah Chu
  7. Maya Dukmasova
  8. Edmund Laube
  9. Kevin McMahon
  10. Lindsay Simpson
- III. Review of Minutes:
  1. The minutes from the August 6, 2025, subcommittee meeting were approved.
- IV. Discussion: Continued Discussion on Investigative Report Regarding the University of Illinois Chicago Analytical Forensic Testing Laboratory issued May 28, 2025.

Ms. Dragovich noted that the subcommittee is continuing its discussion of the Investigate Report issued by UIC related to AFTL. The subcommittee began reviewing and discussing the document at its last meeting taking the report page-by-page and it ended the last meeting at the bottom of page 14 of the UIC Report. Ms. Dragovich shared the UIC Report to facilitate review.

The subcommittee continued its page-by-page review of the UIC Report to identify issues and questions beginning with page 15.

#### Chronology and Summary of Relevant Events (pages 15-16):

- Page 15 of the UIC Report begins by mentioning revenue issues with the lab. Ms. Dragovich explained that AFTL was a fee-for-service laboratory which is

different than, for example, the ISP lab which has a set budget for testing services. AFTL charged agencies directly for services. The UIC Report describes how the College of Pharmacy began to evaluate the overall financial viability of AFTL (presumably the human testing aspect) and that in 2022 and 2023 the College attempted to alleviate the financial burden of AFTL by implementing certain cost-cutting measures. One example given is the relocation of the lab from an off-site location to a location within the College. The UIC Report does not mention other funding sources for the lab, such as grants. Grants are another way that labs can receive funding for operations, but that is not addressed in the UIC Report.

- The next paragraph discusses an employee's resignation after the lab decided to cease human testing operations. In October 2023 the University decided not to renew contracts and not to reappoint human testing staff. The Report lays out the timeline and notes that these decisions were made prior to the University or College officials becoming aware of the allegations that are the subject of the UIC Report. The UIC Report indicates that the named employee resigned effective February 1, 2024 and that AFTL discontinued testing of human biological samples effective February 5, 2024.
- A CAPA related to separation of Delta-8 and Delta-9 was opened in March of 2024, after the named analyst resigned. The CAPA was opened in response to an inquiry from a criminal defense attorney about validation data for AFTL's THC quantitation methods and specifically the lab's ability to distinguish between Delta-8 and Delta-9. The CAPA stated that the search for any validation data was performed but AFTL was unable to locate it. Ms. Dragovich explained that when you use methods for testing you should have a validation that supports that the method is suitable and is fit for purpose. That information should have been available at the laboratory. It is surprising that AFTL was unable to locate validation data specifically related to the separation of the two isomers.
- The subcommittee noted that on page 14 of the UIC Report an internal email exchange between 2 AFTL employees is mentioned which the subcommittee previously noted was unclear in its reference to an article. The subcommittee noted the possible relevance of the 2021 email exchange to the 2024 inquiry and AFTL's inability to locate validation data. As previously discussed, the 2021 email exchange could be interpreted to convey that AFTL could separate Delta-8 and Delta-9 like in the article or it could be interpreted to convey that the article shows it is possible to distinguish Delta-8 from Delta-9. It was noted that in the 2024 CAPA, which related to the same issue of AFTL's ability to separate Delta-8 and Delta-9, an attorney requested the data showing that AFTL reviewed the issue and had the validation documentation to show AFTL was able to separate Delta-8 from Delta-9 and that AFTL was unable to locate any validation data to show they could separate the two isomers with their

methodology. The 2024 inquiry possibly sheds light on how to interpret the 2021 email exchange.

- In March of 2024 a test run was performed on both instruments (LC/MS #1 and LC/MS #2) in which Delta-8 and Delta-9 were run together. The test run showed a lack of baseline separation between the two peaks, a difference in retention time of 0.2 minutes, and approximately 40% peak overlap. The CAPA stated, “in short we are unable to distinguish between the two isomers using the current methods. It is unknown how many cases this may have affected as we used this method to report the Delta-9 THC isomer concentration since May 2018.”
- The subcommittee noted that AFTL should have a written policy addressing their minimal requirements for being able to distinguish between two closely eluting compounds. The UIC Report does not address what policy, if any, may have been in place at AFTL in relation to that. Without this information, the subcommittee cannot really evaluate the basis of the CAPA’s conclusion that they were unable to distinguish the two isomers other than the fact that with a 40% overlap they are not eluting separately. That is concerning because it means they might not know what was present in samples. Later in the UIC Report there is a discussion of how the test run mixture was prepared, but this test run was enough to conclude that AFTL’s test method was not sufficient for its testing needs, which is the conclusion reached in the 2024 CAPA.
- The subcommittee further noted that the 2024 test run was performed on both instruments because the UIC Report seems to ascribe some significance to the fact that the 2021 test run was performed only on one instrument. It also was noted that it is unclear whether there was any methodology change between 2016 and 2018 or if there was just a change in how AFTL reported its results. AFTL may have reported THC prior to May 2018 and Delta-9 THC beginning in May of 2018. Thus, the methodology at issue may have been in place since 2016.
- On page 16 the UIC Report notes that Dr. Larsen issued a letter addressed to State’s Attorneys’ offices in May 2024 and the Report quotes part of that letter. The letter indicated that a recent quality assurance review of the instrumental methods used for the detection and quantitation of THC in 2024 has determined that the methodologies may not have been effectively separating the Delta-8 and Delta-9 THC isomers and that as a result the THC detection and quantitative value reported may reflect a combined amount of both Delta-8 and Delta-9 if both isomers were present.
- The subcommittee observed that it was good that AFTL sent a letter to stakeholders to inform them that the lab had an issue with their testing methodology. The letter contained more information than what is quoted in the UIC Report. There is no mention in the UIC Report of what involvement, if any,

ANAB may have had related to this CAPA. The UIC Report frames the CAPA as a result of an inquiry from a defense attorney. However, based on the 2024 significant non-conformity information reported by AFTL to the Commission, it would seem that ANAB would have been notified about the issue.

Assessment and Analysis of the Allegations (pages 16-31):

- The UIC Report states that the findings set forth are based on the Investigative Team's review of documents received from AFTL, information derived from witnesses, and the opinions, observations, and information offered by Dr. Coyer.

The allegation that AFTL used flawed methodologies in testing for the presence of Delta-9 in human bodily substances, specifically blood and urine, is unfounded. (pages 17-18):

- The subcommittee reiterated previous discussions about the fact that one would not expect to find Delta-9 THC in urine, so the statement in the UIC Report is inaccurate with respect to urine.
- The UIC Report concluded that AFTL used appropriate methodologies and laboratory equipment to detect the presence of Delta-9 in human blood and urine samples. The UIC Report states that based on expert review of AFTL's SOPs (standard operating procedures: basically, their directions in the lab for how they should perform their laboratory testing) and a subset of AFTL lab reports, AFTL's preparation of blood and urine samples to screen and test for the presence of Delta-9 THC was appropriate. According to the UIC Report, this includes extraction procedures, calibration and quality control sample preparation, and use of internal standards, retention times, and ion ratios. These would be the type of documents that the lab would keep so they are available for trial purposes and to provide to the accrediting body for review to show that the lab is doing what SOPs and quality manual say should be done to have confidence in what is being reported.
- On page 17, the UIC Report states that "After preparing the samples, AFTL utilized scientifically acceptable toxicological testing methodologies to identify the presence of Delta-9 in urine and blood samples." Again, the subcommittee noted that this statement is unclear in light of the fact that testing for Delta-9 in urine is not appropriate.
- The subcommittee noted that the UIC Report mentions that hydrolysis was used for urine samples to generate qualitative and quantitative results for Delta-9 THC and raised the question of whether this practice is generally accepted. It was noted that based on information received via presentations at other subcommittee meetings it appears that no other lab in the country in

jurisdictions where cannabis is legal was doing the type of testing for Delta-9 that AFTL did for urine.

- The UIC Report states that AFTL's testing protocol for urine necessarily was different than blood because urine is a human waste processed through the kidneys and liver and no longer in circulation in the body. The Report states that the excretion process "adds an element to the Delta-9 isomer in urine known as glucuronide." (page 17) The subcommittee noted that this is true because this is necessary for excretion via urine. Again, the subcommittee noted that there is no Delta-9 in urine.
- The UIC Report states that AFTL analysts used hydrolysis to remove the glucuronide "to reveal the presence of Delta-9." The subcommittee noted that it is true that if you perform hydrolysis on the inactive metabolite, that process removes the glucuronide, leaving Delta-9. However, it is unclear why AFTL would perform hydrolysis on something that is not Delta-9 but rather is an inactive metabolite of Delta-9 in urine.
- The UIC Report states that the analysts "appropriately used hydrolysis" when testing urine samples and then discusses the pharmacokinetics of the metabolites in urine. The Report states "the hydrolysis freed the glucuronide conjugate attached to the carboxy-THC, leaving the "free" carboxy THC to be analyzed by the LC/MS instruments. Had AFTL not utilized hydrolysis in the testing of urine for the presence of THC metabolites, the analytical result would yield very low or possibly an immeasurable amount of THC metabolites based on the pharmacokinetics of THC. Analysts appropriately and necessarily utilized the process of hydrolysis in order to detect Delta-9 in urine." (page 17-18)
- The subcommittee observed that the only thing AFTL analysts did by hydrolyzing urine samples was show that there had been a conjugated compound of Delta-9 in urine samples. This analytical process appears meaningless, since the Illinois DUI statutes refer to THC concentration in blood or other bodily substance and defines THC concentration as Delta-9 THC, not THC and its metabolites or conjugated THC.
- The subcommittee has open questions about the methodology used for urine testing. For example, it was noted that there is a difference between testing urine for a criminal prosecution under the DUI statute (which requires a specific amount of a specific substance, namely Delta-9 THC, as an element of the charged offense for a per se prosecution) versus conducting tests for a violation of probation allegation where a condition of a person's probation could be not to use cannabis. In a VOP situation, it might be appropriate to test urine for THC metabolites since the presence of THC metabolites could show use within the last 24 days or so. However, since cannabis is legal in Illinois and

since THC metabolites can remain in urine for approximately 24 days depending on the frequency of use, it is not appropriate for per se DUI prosecutions.

- The subcommittee noted that the way this portion of the Report is written might raise questions about the reliability of the expert consultant used by the law firm who wrote the Report. While the testing methods used at AFTL may not have been bad per se, the methods may not have been the appropriate kind of testing to apply to the type of evidence being analyzed and the reason for the analysis. It is unclear if the consulting toxicologist (who is not from Illinois) is familiar with Illinois's DUI laws. Or, perhaps the authors of the Report, who are lawyers, are confused on the issue of urine testing themselves.
- Footnote 8 on page 18 raised some legal concerns. The footnote states that "The relevant Illinois statute specifically allows for the use of urine in testing for the concentration of Delta-9 in furtherance of criminal prosecutions" for DUI. In support of this statement, the footnote cites to the beginning of 625 ILCS 5/11-501.2(a), which encompasses all chemical tests for all types of DUI prosecutions. The footnote does not cite to the specific provision for per se DUI cannabis prosecutions (625 ILCS 5/11-501(a)(7)), or the provision defining "THC concentration" (625 ILCS 5/11-501.2(a)(6) or the legal presumption provisions for THC concentration (625 ILCS 5/11-501.2(b-5)). All the provisions specific to THC concentration do not list urine as an appropriate matrix. Rather, they say "whole blood or other bodily substance." Other sections of the DUI statutes addressing testing for other drugs list urine as distinct from "other bodily substance." (See i.e. 625 ILCS 5/11-501(a)(6))
- The fact that the authoring law firm's interpretation of the DUI statute as "specifically" allowing for testing for Delta-9 in urine is contrary to several canons of statutory construction was noted. For example, in interpreting statutes, the statutes are supposed to be read as a whole. Additionally, the inclusion of one thing in a section of a statute (here: urine) and the exclusion of that item from another section of the statute should be viewed as intentional. The footnote could be read as suggesting that because the statute allows for the testing of urine for Delta-9 (according to the Report's interpretation), then it was proper for AFTL to use the methodology described when testing urine. That is troubling.
- On page 18, the UIC Report discusses the methodology for testing blood samples. Analysts examined Delta-9 and/or hydroxy Delta-9 components as the "free" components. The Report concludes that AFTL's methodology was scientifically acceptable for identifying Delta-9 in a human blood sample.

The allegation that AFTL used flawed methodologies when quantitating Delta-9 in human bodily substances is unfounded before hemp-derived Delta-8 products

became available to the general public. The allegation is founded once AFTL was aware or should have been aware of the availability of such products. (pages 18-20):

- The subcommittee observed that the UIC Report is unclear about the source of the various allegations addressed in the Report. The UIC hired the law firm to complete the investigative report, so it is possible that UIC received complaints or allegations regarding testing at AFTL.
- The subcommittee stressed that if a lab is reporting the presence of a specific isomer, the lab should know that the specific isomer is in fact present. If the lab cannot identify a specific isomer of, for example, THC, the lab should report THC isomer undetermined. The fact that a product was or was not available to the public is irrelevant to reporting the presence of specific isomers in lab reports. This section of the UIC Report, which focuses on the availability of Delta-8 to the public, reads like an excuse attempting to show why it didn't matter that their methodology could not separate Delta-8 from Delta-9 during a particular time frame. However, science matters. And if a lab issues a report saying that they identified a specific isomer it matters irrespective of whether the other isomer is available to the public. The principle not reflected in this section of the Report is that science requires this. Labs should have methodologies set up where they have a specific isomer identified before they launch into a quantitative process. It should have been a part of their methodology.
- This section of the UIC Report discusses 2018 state and federal legislation related to hemp and hemp-derived Delta-8 THC products. The Report suggests that hemp-derived Delta-8 THC products became more available to the public after the 2018 legislation. The Report reasons that, because Delta-8 products were not as available prior to the legislative changes, AFTL's testing methods were scientifically acceptable for the time period before Delta-8 products became widely available. The subcommittee noted that labs knew about Delta-8 prior to 2018.
- The UIC Report finds that AFTL should have altered its methodologies to detect the presence of Delta-8 and to eliminate potential Delta-8 interference after AFTL was aware or should have been aware of the availability of Delta-8 products. The UIC Report notes that AFTL failed to do so.
- The subcommittee noted its confusion with the portion of the UIC Report stating that "AFTL's failure to properly screen for and completely separate Delta-8 does not render AFTL's Delta-9 quantitation results and reports unreliable per se. The reliability of AFTL's quantitations of Delta-9 may be confirmed on a case-by-case basis with reference to various forensic data points, which are discussed in greater detail below." (page 19)

- It was noted again that the UIC Report was written by lawyers and that if the lawyers don't understand the underlying science, they may think that, while the methodology was flawed, they do not know the actual impact on any particular case without doing a case-by-case analysis. This approach is not appropriate from a scientific standpoint but might seem appropriate to lawyers.
- Discussion ensued about the meaning of the assertions in the UIC Report that the impact of the flawed testing methodology can be assessed on a case-by-case basis. It was noted that if AFTL could in fact confirm that Delta-9 was present on case-by-case basis then there should have been documentation showing as much in 2024 when they were approached by a defense attorney for their validation records showing that they could distinguish between Delta-8 and Delta-9. The Report seems to say that they could distinguish but there is no documentation showing that. Another interpretation of the UIC Report is that it is suggesting that cases can be examined going forward to determine if they were impacted. But this also reflects a possible disconnect between lawyers and scientists. The lawyers may be attempting to mitigate liability by asserting that the results cannot be deemed unreliable across the board but rather examined case-by-case. There are many problems with that approach, if that is what the Report intended to convey, including the issues of who identifies the cases that should be examined and who looks at the data.
- On page 19 of the UIC Report, the March 2021 test run is again mentioned. The March 2021 test run "indicated that the methodology AFTL used could not adequately separate the isomers in a sample that contained Delta-8 and Delta-9." The UIC Report states that during the two years following the March 2021 test run, AFTL staff members engaged in conversations, both internally and with individuals outside of AFTL (though it is unclear with whom), regarding the lab's ability to separate Delta-8 and Delta-9. The Report states, "however, the Investigative Team found no evidence that AFTL ever considered implementing changes, nor did it find evidence that AFTL analysts understood the limitations of the methodologies used by the lab in quantitating Delta-9." (page 19-20)
- Ms. Dragovich provided background/contextual information about the actions ISP took in 2021 after ISP determined that their methods were not consistently distinguishing the two isomers. ISP issued a letter to their user agencies and State's Attorney's Offices, which included an explanation of the methodology issue, the option of retesting, and the issuance of amended reports in impacted cases. In short, ISP did a lot of work after they identified that they had a concern with their testing methodology. In contrast, AFTL ran its March 2021 test sample which showed that they could not separate the two isomers and then nothing happened at AFTL for two years.



- On Page 20 of the UIC Report, the authors indicate that it “remains unclear why AFTL’s leadership did not appreciate the significance of the issue and modify its methodologies either in March 2021 or thereafter.” The authors then summarize their opinion that there were no significant barriers as far as implementing an improvement. The Report notes that the necessary changes to methodology would not have been a major lift and describes some ways in which AFTL could have altered its methodologies. The UIC Report concludes that AFTL did not make any of the listed corrections to its methodologies in March of 2021 or thereafter and that AFTL’s “failure to do so is a flaw that could negatively affect the reliability of a given Delta-9 quantitation result.” (page 20)
- Discussion ensued about the statement in the UIC Report that the Investigative Team did not find evidence “that AFTL analysts understood the limitations of the methodologies used by the lab in quantitating Delta-9. It was noted that several email exchanges are discussed in the UIC Report and that partial quotations from some of these email exchanges are included in the Report which seem inconsistent with the Investigative Team’s statement. For example, the email exchange between 2 AFTL analysts in May of 2021 (page 14), the email exchange between an employee of the Cook County State’s Attorney’s Office and an AFTL employee in May of 2021 referencing the notice sent by ISP (page 13), and the email exchange between Sabra Jones and an AFTL employee in 2023 (page 26). Additionally, it was noted that it would appear that AFTL at some point read ISP’s 2021 notification letter because AFTL’s 2024 letter mimics some of the language from the ISP letter. AFTL’s awareness of the issue at ISP from the phone call and/or letter should have been a red flag to AFTL that the issue of separating Delta-8 and Delta-9 was serious. The Investigative Team’s suggestion that AFTL personnel did not understand that there was a possible issue with their methodology is surprising. It also was noted that AFTL likely was aware of the issue because ISP ceased testing for an unknown period of time in 2021 while it changed its methodology. It seems logical to conclude that AFTL would have been contacted by law enforcement agencies in need of THC tox testing during the time period that ISP was offline for THC testing because ISP was updating its methodology.
- The subcommittee noted that although the UIC Report notes that there were no significant barriers preventing AFTL from modifying its methodology, the Report neither asks nor answers the question of why AFTL did not modify its methodology. From a quality standpoint, labs always focus on the “why” question.
- The subcommittee also discussed the fact that, distinct from the issue that arose in 2021 of separating Delta-8 and Delta-9 in both urine and blood samples, there remains the issue of why AFTL was identifying Delta-9 in urine in the first place and whether that was appropriate. The subcommittee noted that the majority of the 32-page UIC Report focuses on the issue of separating Delta-8

from Delta-9. Discussion of the propriety of testing, reporting, and testifying about Delta-9 in urine is conspicuously scarce in the lengthy report.

After the emergence of commercially available hemp-derived Delta-8 products, it is possible that AFTL's Delta-9 quantitation results were artificially inflated due to AFTL's failure to rule out the potential interference of Delta-8. (pages 20-21):

- The UIC Report acknowledges that it is possible that AFTL's Delta-9 quantitation results could have been inflated if Delta-8 was present in a sample. However, the Report authors conclude "this does not mean, however, that all of AFTL's Delta-9 quantitation results are unreliable, even after the emergence of commercially available Delta-8 products. Instead, and as discussed in further detail below, the reliability of results may be confirmed on a case-by-case basis, with reference to the specific analytical findings and data points, as well as certain external and evidentiary factors." (page 21)
- The subcommittee noted that, especially starting in this section of the UIC Report and for the remainder of the Report, it is important to remember that the Report was written by lawyers hired by UIC. From this point forward, many statements read more like attorney argument as opposed to statements of fact.

The subcommittee ended discussion for this meeting in the middle of page 21 of the UIC Report. At the next meeting discussion will resume at subsection D. on page 21.

V. Old Business  
None.

VI. New Business  
None.

VII. Public Comment  
Kevin McMahon offered public comment. Mr. McMahon commented on the paragraph on page 17 discussing hydrolysis. Mr. McMahon stated that the paragraph defends the use of hydrolysis prior to quantifying but does not address the core controversy surrounding the lab and its urine testing process. The core of the controversy is that through hydrolysis AFTL was converting a non-psychoactive metabolite of THC, called THC glucuronide, back into the drug of interest which is Delta-9 THC. It has been pointed out that the DUI statute says you have to be over the limit of Delta-9 THC. So hundreds of people who did not have any actual Delta-9 THC in their urine while they drove were still charged with driving over the limit of Delta-9 THC based on those post-hydrolysis results. So that process along with how the lab would describe the process are the core of

the controversy surrounding the lab's urine testing. The Report does not really address that controversy.

Secondly, Mr. McMahon noted that the Report states that hydrolysis reveals the presence of Delta-9 and they just say "Delta-9" they do not follow up with "Delta-9 THC" or "Delta-9 Carboxy THC" they just say "Delta-9." This is confusing because the lab was using LC/MS/MS or "triple quad" instruments, they were not using GCMS. If the lab was using GCMS and they wanted to test for THC glucuronide, they could not do so directly because the GCMS can only test for volatile substances. If the lab was using GCMS and they wanted to test for THC glucuronide they would have to hydrolyze and then test for it indirectly. But as pointed out, the DUI statute doesn't concern THC glucuronide, and the lab was not using GCMS. They could have tested directly for THC glucuronide using the LC/MS platforms they were using for their testing. They went out of their way to hydrolyze, which was a completely unnecessary step even if the lab wanted to test for that particular metabolite.

Finally, Mr. McMahon noted his confusion with the following statement on page 17 of the UIC Report: "AFTL analysts appropriately used hydrolysis when testing urine samples where the major urinary metabolite excreted was the conjugated glucuronide-carboxy-THC based on the pharmacokinetics of THC in the body. The hydrolysis freed the glucuronide conjugate attached to the carboxy-THC, leaving the "free" carboxy-THC to be analyzed by the LC/MS instruments." Mr. McMahon found this strange because AFTL did not quantify carboxy-THC or carboxy-THC glucuronide. It is the only metabolite AFTL did not test for. AFTL quantified hydroxy-THC, indirectly quantified hydroxy-THC glucuronide, and indirectly quantified THC glucuronide. Mr. McMahon questioned why the Report would justify hydrolyzing by pointing to the one metabolite that the lab did not report. Mr. McMahon commented that this part of the Report appears to be written by someone who was not familiar with what AFTL was reporting or quantifying. He suggested that the Injustice Watch article sheds light on this point because in the article Dr. Coyer is quoted as saying that he had no knowledge about AFTL's urine testing process. Mr. McMahon stated that this fits very neatly in with this paragraph where the Report justifies hydrolysis by pointing to the only metabolite that AFTL did not quantify. This stood out to Mr. McMahon and he wanted to point it out to the subcommittee.

Ms. Dragovich thanked Mr. McMahon for his comments. She stated that the subcommittee has some information beyond the UIC Report but noted there are other people who have more information that helps put the Report in context and that information is helpful to the subcommittee as it reviews the Report and identifies what questions the subcommittee has to potentially be answered by subject matter experts or people who are more familiar with AFTL's work product. She further noted that the UIC Report does not include an addendum with examples of testing reports, SOPs, or examples of the data AFTL was producing. The Report says that AFTL was using standards and controls, but

ultimately there is no data in the Report. It is a summary report. Therefore, Mr. McMahon's comments are helpful.

VIII. Next Meeting/Adjournment

The next meeting will be scheduled via Doodle Poll. Meeting adjourned at approximately 1:02 p.m.