

STATE MARIJUANA PROGRAMS have not succeeded in containing sales and consumption of pot within state lines. Instead, as marijuana legalization programs have proliferated, marijuana has flooded out of those states across the country.

Colorado exemplifies this problem. In 2009 -- the year the state first permitted widespread commercialization of medical marijuana -- the U.S. Postal Service intercepted less than a pound of marijuana being shipped from

INCREASED BLACK MARKET activity has caused some of this diversion. Organized crime has surged since Colorado liberalized marijuana policies, including cartel activity from Mexico and other international drug syndicates. The past President of the Colorado Association of Chiefs of Police stated last year that "Organized crime filings have skyrocketed in Colorado since marijuana legalization. We had one filing in 2007 and by 2015, we had 40." (4)

In 2015, the last year for which data is available, federal agents seized 1,246 pounds of Colorado pot being smuggled out-of-state, enough for well over one million joints.

—Data from U.S. Postal Service

Colorado to another state. In 2012, the year the state legalized non-medical use, 262 pounds were seized, enough for over 250,000 joints. (1)

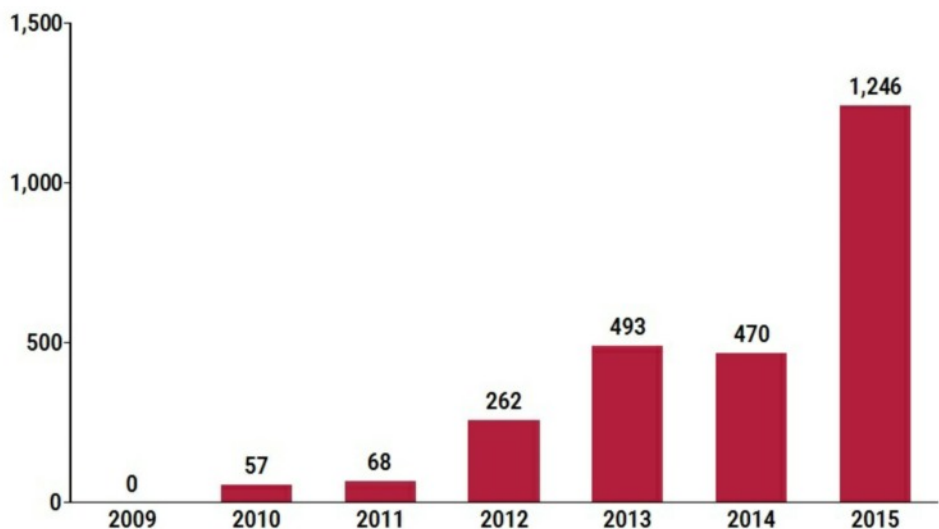
And in 2015 -- the last year for which data is available -- the Postal Service seized 1,246 pounds of Colorado pot, enough for well over one million joints. Those thousand-plus pounds were destined to 36 different states, including as far away as Florida. Of course, that only includes product that postal officials detected. (2) In Nebraska and Oklahoma the inflow of Colorado pot has been so severe that the states have sued Colorado in federal court.

This trend is mirrored nationally. As more states have legalized marijuana, the number of packages containing pot seized by postal inspectors spiked over 18 percent in FY 2016 -- totaling over 36,000 pounds of the drug. (3)

But smuggling is not limited to the black market. Prominent figures in legal marijuana businesses have also engaged in diverting large quantities of marijuana to other states. In February 2017, prosecutors charged executives of a Minnesota marijuana company with illegally sending over 12 pounds of marijuana oil, valued at half a million dollars, to another company in New York. (5)

LARGE-SCALE DIVERSION HAS continued to grow unabated as law enforcement has been hampered by the conflict between federal and state law. Regardless of this conflict, diversion of "legal" product to illegal uses is illegal under both state and federal law. Absent clear leadership and a will to enforce state and federal law, this problem will continue to grow.

Pounds of marijuana shipped from CO to other states seized by U.S. Postal service



Source: United States Postal Inspection Service, as reported in Rocky Mountain HIDTA Investigative Support Center Strategic Intelligence Unit. The Legalization of Marijuana in Colorado: The Impact, Volume 4. Sept. 2016.

1. United States Postal Inspection Service, as reported in Rocky Mountain HIDTA Investigative Support Center Strategic Intelligence Unit. The Legalization of Marijuana in Colorado: The Impact, Volume 4. Sept. 2016.
2. *Id.*
3. Nelson, Steven. "Pot Mail Intercepts 18 Percent Higher Last Year." *U.S. News & World Report*. 3 Mar. 2017.
4. California Secretary of State. California General Election Tuesday November 8, 2016: Official Voter Information Guide. 2016.
5. Scheck, Tom. "Charges: Minn. Medical Marijuana Execs Illegally Distributed Oils." *Minnesota Public Radio (MPR.com)*. 6 Feb. 2017.