

**OKLAHOMA STATE BUREAU OF NARCOTICS
AND DANGEROUS DRUGS CONTROL**

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**Senate Committee on Federal and State Affairs
Before the Kansas Legislature**

Testimony in Opposition to Senate Bill 555

March 28, 2024

Brian Surber, Deputy Director, Oklahoma Bureau of Narcotics

Chairman Thompson and Members of the Committee:

My name is Brian Surber and I am currently the deputy director of the Oklahoma Bureau of Narcotics. I have worked in public safety since 1996 in the capacity of a prosecutor, agency general counsel, and narcotics agent. I have also served as the president of Oklahoma's state narcotics enforcers association during the implementation of Oklahoma's medical marijuana paradigm. The Bureau has a statutory mandate to educate both law enforcement and the public at large on "the misuse and abuse of controlled dangerous substances," as well as "the problems of misuse and abuse of controlled dangerous substances within the regulated industry", which are to include "the social effects thereof ..." To that end, I am here to simply convey the facts and experiences of law enforcement after the legalization of medical marijuana in Oklahoma.

Overview of Testimony: While I have testified before this committee before, I wish to expand on aspects of my previous testimony. Specifically, I would like to comment on any notion that

regulatory safeguards are a fix to legalization efforts and a deterrent to organized crime. There is a false assumption in most criminal justice reform efforts – the assumption that criminals follow the law. As it turns out, criminal enterprises are quite adept at treating laws aimed at protecting the public as mere hurdles to navigate rather than roadblocks to illegal conduct.

Seed to Sale Tracking Systems: These tracking systems are often promoted as a panacea to the diversion of marijuana to the black market. However, as we have found in Oklahoma, criminal enterprises do not show much interest in regulatory compliance. Oklahoma’s seed-to-sale program certainly enables us to supplement evidence of illegal activity when conducting investigations. But we have found widespread non-compliance with the reporting data. Just this month, my agency conducted a search warrant on a grow operation and seized 1,955 pounds of processed marijuana along with 82,979 marijuana plants. As a point of reference, that amount of processed marijuana alone would produce over 1.7 million cigarette sized joints. But as to the seed-to-sale tracking system, one report from this operation noted that 1,403 plants produced 35 pounds of marijuana. With an average plant yield, those plants would produce over 1,000 pounds of processed marijuana. You don’t need an expert to articulate the significance of these numbers.

Residency Requirements: Our legislature mandated that grows be owned by Oklahomans. Again, virtually overnight, an underground system of straw owners developed where criminals simply pay off destitute Oklahomans to be bogus straw owners. We have had a lower income individual who allegedly owned 299 marijuana farms – on paper.

Closing Remarks: I absolutely wish statutory provisions like seed-to-sale tracking systems, residency requirements, etc, would serve to significantly deter criminal conduct in Oklahoma’s medical marijuana experience – but that in no way comports with the Oklahoma public safety experience. As a final note, I do wish to report that we are making progress in

fighting the illegal marijuana enterprises in Oklahoma – and we have done so by treating those who operate outside of the law in the criminal justice system. To that end, I would strongly discourage any state from legislative efforts to reduce criminal penalties for those who violate laws related to any drug (marijuana or otherwise). For decades, doctors who prescribe drugs outside of the medical profession (i.e., outside of what is narrowly authorized by law) have been treated as criminal actors. In the same way, police officers who abuse their legal authority with drugs are prosecuted. Both instances are extremely rare, but both medical professionals and public safety operators strongly support criminal sanctions for those within their respective professions who abuse the law for illicit reasons. Any curtailing of laws aimed at criminal enterprises related to marijuana defies not only logic, but more importantly the experience of Oklahoma or any other state who has experimented with legalizing marijuana. I thank you for your time and God Bless all of the medical and law enforcement professionals who fight for the safety of Kansans and those public servants who have the courage to do what is best for the great state of Kansas.

Brian Surber

Deputy Director

Oklahoma Bureau of Narcotics and Dangerous Drugs Control