

Summary of Measure

THE LAW AS IT CURRENTLY EXISTS:

The City of Spokane does not have regulations regarding the licensing, taxation and regulation of marijuana and has not designated a level of enforcement for adult marijuana offenses. The City charges adult marijuana offenses pursuant to the state Uniform Controlled Substances Act, Chapter 69.50 RCW, and the Medical Use of Marijuana Act, Chapter 69.51A RCW, and the City’s ordinance prohibiting possession of a controlled substance, Chapter 10.15 SMC.

THE EFFECT OF THE PROPOSAL, IF APPROVED:

This ordinance provides for the adoption of regulations regarding the licensing, taxation and regulation of marijuana, establish a lowest law enforcement priority policy for adult marijuana offenses, establish a community oversight committee and provide notification to federal and state officials of the citizens’ initiative to regulate marijuana and to de-prioritize adult marijuana offenses.

(text)

MARIJUANA REGULATIONS

An ordinance regarding marijuana regulations, adopting a new Chapter 10.15B to title 10 of the Spokane Municipal Code.

WHEREAS, many Spokane adults use marijuana for medicinal, therapeutic, recreational, and sacramental purposes and the use of marijuana is prevalent and gaining wider acceptance within local culture;

WHEREAS, marijuana markets are controlled and exploited by criminal enterprise and the state’s medical marijuana laws exclude the majority of adult users from safe and reliable access;

WHEREAS, marijuana is safer than alcohol, tobacco, and many over the counter medicines and, therefore, should be made legally available to adults and controlled in a similar manner;

WHEREAS, House Bill 1550, aiming to regulate marijuana through the Washington State Liquor Control Board and the Washington State Department of Agriculture, has failed to make it to the floor for a vote;

WHEREAS, on December 10, 2010, Spokane marijuana providers received notification from the Washington State Department of Revenue regarding their obligation to pay retail sales and business and operating taxes;

WHEREAS, on April 6, 2011, the United States Attorney for the Eastern District of Washington notified property owners in Spokane that marijuana dispensaries are illegal and subject to enforcement action and stringent federal penalties, leaving local medical marijuana patients without safe access to medicine;

WHEREAS, the voters of Seattle in 2003 adopted Initiative 75 relating to making enforcement of marijuana-related offenses the lowest priority for their police department and prosecutor’s offices; and

WHEREAS, the Spokane Municipal Code contains no similar provisions; Now, Therefore,

The City of Spokane does ordain:

Section 1. That there is adopted a new chapter 10.15B Marijuana Regulation to title 10 of the Spokane Municipal Code to read as follows:

Chapter 10.15B

MARIJUANA REGULATION

10.15B.010 Title

This chapter shall be known as the Marijuana Regulation Ordinance.

10.15B.020 Marijuana Regulation

The City of Spokane shall establish a system to license, tax, and regulate marijuana as soon as possible under Washington State law. At that time, the city council shall promulgate regulations that are consistent with Washington State law.

10.15B.030 Lowest Law Enforcement Priority Policy

The police chief and city attorney shall make the investigation, arrest, and prosecution of adult marijuana offenses the lowest law enforcement priority.

10.15B.040 Community Oversight Committee

A. A Community Oversight Committee shall be appointed to oversee the implementation of this chapter and shall serve voluntarily. The committee shall be formed and begin meeting within ninety days

after the enactment of this chapter, even if some of its members have not been appointed. The committee will be composed of one city council member; one city resident from each council district; one marijuana related business owner; one medical marijuana patient; one marijuana policy reform advocate; and one drug abuse, treatment and prevention counselor, each of whom will be appointed by the Spokane city mayor and confirmed by the city council. The committee members shall serve at the pleasure of the mayor, who shall appoint replacement members on an as needed basis with confirmation by the city council. The Spokane police department, the Spokane City Attorney and the Eastern Washington Cannabis Association shall each send one representative as a nonvoting liaison to each of the committee meetings.

B. Responsibilities of the committee shall include:

1. ensuring timely implementation of this chapter;
2. make recommendations to the Spokane city council regarding appropriate regulations, in accordance with SMC 10.15B.020.

10.15B.050 Notification of Federal, State & County Officials

Beginning one month after the enactment of this chapter, the city clerk shall execute a mandatory and ministerial duty of sending letters on an annual basis to the Spokane County sheriff, the Spokane County prosecutor, Spokane voters’ U.S. representative or representatives, both of Washington’s U.S. senators, Spokane voters’ senator and representative members in the Washington State Legislature, the governor of Washington, and the president of the United States. This letter shall state, “The citizens of Spokane have passed an initiative to regulate marijuana and to de-prioritize adult marijuana offenses and request that county officials pursue similar policies and that the federal and Washington state governments take immediate steps to enact similar laws.” This duty shall be carried out until county policies and state and federal laws are changed accordingly.

10.15B.060 Enforceability

All sections of this chapter are mandatory. If any provision of this chapter is not carried out properly, any person who is registered to vote in the City of Spokane may seek judicial action to ensure the law is fully implemented.

10.15B.070 Severability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

(end text)

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The declaration below is required by law to be printed on petitions but the law does not require it to be signed because courts have ruled that petitioners have the constitutional right to anonymously petition.

“Does the signature gatherer need to sign the declaration on the back of the petition? No. Due to an opinion published by the Attorney General’s office in 2006, the Office of the Secretary of State does not require that the signature gatherer sign the declaration in order for the petition to be accepted. For more information, see AGO 2006 No. 13.”

I _____ (print legal name) swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

(Signature) _____

Address _____

City _____ County _____

RCW 9A.46.020 applies to any conduct constituting harassment against a petition signature gatherer. This penalty does not preclude the victim from seeking any other remedy otherwise available under law. Source: Washington State Secretary of State’s web site FAFAQ link