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Darby N. DuComb/Kieu-Anh King
LEG-LAW Medical Cannabis ORD
08-15 July 2011
Version #7a#8b

ORDINANCE _____

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AN ORDINANCE relating to medical cannabis or medical cannabis products, and the regulation thereof within the City of Seattle.

WHEREAS, federal law prohibits the production, processing, and dispensing of medical cannabis or medical cannabis products, and strict sentencing guidelines enhance the penalties for violations of more than 99 plants or within 1,000 feet of school; and

WHEREAS, state law strictly enhances the penalties for violations of the Controlled Substances Act for violations within 1,000 feet of a school; and

WHEREAS, in 1998 the State of Washington approved the medical use of cannabis by patients with certain medical conditions and now several other states allow for the medical use of cannabis; and

WHEREAS, Washington law also permits patients to grow medical cannabis for their own use or to designate a provider to grow medical cannabis for them; and

WHEREAS, in 2011 the Washington State Legislature passed ESSSB5073 which permits collective gardens by qualified patients and/or their designated providers whereby they may, consistent with state law, collectively grow cannabis for their own medical use; and

WHEREAS, in 2011 the Washington State Legislature passed ESSSB5073 which permits cities to regulate and license the production, processing, or dispensing of cannabis or cannabis products within their jurisdiction; and

WHEREAS, in 2011 Governor Christine Gregoire signed into law some portions of ESSSB5073, described above, to take effect on July 22, 2011; and

WHEREAS, there are now numerous medical cannabis dispensaries within the City of Seattle, many of which comply with local laws and regulations and peacefully provide care to qualified patients; and

WHEREAS, the City of Seattle and Seattle voters, who enacted Initiative 75 on September 16, 2003, have made the investigation and prosecution of cannabis violations a low priority; and

WHEREAS, the City of Seattle expects the Seattle Police Department to continue to provide balanced and measured enforcement of established Medical Cannabis enforcement policy, in compliance with state and local laws; and

1 WHEREAS, based on an estimate that four to five percent of Seattle residents, like in other
2 jurisdictions, are medical cannabis users, Seattle may have over 25,000 patients using
3 medical cannabis; and

4 WHEREAS, the City of Seattle believes that the medical use of cannabis should be conducted in
5 a safe and fair manner for the health, safety and welfare of the community; and

6 WHEREAS, the City of Seattle acknowledges federal prohibition but wants to respond to the
7 changes in state law in a responsible manner that will minimize impacts on patients,
8 providers, and the health, safety, and welfare of the community;

9 NOW, THEREFORE,

10 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

11 Section 1. The medical use of cannabis under Chapter RCW 69.51A shall be conducted
12 in compliance with all local laws and regulations applicable to similar activities.

13 Section 2. Any manufacture, production, processing, possession, transportation, delivery,
14 dispensing, application, or administration of cannabis, that qualifies as the medical use of
15 cannabis under Chapter RCW 69.51A, shall not exempt any person from complying with
16 requirements of any applicable law of the City of Seattle, including but not limited to:

17 A. The requirements to obtain a business license for engaging in business in
18 the City of Seattle as set forth in Seattle Municipal Code ("SMC") 5.55.030, and to report and/or
19 pay all applicable taxes and fees; and

20 B. Requirements of the City's Land Use Code as set forth in SMC Title 23,
21 including any and all requirements for land use permits; and

22 C. Requirements of the City's Historic Preservation, Environmental
23 Protection, and Noise laws as set forth in SMC Title 25; and
24

1 D. Requirements of the Building, Construction, Grading, Housing, Electrical,
2 Plumbing, Fuel Gas, Boiler and Pressure Vessel, Plumbing, Fire, Energy and Stormwater Codes
3 as set forth in SMC Title 22; and

4 E. Requirements of the Americans with Disabilities Act; and

5 F. Requirements of the Seattle-King County Department of Public Health for
6 food service and food handling as set forth in SMC Title 10; and
7

8 G. Requirements of the City's Chronic Nuisance Property laws as set forth in
9 SMC Title 10; and

10 H. Requirements of the City's Street and Sidewalk Use Code as set forth in
11 SMC Title 15.; and

12 ——I. Requirements of the City's Fair Employment Practices regulations as set
13 forth in SMC Chapter 14.04.
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15 Section 3. The issuance of a business license pursuant to SMC 5.55.030, or the issuance
16 of any other permit or license by the City, shall not be deemed as approval or permission from
17 the City of Seattle to engage in any activity deemed illegal under any applicable law, nor shall it
18 constitute a determination by the City that the manufacture, production, processing, possession,
19 transportation, delivery, dispensing, application, or administration of and use of cannabis
20 engaged in by the licensee or permittee is either legal or illegal under state or federal law.
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22 Section 4. The medical use of cannabis shall not exempt any person from complying
23 with any no smoking law.

24 Section 5. The open use and display of cannabis is prohibited by RCW 69.51A.060.
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1 Section 6. Community members seeking to complain about non-emergency problems at
2 a medical cannabis facility in their neighborhood may do so by contacting the City of Seattle
3 Customer Service Bureau. Emergencies and crime in progress should be reported to 9-1-1.
4 Regulatory agencies should report non-compliant owners, operators and properties to the City of
5 Seattle Code Compliance Team or similar interdepartmental code enforcement work group to
6 insure a coordinated and thoughtful City response.
7

8 Section 7. This ordinance shall take effect and be in force 30 days after its approval by
9 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
10 shall take effect as provided by Seattle Municipal Code Section 1.04.020.
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1 Passed by the City Council the ____ day of _____, 2011, and signed by
2 me in open session in authentication of its passage this
3 ____ day of _____, 2011.

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6 _____
7 President _____ of the City Council

8 _____
9 Approved by me this ____ day of _____, 2011.

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12 _____
13 Michael McGinn, Mayor

14 _____
15 Filed by me this ____ day of _____, 2011.

16 _____
17 _____
18 _____
19 Monica Martinez Simmons, City Clerk

20 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Legislative; Law (Supporting Dept)	Kieu-Anh King/684.4678 Darby DuComb/684.8228	n/a

Legislation Title:

AN ORDINANCE relating to medical cannabis or medical cannabis products, and the regulation thereof within the City of Seattle.

Summary of the Legislation:

This legislation establishes a regulatory framework for medical cannabis and medical cannabis products within the City of Seattle. Cannabis is colloquially known as marijuana, ganja, weed or reefer, among others. The legislation reflects (i) the continuing Federal prohibition on production, processing, dispensing and possession of cannabis, (ii) the expanded provisions for the use of medical cannabis under Washington State Law, and (iii) the City of Seattle's prior policy decisions to make the investigation and prosecution of certain cannabis violations a low priority for city law enforcement.

This legislation articulates the City's established regulations as they will apply to medical cannabis and medical cannabis products, and includes provisions on:

- a) Business Licensing,
- b) Land Use Regulations,
- c) Environmental Protection, Historic Preservation and Noise,
- d) Building and Technical Codes,
- e) Americans with Disabilities Act Regulations,
- f) Food-Service and Smoking Regulations,
- g) Chronic Public Nuisance Regulations,
- h) Street and Sidewalk Use, and,
- i) Prohibitions on Open Public Use.

Background:

Please see section above and recitals of legislation.



Please check one of the following:

This legislation does not have any financial implications.
(Stop here and delete the remainder of this document prior to saving and printing.)

This legislation has financial implications. (Please complete all relevant sections that follow.)

Note: This legislation, in and of itself, does not have any fiscal implications.

To the extent that this legislation results in a more robust and effective regulatory and tax framework, however, this legislation could result in additional tax and fee collections to the City of Seattle, from affected businesses.

To the extent that this legislation results in a less robust and effective regulatory and tax framework, as well, this legislation could result in less tax and fee collections to the City of Seattle, from affected businesses.

