

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

1
2
3
4 AN ORDINANCE relating to consuming marijuana in public; amending Chapter 12A.20 of the Seattle
5 Municipal Code to conform with state law.

6 WHEREAS, Initiative 502 legalized adult possession of small amounts of marijuana under Washington
7 law, established a taxed and regulated system for production, processing, and distribution of
8 marijuana within Washington, and changed the Revised Code of Washington (RCW)
9 accordingly; and

10 WHEREAS, one such change was to define the infraction of opening or consuming a marijuana product
11 in public as a class 3 civil infraction, comparable to open consumption of alcohol in a public
12 place, subject to a monetary penalty of \$50, plus statutory assessments currently set at 105% of
13 the penalty; and

14 WHEREAS, pursuant to RCW 7.80.060 a person who does not identify him or herself to officers issuing
15 a civil infraction “may be detained for a period of time not longer than is reasonably necessary to
16 identify the person for purposes of issuing a civil infraction”; and

17 WHEREAS, over nine years ago, voters adopted Seattle Municipal Code Section 12A.20.060 which sets
18 the investigation, arrest and prosecution of marijuana offenses as the City’s lowest law
19 enforcement priority, but the Municipal Code does not address civil citations for open public use;
20 and

21 WHEREAS, the Seattle Police Department intends to provide a first warning for persons violating the
22 provisions of this ordinance; and

23 WHEREAS, enforcement of the ordinance will be closely monitored for its race and social justice
24 impacts; and

WHEREAS, smoking marijuana in public places or places of employment is separately subject to the
provisions of Municipal Code Chapter 10.64 on No-smoking Areas and Chapter 70.160 RCW on
Smoking in Public Places; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

1 Section 1. Chapter 12A.20 of the Seattle Municipal Code is amended to add the following
2 section:

3 **12A.20.100 Opening or consuming marijuana products in public.**

4 A. It is unlawful to open a package containing or consume marijuana, useable marijuana or a
5 marijuana-infused product in view of the general public. A person who violates this section is guilty of
6 a class 3 civil infraction under RCW Chapter 7.80. (RCW 69.50.445)

7 B. For purposes of this section:

8 1. "Marijuana" means all parts of the plant *Cannabis*, whether growing or not, with a THC
9 concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from
10 any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the
11 plant, its seeds or resin. "Marijuana" does not include the mature stalks of the plant, fiber produced
12 from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt,
13 derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil,
14 or cake, or the sterilized seed of the plant which is incapable of germination.

15 2. "Useable marijuana" means dried marijuana flowers, but does not include marijuana-infused
16 products.

17 3. "Marijuana-infused products" means products that contain marijuana or marijuana extracts
18 and are intended for human use, but does not include useable marijuana.

19 4. "THC concentration" means percent of delta-9 tetrahydrocannabinol content per dry weight
20 of any part of the plant *Cannabis*, or per volume or weight of marijuana product, or the combined
21 percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant
22 *Cannabis* regardless of moisture content. (RCW 69.50.101)
23
24

1 Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its
2 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
3 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the ____ day of _____, 2013, and signed by
5 me in open session in authentication of its passage this ____ day of _____, 2013.

6 _____
7 President _____ of the City Council

8 Approved by me this ____ day of _____, 2013.

9 _____
10 Michael McGinn, Mayor

11 Filed by me this ____ day of _____, 2013.

12 _____
13 Monica Martinez Simmons, City Clerk

14 (Seal)