



# Community Safety and Justice

Nicole Gorle

**Council Initiated:**

Yes – CM Nehring

No

**ECAF:** 2026-1079

**Ordinance:** 26-016

**Type:**

- Contract
- Board Appt.
- Code Amendment
- Budget Action
- Other

**Requested Handling:**

- Normal
- Expedite
- Urgent

**Fund Source:**

- General Fund
- Other
- N/A

**Executive Rec:**

- Approve
- Do Not Approve
- N/A

**Approved as to**

**Form:**

- Yes
- No
- N/A

**Subject:** Endangerment with a Controlled Substance – NEW Code section SCC 10.50

**Scope:** This ordinance would add a new section to Snohomish County Code, Chapter 10.50 – Endangerment with a Controlled Substance. Under the new section of code it would make it a gross misdemeanor for someone to knowingly or recklessly permit a child or dependent person to ingest, inhale, or have contact with a controlled substance unless it is in line with a prescription issued to the child or dependent person (this does not apply to cannabis or to those four drugs already criminalized for this type of offense under [RCW 9A.42.100](#)).

If convicted, a person would face up to 364 days in prison, a fine of not more than five thousand dollars or both.

A sectional analysis is provided at the end of this staff report.

**Duration:** n/a

**Fiscal Impact:**  Current Year  Multi-Year  N/A

**Authority Granted:** n/a

**Background:** State law, through [RCW 9A.42.100](#) – Endangerment with a controlled substance, makes it a class B felony for a person to knowingly or intentionally permit a child or dependent adult to ingest, inhale, or have contact with methamphetamine or ephedrine, pseudoephedrine, or anhydrous ammonia. RCW 9A.42.100 only applies to those four drugs, not all controlled substances. There are five controlled substance schedules that break drugs out into categories based on their acceptable medical use and the drugs abuse or dependency potential ([DEA](#)).

[RCW 69.50 Article II](#) – Standards and Schedules (Controlled Substances)

- Schedule I – [RCW 69.50.204](#)
- Schedule II – [RCW 69.50.206](#)
- Schedule III – [RCW 69.50.208](#)
- Schedule IV – [RCW 69.50.210](#)
- Schedule V – [RCW 69.50.212](#)

**Requested Action:** Move to GLS to set time and date for a public hearing.

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## Sectional Analysis

### 10.50.010 - Definitions

This section provides definitions for the following words that are in line with the definitions provided in RCW:

- Cannabis (RCW 69.50.101)
- Child (RCW 9A.42.010)
- Controlled Substance (RCW 69.50.010)
- Dependent Person (RCW 9A.42.010)
- Prescription (RCW 69.50.101)

### 10.50.020 – Endangerment with a controlled substance

- Makes it a gross misdemeanor to knowingly or recklessly permit a child or dependent person to ingest, inhale, or have contact with a controlled substance.
- Does not apply when the controlled substance is prescribed to the child or dependent person based on a valid prescription.
- Does not apply to cannabis.
- In accordance with [RCW 9A.08.010](#):
  - o *Knowingly* – an individual is aware that it is illegal, or they have information that would lead a reasonable person to believe it is illegal, and do it anyways (RCW 9A.08.010(b)).
  - o *Recklessly* – an individual is reckless when they know of and disregard a substantial risk that a wrongful act may occur, and when ignoring that risk is a vastly different decision than the response a reasonable person would make in a similar situation (RCW 9A.08.010(c)).

### 10.50.030 – Penalty for violations

- Penalty is a gross misdemeanor subject to:
  - o 364 days in prison,
  - o \$5,000 fine,
  - o Or both.

### 10.50.040 – Severability

- Ensure that if any provision of the chapter is deemed invalid, the remainder of the chapter is not affected.