

August 24, 2018

To the Honorable Members of  
The Illinois Senate,  
100th General Assembly:

Today, I return Senate Bill 3136 with specific recommendations for change.

This legislation would give the State Police Merit Board and Department of Corrections more discretion in determining what circumstances merit termination when a state police or corrections officer tests positive for cannabis use. Current law mandates that an officer must be discharged from employment if they test positive for marijuana in a drug test. However, in the changing legal landscape surrounding marijuana use, legal use of marijuana for medical purposes pursuant to a prescription may justify an officer keeping their job despite a positive drug test.

These new circumstances form a compelling reason to give more discretion to the Merit Board in determining when the termination of an officer for marijuana use is warranted. However, any use of marijuana for other than legally authorized medical use is illegal in the State of Illinois and our law enforcement and corrections officers should be held to the highest standards of behavior outside of the narrow situations where use was legal and medically justifiable.

Therefore, pursuant to Section 9(e) of Article IV of the Illinois Constitution of 1970, I hereby return Senate Bill 3136, entitled "AN ACT concerning State government," with the following specific recommendations for change:

On page 1, replace lines 10-17 with the following:

"procedures for any substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act shall be discharged from employment unless the positive test result was due solely to use or consumption of a substance controlled by the Cannabis Control Act

but authorized for use by the person for medical purposes pursuant to applicable Illinois law. Refusal to submit to a drug test,”; and

On page 2, by replacing lines 8 through 15 with the following:

“drug testing procedures for any substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act shall be discharged from employment unless the positive test result was due solely to use or consumption of a substance controlled by the Cannabis Control Act but authorized for use by the person for medical purposes pursuant to applicable Illinois law. Refusal to submit to a drug test,”.

With these changes, Senate Bill 3136 will have my approval. I respectfully request your concurrence.

Sincerely,

Bruce Rauner  
GOVERNOR