

NARCOTICS

Title 17
NARCOTICS

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Chapter 17.04
POSSESSION, SALE OR USE

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17.04.010 Exercise of police power. This entire chapter shall be deemed an exercise of the police power of the state of Washington and of the city of Seattle for the protection of the economic and social welfare, health, peace and morals of the people of the city of Seattle, and all its provisions shall be liberally construed for the accomplishment of that purpose. (Ord. 40149 § 1; November 18, 1919).

17.04.020 Unlawful to use or be under influence of narcotics—Exception. It is unlawful, except when lawfully administered in good faith by a physician or other person authorized by law so to do, for any person to use or be under the influence of opium, morphine, cocaine, hydrate of chloral, isonipecaine, amidone, isosmidone, keto-bemidone, or any other substance neither chemically nor physically distinguishable from any one of them, or any opiate or narcotic or derivative thereof. The term "narcotic" as used in this chapter also means and includes marihuana (cannabis sativa). (Ord. 40149 § 2, as amended by Ord. 89760; November 16, 1960).

17.04.030 Unlawful to possess narcotics without proper license or prescription. It is unlawful for any person not being registered or licensed as is required by the Federal Act of December 17, 1914, commonly known as the Harrison Act, (Sec. 3221, Title 26, Ch. 27, United States Code Annotated) to possess any opium, morphine, cocaine, hydrate of

chloral, isonipecaïne, amidone, isosmidone, keto-bemidone, or any other substance neither chemically nor physically distinguishable from any one of them, or any opiate or narcotic or derivative thereof or for any person not registered or licensed as required by Sections 3230 and 3231, Title 26, Chapter 27, United States Code Annotated to possess marihuana (*canabis sativa*) unless purchased by the possessor thereof upon prescription of a physician or other licensed person by law to dispense such narcotic or narcotic drug, including marihuana (*canabis sativa*). (Ord. 40149 § 3 as amended by Ord. 89760; November 16, 1960).

17.04.040 Unlawful to sell or give away narcotics without prescription—Prescription record. It is unlawful for any apothecary, pharmacist, druggist or other person, to sell, give away, exchange, barter or otherwise dispose of, any opium, morphine, cocaine, hydrate of chloral, isonipecaïne, amidone, isosmidone, keto-bemidone, or any other substance neither chemically nor physically distinguishable from any one of them, or any narcotic, the principal ingredient of which is opium or any narcotic substance or preparation derived in any part from and containing as principal ingredient any opium, morphine, cocaine, hydrate of chloral, isonipecaïne, amidone, isosmidone, keto-bemidone, or any other substance neither chemically nor physically distinguishable from any one of them, or any narcotic, to any person or persons, except to a physician, surgeon or dentist, for use in his profession or calling, or upon the written prescription of a physician or surgeon licensed to issue such prescription; and unless he keeps in a suitable and well-bound book, kept and used for that purpose only, a true and consecutive memorandum record of every such sale, gift, exchange, barter or disposition, showing the time when, the place where, the name of the proprietor or other person by whom, and the name of the person to whom, the same was made, and the quantity and kind of narcotic, and the name of the physician or surgeon upon whose prescription the same was made, if made upon a prescription, and the number of the prescription; and unless he shall place and keep on file all such prescriptions consecutively numbered. Such book and prescriptions shall be a public record and shall be open at all reasonable times to the inspection of the mayor, the director of health and any accredited officer of the department of health and sanitation, the chief of police or any officer, the city attorney, and any person specially authorized by the mayor; and it is unlawful for any such apothecary, pharmacist, druggist or other person to fail or refuse to exhibit such book and prescriptions to any of the above named officers upon demand. (Ord. 40149 § 4 as amended by Ord. 89760; November 16, 1960).

17.04 050 Prescribing narcotics—Quantity limited. It is unlawful to prescribe opium, morphine, cocaine, hydrate of chloral, isonipecaïne, amidone, isosmidone, keto-bemidone, or any other substance neither chemically nor physically distinguishable from any one of them, or any opiate or narcotic drug or derivative thereof, in such a manner as to leave the quantity

of the dose or the frequency of the taking of any dose to the discretion of the person to whom such prescription is issued; and it shall be unlawful for any person dispensing any such narcotic or narcotic drug to furnish the same upon any such prescription. (Ord. 40149 § 5, as amended by Ord. 89760; November 16, 1960).

17.04.060 Possession as prima facie evidence of violation. In any prosecution under this chapter it shall be competent to prove that any person has in his possession any of the narcotics or narcotic drugs named herein, or their derivatives; and such possession and the proof thereof shall be prima facie evidence that said narcotic was so held in violation of the terms of this chapter. (Ord. 40149 § 6; November 18, 1919).

17.04.070 Unlawful to aid or abet furnishing certain drugs to persons in jail or custody of police. It is unlawful for any person not acting under the direction of the director of public health to furnish, or aid or abet the furnishing of, any opium, morphine, cocaine, hydrate of chloral, isonipecaine, amidone, isosmidone, keto-bemidone, or any substance neither chemically nor physically distinguishable from any one of them, or any opiate or narcotic, or narcotic derivative thereof, or any of the dangerous drugs mentioned in Section 17.08.010, to any person confined in the city jail or in the custody of the police department. (Ord. 40149 § 7 as amended by Ord. 89760 and Ord. 95873; June 14, 1967).

17.04.075 Unlawful to furnish narcotics—Definitions. (a) For the purposes of this section:

(1) "Narcotic or dangerous drug" means any narcotic or narcotic drug named or defined in this chapter, or any dangerous drug named or defined in Section 17.08.010 as now or hereafter amended, whether referred to by any such name or names or by any word or words commonly understood to mean any such narcotic or dangerous drug.

(2) "Furnish" means to sell, barter, exchange, give away, or otherwise make available.

(b) It is unlawful for anyone except as authorized or permitted by this chapter or other ordinances or laws of the state of Washington knowingly to:

- (1) Offer or agree to furnish any narcotic or dangerous drug;
- (2) Contact or secure or offer to contact or secure another for the purpose of furnishing or facilitating or arranging the furnishing of any narcotic or dangerous drug;
- (3) Transport, take, accompany or direct anyone to any place for the purpose of furnishing or obtaining or facilitating or arranging the furnishing or obtaining of any narcotic or dangerous drug;
- (4) In any way aid, abet or participate in the furnishing or obtaining of any narcotic or dangerous drug.

(c) Among the circumstances which may be considered in determining whether this section has been violated by any person is proof of a discussion by such person relating to the price, type, quantity or availability of any narcotic or dangerous drug, or a description of or directions to a place where such drugs are stated to be available, or that such person stated his ability to obtain such drugs or made inquiry of another as to whether the latter wished such drugs or wished to purchase such drugs. (Ord. 40149 § 7-A added by Ord. 99590 § 1; January 14, 1971).

17.04.080 Places of resort for users of narcotics declared nuisance. It is unlawful for any person, firm, corporation, or agent, holding, leasing, renting, occupying or having charge and control of, any building, structure or premises, or room or rooms therein, to permit the same to be used as a place of resort for persons known to be users of narcotics or narcotic drugs; or to permit therein the unlawful sale, gift or distribution of narcotics or narcotic drugs; and any such place, or any place which is a resort for users of narcotics or narcotic drugs, is a public nuisance, and may be abated as such in the manner provided by this chapter. (Ord. 40149 § 8; November 18, 1919).

17.04.090 Abatement of places of resort. Any building, structure, premises, or room or rooms therein, constituting a nuisance as defined in this chapter, may be abated in a civil action in the manner provided by law; or the court upon final judgment of conviction for violation of this chapter of any person found therein at the time of his arrest may forthwith, and as a part of the same proceeding, direct the chief of police to abate any such place as a nuisance; or the chief of police, upon ascertaining that any such place is a nuisance as defined by this chapter, may proceed to summarily abate the same. Such abatement shall be effected by closing and securely locking the place abated and excluding all persons therefrom. It is unlawful for any owner, agent, lessee, tenant, person in charge or occupant, to enter, use or occupy any building, structure or premises, or room or rooms therein, abated as a nuisance under the provisions of this chapter, from and for a period of one year after the date of such abatement, unless he as principal shall theretofore give and file with the city comptroller a good and sufficient surety bond, to be approved by the court making the order of abatement, or in case of summary abatement to be approved by the chief of police, in the penal sum of one thousand dollars, payable to the city of Seattle, conditioned that such building, structure or premises, or room or rooms therein, will not thereafter be used in violation of this chapter; and that he will pay all fines, cost and damages assessed against him for any violation of this chapter; and in case of the violation of any of the conditions of such bond the whole amount may be recovered as a penalty for the use of the city. (Ord. 40149 § 9; November 18, 1919).

17.04.100 Unlawful to frequent or be in place where narcotics unlawfully kept, used or disposed of. It is unlawful for anyone, not lawfully authorized, to frequent, enter, be in, or be found in, any place where narcotics, narcotic drugs or their derivatives are unlawfully used, kept or disposed of. (Ord. 40149 § 9-A added by Ord. 86061; April 16, 1957).

17.04.110 Penalty for violations. Any person, firm or corporation who violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not to exceed five hundred dollars, or be imprisoned in the city jail for a term not to exceed six months, or by both such fine and imprisonment. (Ord. 40149 § 10 as amended by Ord. 89022; February 24, 1960).

17.04.120 Provisions of chapter cumulative. This chapter shall be cumulative to, and of, existing ordinances and shall not be construed as a repeal or modification of any other ordinance or part thereof; but all such ordinances are continued as in full force and effect as if this chapter had not been enacted. (Ord. 40149 § 12; November 18, 1919).

Chapter 17.08 BARBITURATES

Sections:

- 17.08.010 Sale, possession or use of barbiturates—Definitions and requirements.
- 17.08.020 Unlawful to possess without prescription.
- 17.08.030 Unlawful to administer except as prescribed.
- 17.08.040 Unlawful to be under influence in public place.
- 17.08.050 Prosecution for violation—Alleging offense.
- 17.08.060 Penalty for violations.

17.08.010 Sale, possession or use of barbiturates—Definitions and requirements. (a) It is unlawful to sell, give away, barter, exchange, distribute, possess or use any dangerous drug except as now or hereafter authorized or permitted by the laws of the state of Washington, or except upon the written or oral order or prescription of a physician, surgeon, dentist or veterinary surgeon licensed to practice in the state, which order or prescription shall not be refilled without the written or oral order of the prescriber.

(b) The term “dangerous drug” for the purpose of this chapter means and includes any of the following drugs:

- (1) Amytal, luminal, veronal, barbital, acid diethylbarbituric, or any salts, derivatives, or compounds thereof, or any preparation or compound

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containing any of such substances, or their salts, derivatives, or compounds, or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office containing more than one grain to the avoirdupois of fluid ounce of such substances;

(2) Amphetamine, dextroamphetamine, dimethyltryptamine, lysergic acid, psilocin, mescaline, peyote, or any salts, derivatives, or compounds thereof, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives, or compounds, or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office containing such substances;

(3) Any drug found by federal law or regulation or Washington state law or pharmacy board regulation to have a potential for abuse because of its depressant or stimulant effect on the central nervous system or because of its hallucinogenic effect, or which is required by any applicable federal law or regulation or Washington state law or pharmacy board regulation to be used only on prescription of a physician, surgeon, dentist, or veterinary surgeon licensed to practice in the state. (Ord. 84803 § 1 as amended by Ord. 89761 and Ord. 95874; June 14, 1967).

17.08.020 Unlawful to possess without prescription. It is unlawful to possess any drug mentioned in Section 17.08.010 hereof purchased or acquired pursuant to an order or prescription except in the container in which so purchased or acquired. (Ord. 84803 § 2; January 11, 1956).

17.08.030 Unlawful to administer except as prescribed. It is unlawful to use or administer any drug mentioned in Section 17.08.010 hereof ex-

cept in the amount, for the purposes, and as prescribed by the order or prescription pursuant to which the same was acquired. (Ord. 84803 § 3; January 11, 1956).

17.08.040 Unlawful to be under influence in public place. It is unlawful to be under the influence of any drug within the purview of this chapter in any private premises or house to the annoyance of any individual or in a public place, in a vehicle in or on a public place, or in a place open to the public view or to which the public has access. An individual is "under the influence" of a drug for the purpose of this section when any of his normal faculties are substantially affected or impaired as a result of the use of such drug. (Ord. 84803 § 4; January 1, 1956).

17.08.050 Prosecution for violation—Alleging offense. In any prosecution for violation of this chapter it shall not be necessary to negate any exception, proviso or exemption contained in such chapter and the burden of proof of such exception, proviso or exemption shall be upon the defendant. (Ord. 84803 § 5; January 11, 1956).

17.08.060 Penalty for violations. The violation of, or failure to comply with, any provision of this chapter shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the City Jail for a term not exceeding six (6) months, or by both such fine and imprisonment. (Ord. 84803 § 6, as amended by Ord. 89022; February 24, 1960).

Chapter 17.12

OPIUM

Sections:

- 17.12.010 Smoking opium or keeping place for smoking opium unlawful.
- 17.12.020 Evidence of violations.
- 17.12.030 Penalty for violations—Destruction of opium, pipes and appliances.

17.12.010 Smoking opium or keeping place for smoking opium unlawful. It shall be unlawful for any person to keep, maintain, conduct, carry on, manage, be employed in or in any manner connected with any building, house, room, cellar or other place in which such person or any other person shall smoke or inhale opium; and it shall be unlawful for any person to smoke or inhale opium or visit any building, house, room, cellar or other place where persons are permitted or allowed to smoke or inhale opium for the purpose of smoking or inhaling opium. (Ord. 16209 § 1; June 12, 1907).

17.12.020 Evidence of violations. It shall not be necessary in order to prove the guilt of any person charged with keeping, maintaining, carrying on or conducted a place where opium is smoked or inhaled that one should be found smoking or inhaling opium therein, but the finding of pipes, opium or other appliances used for the purpose of smoking or inhaling opium therein shall be deemed sufficient evidence of the violation of this chapter. Nor shall it be necessary in order to prove the guilt of any person charged with smoking or inhaling opium, or with visiting a place for the purpose of smoking or inhaling opium, that they be found in the act of smoking or inhaling, but evidence that such person was found in such place in possession of opium pipes or under the influence of opium shall be deemed sufficient evidence of the violation of this chapter. (Ord. 16209 § 2; June 12, 1907).

17.12.030 Penalty for violations—Destruction of opium, pipes and appliances. Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding Five Hundred Dollars (\$500.00) or imprisoned for a term not exceeding six (6) months, or be both so fined and imprisoned; and in addition to the penalty as above provided, all opium, pipes or other apparatus used for smoking or inhaling opium that may be taken by any officer making an arrest, under the provisions of this chapter, shall be, by the Police Justice trying the cause, ordered to be destroyed by such officer immediately after the trial. (Ord. 16209 § 3, as amended by Ord. 89022; February 24, 1960).