

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

ORDINANCE NO. 23-046

RELATING TO USE AND POSSESSION OF CONTROLLED OR  
COUNTERFEIT SUBSTANCES OR LEGEND DRUGS;  
ADDING A NEW CHAPTER 10.49 SCC

BE IT ORDAINED:

Section 1. A new chapter is added to title 10 of the Snohomish County Code to read:

Chapter 10.49

Use and possession of controlled or counterfeit substances or legend drugs

Sections:

- 10.49.010 Definitions.
- 10.49.020 Unlawful possession of controlled or counterfeit substances or legend drug.
- 10.49.030 Permissible possession of cannabis.
- 10.49.040 Possession of less than 40 grams of cannabis.
- 10.49.050 Unlawful use of controlled or counterfeit substances or legend drug in public.
- 10.49.060 Penalty.
- 10.49.070 Post-arrest alternatives.
- 10.49.080 Severability.

**10.49.010 Definitions.**

As used in this section:

- (1) "Controlled substance" means any controlled substance classified in Schedule I, II, III, IV or V of chapter 69.50 RCW, as it now exists or shall hereafter be added to, deleted from, modified, or amended.
- (2) "Counterfeit substance" has the same meaning as "imitation controlled substance," as defined in RCW 69.52.020(3).
- (3) "Legend drug" means any legend drug as defined in RCW 69.41.210(3).
- (4) "Public place" is an area generally visible to public view and includes, but is not limited to, streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, transit stations, shelters and tunnels, automobiles visible to public view (whether moving or not) and

1 buildings, including those which serve food or drink or provide entertainment, and the doorways  
2 and entrances to buildings or dwellings and the grounds enclosing them.

3  
4 (5) "Use" means any effort taken in furtherance of an attempt to inject, ingest, inhale, or  
5 otherwise introduce a controlled substance into the human body.

6  
7 **10.49.020 Unlawful possession of controlled or counterfeit substances or legend drug.**

8 It is unlawful for any person to knowingly possess a controlled or counterfeit substance,  
9 or legend drug, unless the substance was obtained directly from, or pursuant to, a valid  
10 prescription or order of a practitioner while acting in the course of his or her professional  
11 practice or as otherwise authorized by this chapter, state or federal law. The existence of a valid  
12 prescription is an affirmative defense, provable by a preponderance of the evidence.

13  
14 **10.49.030 Permissible possession of cannabis.**

15 (1) It is not a violation of this chapter for an individual twenty-one years of age or older  
16 to possess cannabis, useable cannabis, cannabis concentrates or cannabis infused products in  
17 amounts that do not exceed those listed in RCW 69.50.360(3).

18  
19 (2) It is not a violation of this chapter for an individual to possess medical cannabis in  
20 accordance with chapters 69.50 or 69.51A RCW.

21  
22 (3) It is not a violation of this chapter for an individual to possess cannabis pursuant to a  
23 valid license issued by the Washington State Liquor and Cannabis Control Board.

24  
25 **10.49.040 Possession of less than 40 grams of cannabis.**

26 Except as provided in SCC 10.49.030, knowing possession of less than 40 grams of  
27 cannabis or knowing possession of cannabis, cannabis-infused product or cannabis concentrates,  
28 regardless of THC concentration, by an individual under the age of twenty-one years, is a  
29 misdemeanor and, upon, conviction, may be imprisoned for not more than ninety days or fined  
30 not more than one thousand dollars, or both.

31  
32 **10.49.050 Unlawful use of controlled or counterfeit substances or legend drug in public.**

33 It is unlawful for any person to knowingly use a controlled or counterfeit substance or  
34 legend drug in a public place, unless the substance was obtained directly from, or pursuant to, a  
35 valid prescription or order of a practitioner while acting in the course of his or her professional  
36 practice. The existence of a valid prescription is an affirmative defense, provable by a  
37 preponderance of the evidence.

38  
39 **10.49.070 Penalty.**

40 Unless otherwise specified, any person who violates this chapter is guilty of a gross  
41 misdemeanor and upon conviction may be imprisoned for up to three hundred sixty-four days, or  
42 fined not more than five thousand dollars, or both. The prosecutor is encouraged to divert such  
43 cases for assessment, treatment or other services.

1 **10.49.080 Post-arrest alternatives.**

2 A law enforcement officer who has probable cause and arrests a person for violating any  
3 provision of this chapter is strongly encouraged to use post-arrest alternatives, which may  
4 include, but are not limited to, referral to law enforcement assisted diversion, local diversion  
5 centers or substance use treatment facilities and programs. A law enforcement officer electing  
6 the post-arrest alternative under this subsection shall not issue a citation or book the person into  
7 jail. The law enforcement officer shall collect any evidence and prepare the case for potential  
8 referral for prosecution in the event the person fails to follow through with the post-arrest  
9 alternatives.

10  
11 **10.49.090 Severability.**

12 If any provision of this chapter or its application to any person or property is held invalid,  
13 the remainder of this chapter or the application of the provision to other persons or property is  
14 not affected.

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16 Section 2. Effective Date.

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18 This ordinance shall take effect on July 1, 2023.

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21 PASSED this \_\_\_ day of \_\_\_\_\_, 2023.

22  
23 SNOHOMISH COUNTY COUNCIL  
24 Snohomish County, Washington

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26 \_\_\_\_\_  
27 Chairperson

28  
29 ATTEST:

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32 Clerk of the Council

33  
34 ( ) APPROVED

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36 ( ) EMERGENCY

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38 ( ) VETOED

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40 DATE: \_\_\_\_\_

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42 \_\_\_\_\_  
43 County Executive

1 ATTEST:  
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4 \_\_\_\_\_  
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6 Approved as to form only:  
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9 Deputy Prosecuting Attorney  
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