2136-S2 AMH SAWY RUBE 096

**2SHB 2136** - H AMD **341**

By Representative Sawyer

**ADOPTED 04/10/2015**

 On page 43, after line 34, insert the following:

**"PART XII**

**Preemption and Public Vote**

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

(1) Except as provided in subsections (2) through (6) of this section, no city, town, or county may enact or enforce a moratorium or prohibition on the production, processing, researching, or retail sale of marijuana under this chapter.

(2)(a) Any registered voter of a city, town, or county may submit a petition calling for the city, town, or county to prohibit the siting or operation of any business or facility to be used for the production, processing, researching, or retail sale of marijuana under this chapter. The petition must be signed by thirty percent or more of the voters of the jurisdiction and must be filed with the legislative authority of the applicable city, town, or county. With respect to petitions to be filed with a county under this subsection, only registered voters in the unincorporated area of the county may initiate and sign the petition.

(b) If the legislative authority determines the petition to be sufficient, it must, within sixty days of determining the petition to be sufficient, hold a public hearing on the petition and an implementing ordinance. Following the public hearing, the legislative authority of the city, town, or county must submit the question of prohibiting siting or operation of any business or facility to be used for the production, processing, researching, or retail sale of marijuana products under this chapter to the voters of the jurisdiction at a general election.

(c) If a majority of the voters of the city, town, or county voting in the election approve the prohibition, the prohibition will take effect on the date specified in the petition. If no effective date is specified in the petition, the prohibition takes effect sixty days after the election.

(3) As an alternative to the petition process established in subsection (1) of this section, the legislative authority of any city, town, or county may initiate an ordinance provided for in subsection (1) of this section by submitting a ballot proposition at a general election prohibiting the siting or operation of any business or facility to be used for the production, processing, researching, or retail sale of marijuana under this chapter. If a majority of the voters of the county, city, or town voting in the election approve the prohibition, the prohibition takes effect on the date specified in the ballot proposition. If no effective date is specified in the ballot proposition, the prohibition takes effect sixty days after the election.

(4) With respect to a county enacting an ordinance under this section, the ordinance may only apply to unincorporated areas of the county. No voters within the boundaries of an incorporated city or town may participate in a county election under this section.

(5) Following the passage of an ordinance under subsections (1) and (2) of this section, the state liquor control board may not issue or renew any license under RCW 69.50.325 or section 1001 of this act for the production, processing, researching, or retail sale of marijuana with respect to businesses that are either located or proposed to be located within an area subject to the ordinance.

(6) The legislative authority of a city, town, or county may, by ordinance, repeal a prohibition enacted under this section not less than two years after the prohibition's effective date. After a repeal under this subsection, the state liquor control board may issue and renew licenses under RCW 69.50.325 or section 1001 of this act within the area that had been subject to a prohibition.

(7) Nothing in this section may be construed to extend powers to cities, towns, or counties beyond the power to prohibit the siting or operation of any business or facility to be used for the production, processing, researching, or retail sale of marijuana.

NEW SECTION. **Sec.**  A new section is added to chapter 36.01 RCW to read as follows:

Notwithstanding any other provision of law, counties also have the authority granted in section 1201 of this act to prohibit by ordinance the siting or operation of any business or facility to be used for the production, processing, researching, or retail sale of marijuana under chapter 69.50 RCW.

NEW SECTION. **Sec.**  A new section is added to chapter 35.21 RCW to read as follows:

Notwithstanding any other provision of law, cities and towns also have the authority granted in section 1201 of this act to prohibit by ordinance the siting or operation of any business or facility to be used for the production, processing, researching, or retail sale of marijuana under chapter 69.50 RCW.

NEW SECTION. **Sec.**  A new section is added to chapter 35A.21 RCW to read as follows:

Notwithstanding any other provision of law, code cities also have the authority granted in section 1201 of this act to prohibit by ordinance the siting or operation of any business or facility to be used for the production, processing, researching, or retail sale of marijuana under chapter 69.50 RCW."

 Renumber the remaining sections and parts consecutively and correct any internal references accordingly.

 Correct the title.

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|  |  EFFECT:   1. Establishes that no local jurisdiction may enact or enforce a prohibition on the production, processing, researching, or retail sale of marijuana under the Controlled Substances Act.
2. Establishes a process by which a city, town, or county can prohibit marijuana businesses by public vote. Requires the prohibition to be put to a vote at a general election upon submission of a petition signed by 30% of the registered voters in the jurisdiction or a proposition submitted by the jurisdiction's legislative authority.
3. Permits the legislative authority of a city, county, or town to repeal a prohibition no less than two years after the effective date of the prohibition.
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