5887-S3.E AMH SAWY BLAC 152

**E3SSB 5887** - H AMD **964**

By Representative Sawyer

On page 49, after line 9, insert the following:

"**Sec. 38.** RCW 69.50.608 and 1989 c 271 s 601 are each amended to read as follows:

(1) The state of Washington fully occupies and preempts the entire field of the regulation of controlled substances under this chapter and setting penalties for violations of the controlled substances act. This preemption also includes, but is not limited to, statutory provisions pertaining to licensing, marketing, taxation, production, processing, and retail sale of marijuana.

(2)) Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to controlled substances that are consistent with this chapter. Such local ordinances shall have the same penalties, rules, and requirements as provided for by state law. Local laws and ordinances that are inconsistent with the requirements of state law, or that in any way have the effect of interfering with the development, implementation, or maintenance of a state regulated market regarding the production, processing, possession, or use of legal marijuana, shall not be enacted and are preempted and ((~~repealed~~)) unenforceable, regardless of the nature of the code, charter, or home rule status of the city, town, county, or municipality."

Renumber the remaining sections, correct any internal references accordingly, and correct the title.

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|  | EFFECT:   Expands the state preemption statute in the Controlled Substances Act in scope through the addition of amendatory language explicitly establishing the general principle that state law preempts all local governmental regulations and ordinances pertaining to the regulation of controlled substances under the Act. Establishes that the state preemption principle includes state statutory provisions pertaining to licensing, marketing, taxation, production, processing, and retail sale of marijuana.  Invalidates any local law or ordinance that in any way has the effect of interfering with the development, implementation, or maintenance of a state regulated market regarding the production, processing, possession, or use of legal marijuana. |

**--- END ---**