



MARIJUANA AND THE LAW
By
District Judge Leah Edwards

PRESENTATION OUTLINE:

1. Marijuana has become more potent and therefore more addictive for some.
2. Laws regarding marijuana have become more lenient.
3. Those primarily affected are children and teens.

Prevalence of Marijuana Use

- Marijuana is the most commonly used illicit drug in the United States.
- Marijuana use has increased since 2007. In 2007 there were 14.5 million users (5.8% of persons 12 or older). In 2013, it increased to 19.8 million current users (7.5%).
- In 2015, more than 11 million young adults ages 18 to 25 used marijuana in the past year.

PREVALENCE MARIJUANA USE BY COUNTRY

Prevalence
of use

30
27
24
21
18
15
12

of annual cannabis prevalence

Annual cannabis use by country



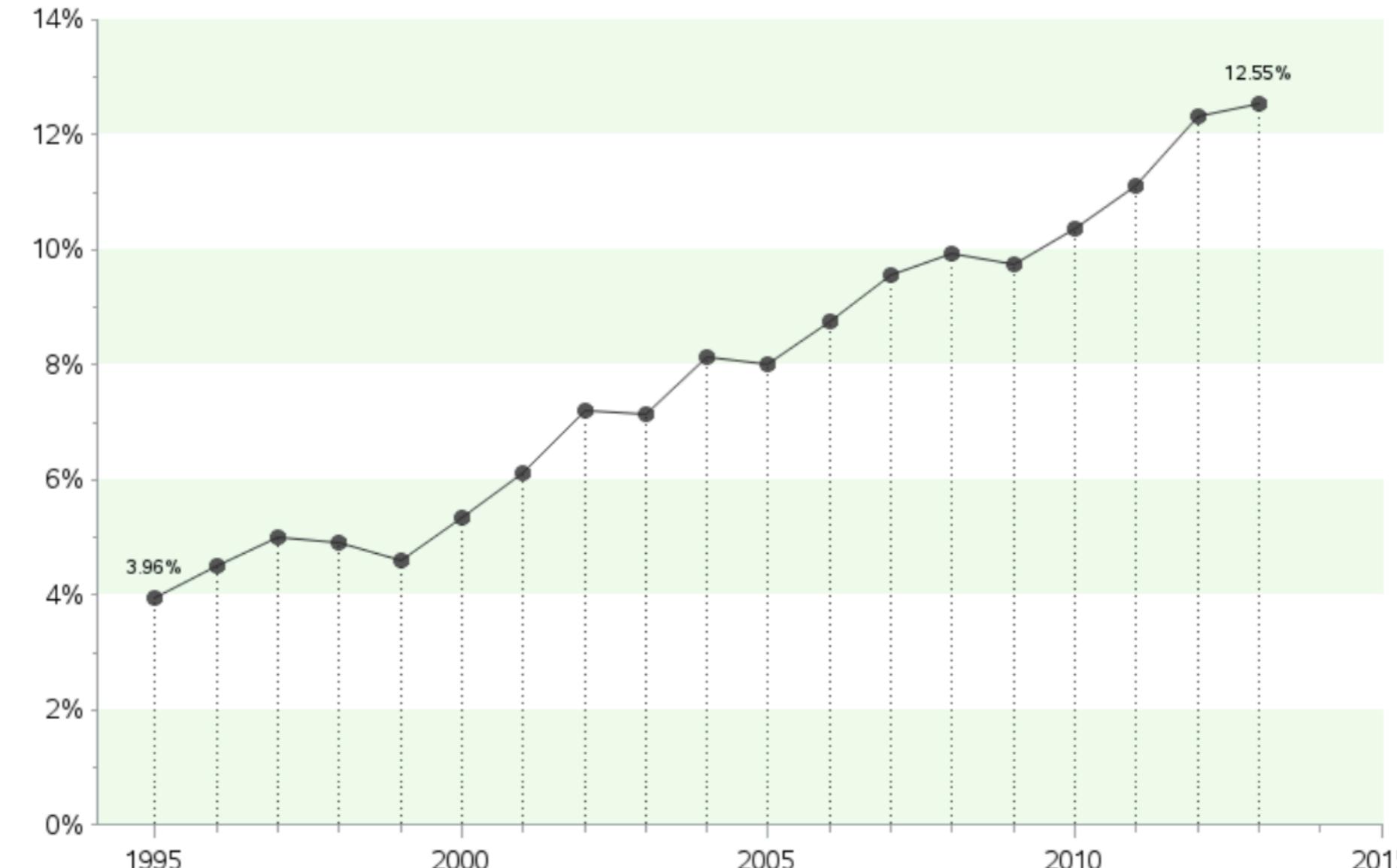
(1)

MARIJUANA POTENCY, DEPENDENCE AND TREATMENT

MARIJUANA HAS BECOME MORE POTENT

- The potency of marijuana depends on the amount of delta-9-tetrahydrocannabinol, or THC, the main compound responsible for the drug's psychoactive effects.
- Marijuana's THC content has increased more than 300% from 1995 to 2017.

Average THC Percent of DEA Submitted Marijuana Samples



Data Source: University of Mississippi National Center for Natural Products Research (NCNPR)
Potency Monitoring Program

Today, the average marijuana extract contains over 50% THC, and some products such as hash or has oil contain as much as 80% -90% THC.

POTENCY INCREASES THE ADDICTIVE POTENTIAL OF CANNABIS

- The average risk of developing cannabis use disorder increased by about 40 percent with every 1 percentage point increase in national pot potency (and there are no laws governing potency).
- Cannabis selectively bred for high THC content often has very low CBD content.
- Low CBD and higher THC cannabis has been associated with:
 1. higher occurrence of mental health problems among users (e.g., induction of psychosis in susceptible users, anxiety, panic attacks)
 2. stronger reinforcing effects and higher ratings of liking and wanting the drug, which could potentially make low-CBD cannabis more addictive

WHAT IS MARIJUANA DEPENDENCE?

Marijuana use can lead to the development of a substance use disorder, a medical illness in which the person is unable to stop using even though it is causing health and social problems in their life.

In 2013, 4.2 million Americans met clinical criteria for dependence or abuse of marijuana in the past year.

Many people who use marijuana long term and are trying to quit report mild withdrawal symptoms that make quitting difficult. These include:

- Grouchiness
- sleeplessness
- decreased appetite
- anxiety
- cravings

Who is becoming marijuana dependent?

Answer: Children and Teens

- While one in 10 marijuana users will become addicted to the drug, that number rises to one in six for those who begin use before the age of 18.
- According to a 2012 study in the journal Mayo Clinic Proceedings, the risk of developing an addiction to marijuana is almost nonexistent after the age of 25.
- Research suggests that between 9 and 30 percent of those who use marijuana may develop some degree of marijuana use disorder.
- People who begin using marijuana before age 18 are four to seven times more likely than adults to develop a marijuana use disorder.

DRUG ADDICTION/DEPENDENCE LEADS TO EXPOSURE TO THE CRIMINAL JUSTICE SYSTEM

- In 2004, 17% of state prisoners and 18% of federal inmates said they committed their current offense to obtain money for drugs.
- Seventy-six percent of jail inmates who had a mental health problem were dependent on or abused alcohol or drugs, compared to 53% of inmates without a mental health problem.



3 days ago

AVAILABLE TREATMENTS FOR MARIJUANA USE DISORDER

What treatments are available for marijuana use disorder?

- No medications are currently available to treat marijuana use disorder, but behavioral support has been shown to be effective.
- Examples include therapy and motivational incentives, providing rewards to patients who remain drug-free.

“You don’t get over an addiction by stopping using. You recover by creating a new life where it is easier to not use.”

-Anonymous

**THE GOAL OF THE CRIMINAL
JUSTICE SYSTEM IS DESIGNED
TO DISCOURAGE DRUG ABUSE,
AND INCENTIVIZE SOBRIETY.**

2 MAIN PROBLEMS COURTS FACE IN TREATMENT OF MARIJUANA DEPENDENT PERSONS:

- 1. THE CURRENT MARIJUANA LAWS DO
LITTLE TO DIS-INCENTIVIZE USE;
AND**
- 2. THE STATE OF OKLAHOMA FACES A
LACK OF AVAILABLE TREATMENT.**

OKLAHOMA LAWS REGARDING POSSESSION / USE OF MARIJUANA

Evolution of: **Title 63 Okla.Stat. 2-402 with respect to** **Marijuana:**

- It shall be unlawful for any person knowingly or intentionally to possess a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his or her professional practice, or except as otherwise authorized by this act. Any person who violates this section with respect to marijuana is punishable by:

1998-2016 Version of Section 2-402:

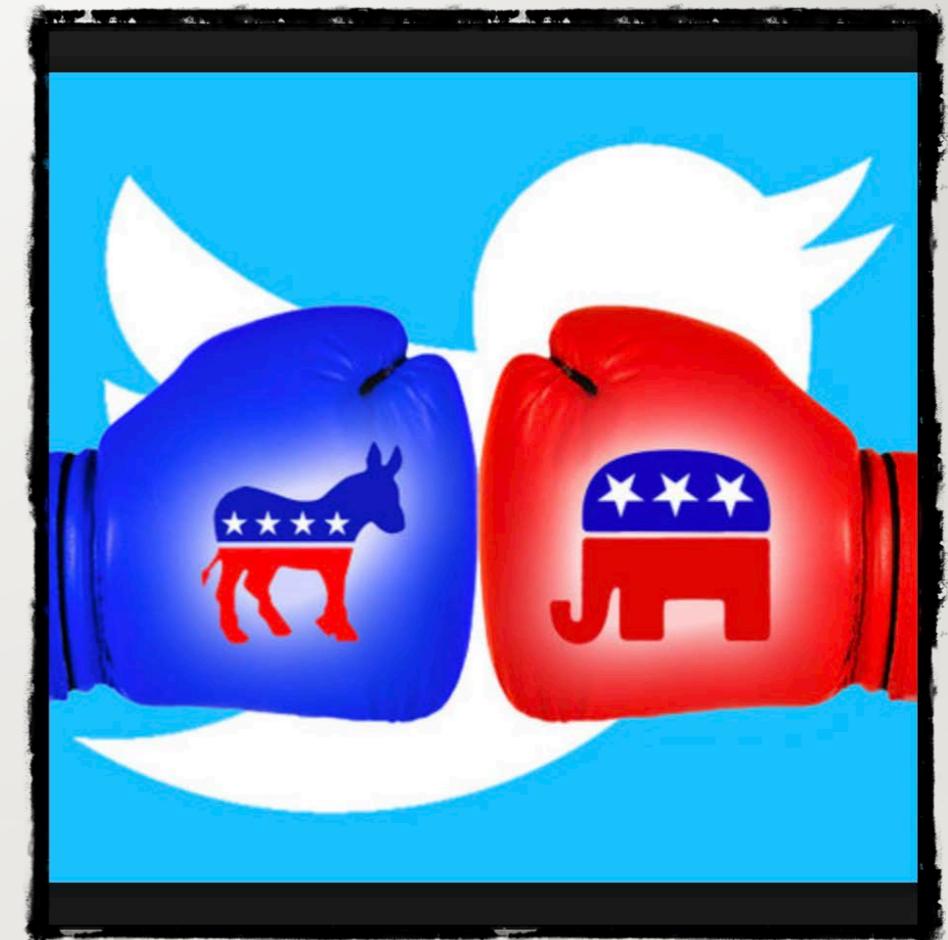
First Offense: Guilty of a **misdemeanor** punishable by confinement for not more than **one (1) year/\$1000 fine**. Unless **within 1000 ft.** of a school, park or in the presence of a child under 12, then **2X the punishment and must serve 50% of sentence**.

Second or Subsequent Offense: Guilty of a **felony** punishable by imprisonment for not less than **two (2) nor more than ten (10) years/\$5000 fine**. Unless within 1000 ft. of a school, park or in the presence of a child under 12, then **3X the punishment and must serve 90% of sentence**.



2016 Version of Section 2-402:

Second or Subsequent Offense if
occurs 10 or more years of a following
last offense: *Guilty of a felony*
punishable by imprisonment for not less
*than **one (1) nor more than five (5)***
***years/\$5000 fine.** Unless within 1000*
ft. of a school, park or in the the
presence of a child under 12, then 3X
the punishment and must serve 90% of
sentence.



July 2017 - Present Version of Section 2-402: (Based on SQ 780)

Any person who violates this section is guilty of a misdemeanor punishable by confinement for not more than one (1) year and by a fine not exceeding One Thousand Dollars (\$1,000.00).

- No enhancement for subsequent offense(s)
- No additional punishment for possession within 1000 ft. of a school, park or in possession in the presence of a child.



Department of Human Services Laws, Policy and Protocol: (Amended 2019)

Law

10A Oklahoma Statutes 1-1-105 (23)

"Drug-endangered child" means a child who is at risk of suffering physical, psychological or sexual harm as a result of the use, possession, distribution, manufacture or cultivation of controlled substances, or the attempt of any of these acts, by a person responsible for the health, safety or welfare of the child, as defined in this section. This term includes circumstances wherein the substance abuse of the person responsible for the health, safety or welfare of the child interferes with that person's ability to parent and provide a safe and nurturing environment for the child;

Department of Human Services Laws, Policy and Protocol: (Amended 2019)

Policy and Protocol

Definitions and substantiation protocol 340:75-3-120(b):

Substance use or abuse. "Substance use or abuse" means the misuse of any drug, alcohol, or other substance for mood-altering purposes including the use of illegal drugs; or the abuse of prescription drugs for purposes other than those for which the drug is indicated or in a manner or in quantities other than directed that incapacitates or severely limits the PRFC's ability to perform minimal basic care for the child and results in serious neglect of the child; or creates the risk of serious physical danger or significant emotional consequences to the child.

Department of Human Services Laws, Policy and Protocol: (Amended 2019)

Policy and Protocol (Cont'd)

Drug-endangered child 340:75-3-450:

a) Substance abuse considered during safety determination and family intervention strategy. Addiction to and misuse of alcohol and controlled dangerous substances, including prescription medication may impact the person responsible for the child's (PRFC's) ability to provide child safety. Substance use alone does not directly determine child abuse or neglect; however, it is a factor considered when safety determinations and intervention strategies are considered.

<http://www.okdhs.org/sites/searchcenter/Pages/okdhspolicycurrentresults.aspx>

PERSONAL OBSERVATIONS FROM THE BENCH

DISTRICT JUDGE LEAH EDWARDS