

Oklahoma Criminal Justice: Potential Reforms, Theoretical Frameworks, and Public Health Implications

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Abstract

Exploring the current challenges and potential reforms within Oklahoma's criminal justice and public health system, it is apparent that current policies are outdated and exclusive of many important issues present within the state. Legal ambiguity, creating inconsistent enforcement of laws and increasing discriminatory practices, is a major theme throughout current policies. Harm reduction practices are another essential component to current policies; however, they provide surface-level assistance for individuals who use intravenous drugs, leaving out large populations of users who may also benefit from therapy and drug education. The recommendations outlined are supported by labeling theory, conflict theory, strain theory, and the social-ecological model, all highlighting the structural and psychological factors that contribute to criminal behavior. Transitioning from a punitive approach to a rehabilitative approach for drug-related crimes can improve public health.

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In Oklahoma, some potential issues are recurrent throughout the state that have complicated impacts on its infrastructure. The Oklahoma Statutes, to start, has ambiguous wording in the definition for possession with intent to distribute, omitting legal limits that preset the determination to sell or distribute (Prohibited acts A, 2024). Ambiguous laws and definitions may leave too much to law enforcement officers' discretion, leaving room for discrimination. Moreover, certain laws counteract each other as older laws do not take into account newer laws (like *State Question 780* and *House Bill 2153*). Certain harm reduction laws, like *Senate Bill 511*, have allowed for the ability to safely dispose of sharp needles used in illicit drug use, defining harm reduction as reducing spread of infectious disease and drug dependency as well as increasing safe recovery (Definitions, 2021). However, such laws and definitions are at risk of expiring in 2026; the current Oklahoma State Legislature is actively working on extending the expiration date to 2027. These laws could be updated to include more populations who use drugs or potentially work with the Oklahoma Medical Marijuana Authority. Lastly, with the medicinal marijuana business acting as a legal entity in the state, the guidelines that allow corporations or small businesses to grow, manufacture, and sell marijuana are potentially too ambiguous, allowing for illegal grows to blend in with legal facilities. An analysis of current drug laws in Oklahoma signifies potential reforms to relieve pressure from the criminal justice system and focus more on rehabilitation.

Overview

The perspectives of the criminal justice system have shifted many times over the years of human history. From punitive to rehabilitative, the criminal justice system aims to uphold the

law within its jurisdiction through methods that are seen to be most effective at preventing further crime from transpiring. Policies implemented during different administrations have a heavy influence on criminal justice perspectives, especially in the eyes of the federal system (Adamson & Rentschler, 2023). Another study in Canada showed that conservative identities leaned more toward punitive perspectives than rehabilitative perspectives on crimes like sexual offenses (Corabian et al., 2024). Other studies have emphasized that punitive and rehabilitative measures can be simultaneous, providing opportunities for treatment for offenders serving prison sentences (Grasso, 2017). It is possible for both perspectives to exist within the American criminal justice system, regardless of which political party is current majority in Congress. Oklahoma has attempted, in recent years, to include harm reduction strategies and rehabilitative measures to provide a second chance for many offenders. Some laws and definitions, however, are ambiguous or over-complicated. Other laws are not inclusive of individuals who fall in-between the spectrum of severe mental illness or no mental illness. The potential for policy reforms in Oklahoma can acknowledge many of the issues present in the state.

Current Policies

Much of the current language in the Oklahoma Statutes is unclear as far as controlled substances (such as medical marijuana). Title 63 notes what is allowed under medical marijuana with a medical marijuana license, but if an individual does not have a license but can state a medical condition, they are only fined \$400 without confinement (§63-420, 2020). It does not specify what conditions are allowed either, leaving the discretion of the law enforcement officer to decide if it is valid. There are legal limits one can have of pseudoephedrine that can be considered intent to distribute (7.2 grams) or intent to manufacture methamphetamine, yet there are no other definitions present in the Oklahoma Statutes that specify what possession with intent

to manufacture, sell, or distribute for other substances, which can make the boundaries of law enforcement unclear.

Next, the harm reduction strategies that are highlighted in Oklahoma are minimal. They generally apply to drugs that are used by needles and focus more on providing services on safe disposal of used needles, sexually transmitted disease/infection testing, and opioid antagonist dispensing (Oklahoma State Department of Health, 2025). While these services are useful, there are other harm reduction strategies that could be useful in the state with the advent of legal medicinal marijuana. Marijuana marketing in Oklahoma misses the important educational aspect of deciding to use marijuana, even from a medical perspective as it does have addictive qualities (Cohn et al., 2023; McQuoid et al., 2023). Harm reduction should include more services that acknowledge other drug-related issues aside from intravenous drug use.

Current (new) laws in Oklahoma regarding medical marijuana growers, processors, and dispensaries are causing concerns in many businesses as the current changes could have an impact on sales and logistics. Most recently, *House Bill 2807* created a separate license solely to transport marijuana from one business to another business (and does not define specific quantities allowed) (Oklahoma Legislature, 2024). The same bill requires in-depth criminal background reporting on all licensees. It also required for marijuana to be pre-packaged in packages weighing 0.5 grams to three ounces, which adds more costs to the growers and leads to higher risk of loss in dispensaries. While these changes are well-intended, they come after recent reports of organized crime involvement in the state. Regardless of the reality, these laws are too ambiguous to draw any improvements.

Proposed Reforms

To start, rewriting laws to include more definitions and specifications for terms and crimes like *possession with intent to distribute* can be beneficial. From the moment an arrest is made to the sentence from the judge, defining such crimes can provide law enforcement with the probable cause to make an arrest, leaving less ambiguity in the courtroom. Esposito (2022) noted that expressing when certain rules apply and do not apply is important to avoid entrapment and corruption within law enforcement and in the judicial system. Solidifying definitions is an imperative action to also set the expectation for the public to understand what is defined as intent or basic possession. It is proposed that setting an amount for each substance that could define whether they intend to sell will also help district attorneys to decide if a treatment diversion is eligible or if the offender should serve a sentence of confinement.

Additionally, the presence of other evidence should also serve as proof whether intent to distribute is a factor, such as if there are scales, separate bags with varying amounts, and excess cash. Moreover, lessons from Colorado's legalization laws of cannabis emphasize the importance of strict and clear definitions for potency and quantities as a public health implication (Subritzky et al., 2020). These changes could be supported under the explanation of the labeling theory as it is known to amplify criminal behavior once an individual has been labeled in a certain way (Besemer et al., 2017). Clearly establishing an individual's intent to sell or manufacture drugs the social-ecological model to better explain associated risk factors (Maina et al., 2021). The strain theory and conflict theory show how the lack of opportunities in certain populations and the willingness to take on illegal enterprises (Goode, 2023) shows that there are underlying motivators for selling drugs. As rules are re-written, it could be considered that drug distribution and drug possession have potential to be rehabilitated rather than punished and confined.

Similarly, the labeling theory, conflict theory, and social ecological model support the idea of harm reduction through prevention and intervention for those with drug use dependency. Labeling presets a notion that an individual is only capable of the actions of their label, such as a child of convicted parents. However, realistically, a label does not define the capability of an individual. A label does impact how society views a person, which determines how the criminal justice system may respond to that individual. An individual of affluency could be offered more lenient plea deals than an individual with low social status. The same phenomenon also supports the idea of conflict theory as seeing this socioeconomic disparity and seeking criminal opportunities as they are left as the only option. The socioecological model serves as a framework for how harm reduction can be more effective by providing law-abiding opportunities at every level (individual, interpersonal, community, and societal).

Harm reduction is an important component to saving lives related to drug use and abuse, especially with the onset of the opioid epidemic and accessibility to drugs like fentanyl. Moreover, harm reduction made its initial debut to society during the HIV/AIDS epidemic, normalizing the idea of safe sex practices and sexually transmitted disease testing (Pridgen et al., 2025). Local policy in Oklahoma could include a more diverse range of approved facilities that can provide harm reduction education and materials but also expand the coverage for harm reduction to include education on drug abuse, resources for treatment, methadone therapy, and Narcan accessibility. A review noted the importance of Medicaid coverage of treatments and tests (Pridgen et al., 2025), which should include substance abuse treatment in more than one modality (pharmacology and psychotherapy). Harm reduction policy reform could also include decriminalizing paraphernalia or certain drug amounts to provide a safer pathway to intervention and recovery.

While the current laws for medical marijuana in Oklahoma are important and well-intended, discrimination and ambiguity may cause more tension and disparities in the societal fabric of Oklahoma small businesses. Reforms to these laws should specifically define to whom these laws apply and any other specifics that leave room for discretion. Further reforms to these laws fall in line with harm reduction, such as using the medical marijuana pathway to educating others on marijuana use and the potential for long-term effects. Recent data demonstrates that while marijuana can have negative influences on developing brains, the medical, moderated use of marijuana can have beneficial impacts on anxiety and chronic illness symptoms like nausea (Victor et al., 2021). Moreover, marijuana is seen as a low-risk drug when compared to alcohol and opioids, especially when comparing death rates by overdose. Harm reduction is the main theme to all these reforms, highlighting the opportunity to lessen the impact on prisons and rehabilitate individuals with substance use disorders to becoming functional members of society, thus feeding more money into the economy to fund better programs. These reforms are best explained by the theoretical frameworks below, which directly apply to societal differences of communities.

Theoretical Frameworks

Strain theory and conflict theory outline the reasons why an individual would decide to commit crimes. Goode (2023) discussed conflict theory as the social class differences providing lesser opportunities to those of lesser communities while strain theory outlined the idea of an individual doing whatever it takes to achieve success. Impoverished communities have been seen to have less funding for schools, programs, and assistance, leading to less opportunities. Generationally, this idea leads to children growing up in criminal households and taking on a criminal persona as

a destiny. Decriminalization of drugs can relieve some of the societal disparities between impoverished communities and affluent communities.

While affluent individuals can bond out of jail, impoverished individuals are forced to serve jail time while awaiting their court date. Decriminalization can omit the arrest process and initiate a harm reduction or intervention strategy. Outlining both previous theories is social disorganization, which is the historical thought that neighborhood and communities that are placed without considering accessibility to resources presumes the idea of crime (Goode, 2023). Lastly, the social ecological model provides multiple levels of harm reduction (Hill et al., 2023). Harm reduction in drug use can be integrated at multiple levels through providing support in navigation, therapy, and self-care.

Public Health Implications

Several public health implications can be expected from these reforms. Decriminalizing certain drugs in the state can allow more harm reduction strategies to emerge naturally through social supports implemented into the criminal justice system. In an effort where law enforcement discovers illicit drug use without violent implication, officers can provide information resources and contact a social worker who specializes in drug abuse intervention. Paramedics who arrive on scene of potential overdoses can provide life-saving measures (Narcan administration) and follow the same protocol to immediately connect the individual with a social worker. This type of intervention allows for immediate contact to take place and prevents further damage.

Conversely, if an individual who is experiencing drug-related psychosis is forced into confinement, their mental state is at risk of deterioration – potentially leading to self-loathing and other harmful mindsets. Lack of self-worth can contribute to worsening drug use behaviors or

worse (Chukwuemeka & Obioha, 2024). Shortening the wait time for an individual to receive adequate treatment can help curb public health issues, such as the opioid epidemic.

More importantly, other states like Colorado have worked on marijuana legalization under a public health framework (assessment, policy development, and assurance) to outline public health implications (Subritzky et al., 2020). Implementing such a framework would assist Congress and other policymakers to consider harm reduction approaches to criminal justice interventions.

Goals and Recommendations for Integration/Initiation

The following goals and recommendations are written to highlight projected goals for the proposed reforms to meet:

- Primary public health and medical professionals making the initial point of contact for individuals who are experiencing drug abuse or dependence can skip the intervention of criminal justice, saving space in jails for serious criminal offenders.
- Primary medical intervention over criminal justice intervention allows for more timely life-saving interventions and more empathy toward rehabilitation.
- Taking a less criminal approach to intervention lessens the stigma of shame surrounding drug use, motivating more users to seek help rather than avoiding help.
- Less drug-related offenders in prisons may lead to less drug contraband in prisons.
- Money saved from housing less drug-related offenders allows more money to be spent on treatment programs and allocation to more serious crime interventions (human/sex trafficking, violent offenders).

Recommendations to integrate these reforms are important as these ideas are more progressive than the state's norm. The following recommendations should take time to initiate for proper integration:

- Gradual decriminalization of drugs can help the state's bureau of narcotics to adjust their protocols across their field teams.
- Specification of all drugs and metabolites are to be defined in all statutes pertaining to decriminalization, considering all potentials for ambiguous meanings.
- Licensed social workers and therapists who desire to work in emergency intervention should focus solely on advocacy, prevention, and intervention.
- Educational teams should be assembled to host community meetings to discuss the intricacies of drug use, including harm reduction methods (providing Narcan, safe use instructions, lists of treatment centers, et cetera).
- Policy modifications should highlight bipartisan benefits to gain congressional traction; highlighting cost-effectiveness and public health benefits is imperative for these changes to integrate effectively.

Conclusion

While strong conservative attitudes influence Oklahoma's laws, a more progressive approach can highlight the cost-effectiveness of correctional funding by saving money on drug offenses to allocate more emphasis on more severe offenders. The main purpose for this information is to examine existing policies in Oklahoma and assess the potential for future reforms to improve existing frameworks. While decriminalization and legalization are considered radical ideas, these ideas can focus more on rehabilitation to improve lives within society. Legal ambiguity is a central theme to inconsistencies in arrests, increasing potential for

racial or economic discrimination in the field and in the courtroom. Furthermore, current harm reduction strategies are exclusive of common issues, such as marijuana dependency and drug use education. Medical marijuana regulations emphasize the ambiguity and dysfunction of current laws as they apply directly to racial and socioeconomic disparities.

Proposed reforms include law clarification to reduce the amount of discretion happening within law enforcement and acknowledge potential discrimination among socioeconomic groups. More inclusive harm reduction practices are essential to highlight issues not currently acknowledged. Lastly, decriminalization and reforming current regulations on marijuana can allow for easier regulation on potency, which can contribute to dependency issues and negative implications for health. Further research should include more local statistics for medical marijuana use and finding new avenues to educate the public masses on moderating marijuana use. Oklahoma should focus on a more compassionate approach to harm reduction and criminal justice.

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