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HOUSE BILL 2509

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State of Washington

63rd Legislature

2014 Regular Session

By Representatives Klippert and Haler

Read first time 01/20/14. Referred to Committee on Government  
Accountability & Oversight.

1 AN ACT Relating to authorizing municipalities to prohibit the  
2 possession of marijuana and marijuana-based products within their  
3 jurisdictional boundaries; amending RCW 69.50.4013; adding a new  
4 section to chapter 69.50 RCW; creating new sections; prescribing  
5 penalties; and declaring an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** This act may be known and cited as the local  
8 control over marijuana use and possession act.

9 NEW SECTION. **Sec. 2.** Through its legalization of the production,  
10 sale, and possession of marijuana, Initiative Measure No. 502 has  
11 presented the state and local governments with a host of difficult and  
12 troubling public policy questions and engendered concerns in many  
13 communities that the ability of local governments to preserve public  
14 health and safety has been compromised. Although the initiative was  
15 passed by a majority of voters statewide, the simple truth is that the  
16 initiative was unpopular in a great many cities, counties, and regions  
17 of the state. Thus, while the passage of Initiative Measure No. 502  
18 might be regarded as a desirable step by the voters in some areas, in

1 many communities the initiative is seen as a threat to the ability of  
2 local governments to maintain public safety and protect the health of  
3 their citizens.

4 Those opposed to increasing the presence of marijuana in their  
5 communities pursuant to Initiative Measure No. 502 can find ample  
6 support for their concerns in the available statistical evidence. Over  
7 the last decade, there has been a notable upward trend in fatal  
8 automobile accidents related to drug use, including marijuana. In  
9 2007, more drivers tested positive for drugs than for alcohol. Between  
10 2009 and 2011, over forty percent of young, male drivers involved in  
11 fatality automobile accidents were found to be impaired by drug use.  
12 Sixteen and seventeen-year old drivers are twice as likely to be  
13 impaired by drugs than by alcohol, and the drug of choice is marijuana.  
14 And, in 2010, the number of accidental deaths involving drugs exceeded  
15 those involving alcohol.

16 Therefore, it is the intent of the legislature to provide local  
17 governments with a degree of self-determination regarding the  
18 implementation of Initiative Measure No. 502 and thus grant them the  
19 authority to prohibit the personal use or possession of marijuana  
20 within their jurisdictional boundaries.

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 69.50 RCW  
22 to read as follows:

23 Through the enactment of an ordinance approved by a majority of its  
24 governing body, a county, city, or town may prohibit a person from  
25 possessing one ounce or less of useable marijuana, sixteen ounces or  
26 less of marijuana-infused product in solid form, or seventy-two ounces  
27 of marijuana-infused product in liquid form. A county, city, or town  
28 enacting such ordinance may, at its option, enforce the prohibition  
29 through the passage of an ordinance making a violation either a civil  
30 infraction pursuant to chapter 7.80 RCW or a misdemeanor with a maximum  
31 sentence of ninety days in jail and a maximum fine of one thousand  
32 dollars.

33 **Sec. 4.** RCW 69.50.4013 and 2013 c 3 s 20 (Initiative Measure No.  
34 502) are each amended to read as follows:

35 (1) It is unlawful for any person to possess a controlled substance  
36 unless the substance was obtained directly from, or pursuant to, a

1 valid prescription or order of a practitioner while acting in the  
2 course of his or her professional practice, or except as otherwise  
3 authorized by this chapter.

4 (2) Except as provided in RCW 69.50.4014, any person who violates  
5 this section is guilty of a class C felony punishable under chapter  
6 9A.20 RCW.

7 (3) Except as provided under section 3 of this act, the possession,  
8 by a person twenty-one years of age or older, of useable marijuana or  
9 marijuana-infused products in amounts that do not exceed those set  
10 forth in RCW 69.50.360(3) is not a violation of this section, this  
11 chapter, or any other provision of Washington state law.

12 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
13 preservation of the public peace, health, or safety, or support of the  
14 state government and its existing public institutions, and takes effect  
15 immediately.

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