

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

NOTICE OF INTRODUCTION AND PUBLIC HEARING  
PROPOSED ORDINANCE 23-046

NOTICE IS HEREBY GIVEN, that the Snohomish County Council will hold a public hearing on Wednesday, May 17, 2023, at 10:30 a.m. in the Jackson Board Room, 8th Floor, 3000 Rockefeller Ave, Everett, WA, to consider Proposed Ordinance 23-046. The public may participate in person or remotely using the following Zoom link:

**Zoom Webinar Information:**

Join Online: <https://zoom.us/j/94846850772> or by Phone: (253) 215-8782  
Meeting ID: 948 4685 0772

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

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

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

**10.49.030 Permissible possession of cannabis.**

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

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

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

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

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

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

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

**10.49.060 Penalty.**

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

**10.49.070 Post-arrest alternatives.**

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

**10.49.080 Severability.**

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

Section 2. Effective Date. This ordinance shall take effect on July 1, 2023.


At the Public Hearing, the Council may consider amendments to the proposed ordinance.

**For More Information:** Copies of the proposed ordinance and related documents are available upon request by calling the Council Office at (425) 388-3494, 1(800) 562-4367 x3494, TDD 1(800) 877-8339, or by e-mailing [Contact.Council@snoco.org](mailto:Contact.Council@snoco.org). Copies are also available on the Council's website at <https://snohomish.legistar.com/Legislation.aspx> (File # 2023-0476) or <https://snohomishcountywa.gov/2134/Council-Hearings-Calendar>.

**Public Testimony:** The public may testify in person or remotely. Submit written testimony to Snohomish County Council, 3000 Rockefeller Ave M/S 609, Everett, WA 98201, or e-mail to [contact.council@snoco.org](mailto:contact.council@snoco.org). Submitting written testimony 24 hours prior to the hearing will ensure copies are distributed to the Council and appropriate staff in advance of the hearing.

**American with Disabilities Act Notice:** Accommodations for persons with disabilities are available upon request. Please contact Elena Lao one week prior to the hearing at (425) 388-3494, 1(800) 562-4367 x3494, TDD 1(800) 877-8339, or by e-mail [elena.lao@snoco.org](mailto:elena.lao@snoco.org).

Dated this 2<sup>nd</sup> day of May, 2023.

  
\_\_\_\_\_  
Deputy Clerk of the Council

Publish:                      May 4, 2023

SUBMIT AFFIDAVIT TO:      Council  
SUBMIT INVOICE TO:        Council 104482

# Everett Daily Herald

## Affidavit of Publication

State of Washington }  
County of Snohomish } ss

**SNOHOMISH COUNTY COUNCIL**  
**ORIGINAL HARD COPY**

MAY 09 2023

ELECTRONIC COPY RECEIVED: 5/9/2023

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH976279 ORDINANCE 23-046 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 05/04/2023 and ending on 05/04/2023 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$208.80.

*[Handwritten signature]*



Subscribed and sworn before me on this 4<sup>th</sup> day of May, 2023.

*[Handwritten signature of Linda Phillips]*

Notary Public in and for the State of Washington.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington  
NOTICE OF INTRODUCTION AND PUBLIC HEARING  
PROPOSED ORDINANCE 23-046  
NOTICE IS HEREBY GIVEN, that the Snohomish County Council will hold a public hearing on Wednesday, May 17, 2023, at 10:30 a.m. in the Jackson Board Room, 8th Floor, 3000 Rockefeller Ave, Everett, WA, to consider Proposed Ordinance 23-046. The public may participate in person or remotely using the following Zoom link:

Zoom Webinar Information:  
Join Online: <https://zoom.us/j/94646850772>  
or by Phone: (253) 215-8782  
Meeting ID: 946 4685 0772

**PROPOSED ORDINANCE 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.

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

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

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

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

**10.49.030 Permissible possession of cannabis.**

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

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

RCW

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

10.49.040 Possession of less than 40 grams of cannabis.

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

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

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

10.49.060 Penalty.

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

10.49.070 Post-arrest alternatives.

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

10.49.080 Severability.

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

Section 2. Effective Date. This ordinance shall take effect on July 1, 2023.

At the Public Hearing, the Council may consider amendments to the proposed ordinance.

For More Information: Copies of the proposed ordinance and related documents are available upon request by calling the Council Office at (425) 388-3494, 1(800) 562-4367 x3494, TDD 1(800) 877-8339, or by e-mailing [Contact.Council@snoco.org](mailto:Contact.Council@snoco.org). Copies are also available on the Council's website at <https://snohomishlegistar.com/Legislation.aspx> (File # 2023-0476)

or  
<https://snohomishcountywa.gov/2134/Council-Hearings-Calendar>.  
Public Testimony: The public may testify in person or remotely. Submit written testimony to Snohomish County Council, 3000 Rockefeller Ave M/S 609, Everett, WA 98201, or e-mail to [contact.council@snoco.org](mailto:contact.council@snoco.org). Submitting written testimony 24 hours prior to the hearing will ensure copies are distributed to the Council and appropriate staff in advance of the hearing.

American with Disabilities Act Notice: Accommodations for persons with disabilities are available upon request. Please contact Elena Lao one week prior to the hearing at (425) 388-3494, 1(800) 562-4367 x3494, TDD 1(800) 877-8339, or by e-mail [elena.lao@snoco.org](mailto:elena.lao@snoco.org).

Dated this 2nd day of May, 2023.

/s/ Elena Lao, CMC

Deputy Clerk of the Council

104482

Published: May 4, 2023.

EDH976279