

**SUPPORT**



# HB4782

## Remove Odor-Proof Container Requirement for Cannabis

Rep. Lisa Davis

Right now, Illinois law allows police to search a car if they smell raw cannabis but not if they smell burnt cannabis. This confusing state of affairs is a direct result of the outdated—and functionally impossible—requirement that raw cannabis transported in a car always be odorless.

**No other state with adult-use cannabis requires odor-proof packaging**—not Colorado, California, New York, Minnesota, or Massachusetts. There are many reasons why this is not a national standard, including that many purportedly odor-proof containers simply are not. In addition, a container could be improperly sealed, degrade over time, or someone could have another valid reason for smelling like raw cannabis such as working in a dispensary.

**THIS DISTINCTION BETWEEN THE SMELL OF BURNT AND RAW CANNABIS HAS NO CONNECTION TO PUBLIC SAFETY OR COMMON SENSE.**

Most people cannot reliably differentiate between them, and this isn't connected to enforcement of safety-related laws like driving under the influence.

**HB4782 simply removes the requirement that cannabis be transported in “odor-proof containers” while in vehicles in Illinois. This simple solution reduces confusion and removes an outdated legal requirement with no public safety or other benefit.**

Once Illinois statutes no longer require odor-proof containers, the courts will revisit the issue of when the smell of raw cannabis would constitute probable cause to search a vehicle, providing new guidance to law enforcement.

After this bill becomes law, police will still be able to use the smell of either burnt or raw cannabis as the basis for probable cause to search a car, if other factors are present.

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# Supporting Organizations

ACLU of Illinois

Cannabis Equity Illinois Coalition

Chicago Appleseed Center for Fair Courts

DuPage County Public Defender's Office

Law Office of the Cook County Public Defender

Live Free Illinois

Illinois Alliance for Reentry & Justice

Illinois Coalition to End Permanent Punishments

Illinois Prison Project

Illinois State Bar Association

Impact for Equity

Lawndale Christian Legal Center

The James B. Moran Center for Youth Advocacy

Restore Justice

Treatment Alternatives for Stronger Communities (TASC)

Unitarian Universalist Prison Ministry of Illinois