

The Association of Oklahoma Narcotic Enforcers Report on Oklahoma's Decriminalization of Marijuana Dealing by Cardholders

Adopted by Unanimous Consent of the Executive Board



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Lead Finding: The complete decriminalization of marijuana distribution by medical marijuana cardholders has resulted in widespread access to marijuana products outside of the medical paradigm, especially to children and young people.

Background of AONE and this Report: The Association of Oklahoma Narcotic Enforcers (AONE) represents over 1,500 law enforcement professionals and is dedicated to the public safety of Oklahoma, especially as it relates to drug enforcement. Our members include police officers, prosecutors, and intelligence analysts across Oklahoma, and one of the key aspects of our association is the intelligence sharing of drug trends throughout Oklahoma. In that regard, our association has discerned a clear and alarming trend with regard to the “diversion” of medical marijuana.

Issue: 63 O.S. Section 427.6(H)(1) provides, “1. First offense for intentional and impermissible diversion of medical marijuana, concentrate, or products by a patient or caregiver to an unauthorized person **shall not be punished under a criminal statute...**” (Emphasis added). A second offense simply carries an administrative fine of \$500.00. 63 O.S. Section 427.6(H)(2). Diversion is a term that describes dangerous drugs that are obtained by legal means, then “diverted” to black market use (e.g., a person selling his prescription medication in street sales).

Intelligence Debriefs: Our membership continually conducts interviews of individuals regarding drug activity. We have seen clear indications at the intelligence level of a significant and alarming trend of marijuana cardholders dealing marijuana products to young people (most significantly high school students). Two of our executive board members conducted a debrief of a person caught selling dispensary marijuana products at a school and this dealer said he specifically targeted high school students in two school systems for his drug sales. Most concerning, this dealer said “nearly everyone” at one of the schools smoked “dispensary weed” or “carts” (vaping cartridges).

Reports from Citizens: Our membership has received multiple reports from concerned citizens who wish to report illegal marijuana sales. These citizens witness repeated instances of a person walking out of a dispensary and immediately delivering the marijuana products to what appears to be high school students in the dispensary parking lot. This same conduct has been observed by our members. However, law enforcement is powerless to act and protect these children as this most offensive conduct “shall not be punished under a criminal statute...”

Examples: The examples of police being unable to pursue this marijuana dealing to young people or prosecutors being unable to pursue any charges can be pulled from across our great State. However, the following example is the most shocking to date. In northeast Oklahoma, a detective was investigating a molestation of a 14 year old girl. The perpetrator was a marijuana card holder and was providing his victim marijuana. Under current law, a child molester providing his medical marijuana to his victims is not a criminal offense. Sexual predators oftentimes “groom” their potential victims by providing them with a multitude of enticements, including intoxicants. This practice of grooming victims is nothing new, but the current legalization of cardholders providing their marijuana products to others has provided a path for child molesters to both groom their victims, lessen the victims’ potential resistance, and impair recall making the cases more difficult to prosecute.

Conclusion: Every parent in Oklahoma has the right for Oklahoma law to protect their children. If any adult provides their child with marijuana products (put another way, if a drug dealer provides their child with marijuana), then such dealers should be criminally accountable. Making dealing dispensary marijuana a criminal offense simply puts dispensary marijuana in the same category of every other prescription controlled drug. In the interest of the public safety of all Oklahomans, the Association of Oklahoma Narcotic Enforcers emphatically urges the State of Oklahoma to criminalize the distribution of dispensary marijuana.

The Association of Oklahoma Narcotic Enforcers

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