

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO CONTROLLED SUBSTANCES AND AMENDING OLYMPIA MUNICIPAL CODE SECTION 9.28.010 BY ADOPTING RCW 69.50.4013, AS AMENDED BY ESB 5476, CHAPTER 311, LAWS OF 2021

WHEREAS, in February 2021, the Washington State Supreme Court ruled in *State of Washington v. Blake* that Washington’s simple possession of a controlled substance statute, RCW 69.50.4013, was unconstitutional, making possession of a controlled substance no longer unlawful on a state level; and

WHEREAS, the *Blake* ruling led the Washington State Legislature to pass Engrossed Senate Bill (ESB) 5476, which amended RCW 69.50.4013 to add a mens rea to the act and changed violation of the statute from a felony to a misdemeanor; and

WHEREAS, abuse of controlled substances is a disease and those afflicted with substance use disorder have need of help; and

WHEREAS, drug and alcohol misuse and related disorders are major public health challenges that are taking an enormous toll on individuals, families, and society; and

WHEREAS, adopting RCW 69.50.4013 will enable Olympia law enforcement to incentivize those in need to make use of substance abuse assistance; and

WHEREAS, the Olympia City Council desires to protect the health, safety, and welfare of Olympia residents and finds it to be in the best interest of the City of Olympia to adopt the legislative amendments to RCW 69.50.4013 in Section 9 of ESB 5476, Chapter 311, Laws of 2021, which was effective as of May 13, 2021; and

WHEREAS, this Ordinance is adopted pursuant to Article 11, Section 11, of the Washington State Constitution and any other applicable authority;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 9.28.010. Olympia Municipal Code Section 9.28.010 is hereby amended to read as follows:

**Chapter 9.28
DRUGS**

9.28.010 State statutes adopted by reference

The following sections of the Revised Code of Washington, as they appear now or are hereafter amended, are hereby adopted by reference as though fully set forth in this chapter:

RCW 69.41.010 – Definitions

RCW 69.41.030 - Sale/Possession of Legend Drug without a Prescription

RCW 69.41.050 - Labeling Requirements – Penalties

RCW 69.50.101 – Definitions

RCW 69.50.102 - Drug Paraphernalia – Definitions

RCW 69.50.4013 – Possession of Controlled Substance – Penalty – Possession of Useable Marijuana, Marijuana Concentrates, or Marijuana-Infused Products – Delivery

RCW 69.50.4014 - Possession 40 grams or less of Marijuana

RCW 69.50.412 - Prohibited Acts – Use of Drug Paraphernalia - Penalties

RCW 69.50.4121 - Civil Infraction – Selling/Giving Drug Paraphernalia

RCW 69.50.425 - Misdemeanor Violations – Minimum Penalties

RCW 69.50.445 - Civil Infraction - Opening or Consuming Marijuana in Public

RCW 69.50.505 - Seizure and Forfeiture

RCW 69.50.506 - Burden of Proof; Liabilities

RCW 69.50.509 - Search and Seizure of Controlled Substances

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Effective Date. This Ordinance is for the preservation of public peace, health, safety, and welfare and shall take immediate effect upon adoption, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber
CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: