SEATTLE CITY COUNCIL

Legislative Summary

Res 31595

Record No.: Res 31595 **Type:** Resolution (Res) **Status:** Adopted

Version: 2 **In Control:** City Clerk

File Created: 06/02/2015

Final Action: 07/17/2015

Title: A RESOLUTION concerning the creation of enforcement priorities for city departments regarding non-state-licensed marijuana establishments.

Notes:

	Date
Filed with City Clerk:	7/17/2015
Mayor's Signature:	7/17/2015
Vetoed by Mayor:	
Veto Overridden:	
Veto Sustained:	

Sponsors: Licata

Attachments:

Drafter: David B. Mendoza

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published: ☐ Yes ☐ No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	06/04/2015	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Resolution (Res) was Mayor's leg transmitted to Council. to the City Clerk **Notes:**						
1	City Clerk	06/04/2015	sent for review	Council President's Office			
	Action Text: The Resolution (Res) was sent for review. to the Council President's Office **Notes:**						
1	Council President's Office	06/08/2015	sent for review	Finance and Culture Committee			
	Action Text: The Resolution (Res) was sent for review. to the Finance and Culture Committee **Notes:**						
1	Full Council	06/22/2015	referred	Finance and Culture Committee			
	Action Text: The Resolution (Res) was referred. to the Finance and Culture Committee **Notes:**						
1	Finance and Culture Committee	06/24/2015					

Action Text: Item was presented and discussed

1	Finance and Culture Committee	07/08/2015	adopt as amended		Pass

Action Text: The Committee recommends that Full Council adopt as amended the Resolution (Res).

Notes:

In Favor: 3 Chair Licata, Vice Chair Godden, Member Burgess

Opposed: 0

1	Full Council	07/13/2015	adopted		Pass

Action Text: The Resolution (Res) was adopted by the following vote and the President signed the Resolution:

In Favor: 9 Councilmember Bagshaw, Council President Burgess, Councilmember Godden, Councilmember Harrell, Councilmember Licata, Councilmember O'Brien, Councilmember Okamoto, Councilmember Rasmussen, Councilmember Sawant

Opposed: 0

2	City Clerk	07/14/2015	submitted for Mayor's signature	Mayor

Action Text: The Resolution (Res) was submitted for Mayor's signature. to the Mayor

Notes:

2	Mayor	07/17/2015	Signed

Action Text: The Resolution (Res) was Signed.

Notes:

2	Mayor	07/17/2015	returned	City Clerk

Action Text: The Resolution (Res) was returned. to the City Clerk

Notes:

2	City Clerk	07/17/2015	attested by City Clerk

Action Text: The Resolution (Res) was attested by City Clerk.

Notes:

CITY OF SEATTLE

RESOLUTION 31595

A RESOLUTION concerning the creation of enforcement priorities for city departments regarding non-state-licensed marijuana establishments.

WHEREAS, the residents of the state of Washington voted in favor of Initiative 692 creating the Medical Use of Marijuana Act (MUCA);

WHEREAS, the MUCA does not create any legal right to grow, process, or distribute medical marijuana but only allows for an affirmative defense for patients and providers;

WHEREAS, Initiative 502 was passed statewide and by voters in the state of Washington;

WHEREAS, said Initiative 502 creates a highly regulated system for the production, processing, and distribution of marijuana for adult use;

WHEREAS, the Washington State Liquor and Cannabis Board has allowed for the provision of 21 retail marijuana stores within the City of Seattle;

WHEREAS, 14 recreational marijuana retail stores have opened in the City of Seattle as of June 2, 2015;

WHEREAS, the Department of Finance and Administrative Services and the Department of Planning and Development have determined that there are approximately 99 marijuana retailers operating in the City of Seattle without licenses issued by the Washington Liquor and Cannabis Board;

WHEREAS, an estimated 54 marijuana retailers without state licenses have established operations in the City of Seattle since January 1, 2013;

WHEREAS, there have been numerous armed robberies and thefts of unlicensed marijuana businesses endangering staff at these establishments and the surrounding community;

WHEREAS, access to medical marijuana for qualifying patients and recreational marijuana by adults should be equitably distributed throughout the city;

WHEREAS, access to recreational marijuana should be limited to those over 21 years of age;

WHEREAS, access to medical marijuana by those under 21 years of age should be available only to those patients with a qualifying medical condition that has been confirmed by a healthcare provider;

WHEREAS, the proliferation of unregulated marijuana businesses have seen an attendant increase in elementary and secondary school students, who are not qualifying patients, accessing marijuana-infused products;

WHEREAS, 77 percent of drug/alcohol discipline incidents in Seattle public schools in 2014 involved marijuana;

WHEREAS, it is in the interest of the people of the City of Seattle to prevent those under 21 years of age from accessing marijuana and marijuana infused products;

WHEREAS, it is in the interest of the people of the City of Seattle to halt the proliferation of non-state licensed, and therefore unlawful, marijuana businesses while maintaining access to medical marijuana for qualifying patients;

WHEREAS, the state legislature and Governor Inslee signed into law SSB 5052 that reforms medical marijuana law in Washington State;

WHEREAS, SSB 5052 prioritizes non-state licensed marijuana establishments operating before January 1, 2013 having an opportunity to obtain a state license by July 1, 2016; and

WHEREAS, it is in the interest of the people of the City of Seattle to allow qualifying patients to access safe, quality controlled medical marijuana; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

Section 1. To ensure that the City of Seattle has the ability to prevent the further proliferation of non-state-licensed marijuana business operations that operate outside the I-502 system, the Mayor intends to submit and the City Council intends to consider legislation that would require all marijuana producers, processors, and retailers operating in Seattle to acquire a regulatory business license. Further, the Mayor, City Council, and Department of Finance and Administrative Services will seek to develop policy and procedures in which Seattle Municipal Code (SMC) Title 5 business licenses can be revoked according to the enforcement priorities identified in Section 2 of this resolution, including any business license issued to an entity operating in violation of the law or that is required to have an SMC Title 6 regulatory business license.

The City of Seattle favors civil remedies to address compliance of non-state-licensed marijuana establishments. However, should civil remedies fail to gain compliance from a specific establishment, criminal sanctions may be employed.

Section 2. Consistent with Section 1, the Mayor and the City Council intend to consider the creation of a regulatory license under SMC Title 6, which would ensure that:

A. The City of Seattle has the ability to effectively regulate and address community concerns regarding state-licensed marijuana business activity;

B. Only marijuana businesses that have obtained state licenses issued under Title 69 RCW can operate in Seattle; and

C. Non-state-licensed marijuana establishments that began operations prior to January 1, 2013 would be permitted to operate until July 1, 2016 if their operations do not run afoul of

the enforcement priorities described herein and apply for a state license by the deadline set by the Washington State Liquor and Cannabis Board. Operators of said establishments shall forward a copy of their application to the Director of Finance and Administrative Services.

The Mayor and the City Council will consider adopting the rules promulgated by the newly renamed Washington State Liquor and Cannabis Board under Washington Administrative Code (WAC) Chapter 314-55 as the regulatory requirements of any regulatory license required under an SMC Title 6 license. Doing so will allow the City of Seattle to enforce the same requirements as the Liquor and Cannabis Board enforces regarding advertising, signage, and other areas regulated by the Liquor and Cannabis Board.

Section 3. The City Council and the Mayor request that the Finance and Administrative Services Department (FAS), the Department of Planning and Development, the Seattle Police Department, and the City Attorney's Office work cooperatively to identify and develop enforcement procedures against non-state-licensed marijuana businesses according the following levels of priority:

A. Highest Priority - Tier 1

1. Individuals or entities that distribute marijuana, marijuana concentrates, or marijuana-infused products to those people under 21 years of age or people other than qualifying patients.

a. Only designated providers 21 years of age or older, as defined by RCW 69.51A.010 (as amended by Chapter 70, Laws of 2015), may acquire, produce or provide marijuana, marijuana concentrates, and marijuana-infused products to a qualifying patient of any age.

b. Only qualifying patients 21 years of age or older, as defined by RCW 69.51A.010 (as amended by Chapter 70, Laws of 2015), or designated providers 21 years of age or older, as defined by RCW 69.51A.010 (as amended by Chapter 70, Laws of 2015), may handle or acquire marijuana from a non-state-licensed marijuana establishment. Until July 1, 2016, qualifying patients between the ages of 18-21 may not handle or acquire marijuana directly from any marijuana establishment. Qualifying patients under the age of 21 may only be upon the premises of a non-state-licensed marijuana establishment if they are accompanied by their designated provider who is over the age of 21. Qualified patients under the age of 18 may not be upon the premises of any marijuana establishment. Qualifying patients and designated providers must have Washington state-issued identification and valid documentation as defined in RCW 69.51A.010, written on tamper-resistant paper, to enter the premises. Marijuana establishments without I-502 licenses that provide marijuana to anyone other than qualifying patients or designated providers are operating entirely outside the scope of both I-502 and the Medical Use of Cannabis Act (MUCA) and are illegal.

c. Individuals or entities that distribute marijuana products are responsible for verifying the identity, age and valid documentation of each qualifying patient that enters their establishment. Only Washington State issued identification and valid documentation as defined in RCW 69.51A.010 may be accepted. Non-state-licensed marijuana establishments must verify the authenticity of the documentation by contacting the issuing healthcare professional, and keeping a record of such contact.

d. Only qualifying patients with valid documentation written on tamper-resistant paper or their designated providers may be allowed to access marijuana from a non-state-licensed marijuana establishment.

2. Any individual, enterprise, or entity that provides delivery services for recreational marijuana.

3. Individuals or entities that operate non-state-licensed marijuana establishments and are under law enforcement investigation for criminal violations or that have become public safety concerns as evidenced by 911 calls, incident reports, and other factors.

4. Individuals or entities that manufacture or distribute marijuana products that mimic or imitate trademark protected products or are packaged or designed in any manner that would be especially appealing to children. The depiction of objects, such as toys, characters, or cartoon characters, is prohibited on the labels or packaging of any marijuana package.

5. Non-state-licensed marijuana establishments that are operating without a business license issued by the City of Seattle or are operating with a business license issued after January 1, 2013.

B. Second Highest Priority - Tier 2

1. Any non-state-licensed marijuana establishment that is growing, processing or distributing marijuana and that is in violation of building and construction, land use, fire, or other city codes.

2) Any individual, enterprise or entity that provides delivery services for medical marijuana.

3. Any individual, enterprise or entity that allows the consumption of marijuana or marijuana infused products on their business premises in violation of law.

C. Third Highest Priority - Tier 3

1. A non-state licensed marijuana establishment that received a business license after January 1, 2013, but is at least 80 percent owned by a non-state licensed marijuana establishment that received a business license before January 1, 2013.

i. The predecessor operations must have been in continuous operation in a standalone retail location since commencing business prior to January 1, 2013 and must submit documentation to the FAS Director establishing 80 percent ownership by the predecessor entity of the establishment opened after January 1, 2013.

ii. The FAS Director shall determine the nature and sufficiency of documents submitted by these establishments to meet this requirement.

2. Any individual or entity that is distributing marijuana that has not undergone quality assurance testing, which testing includes a microbial screening, and that does not disclose the percentage of THC, THCD, CBD, and any pesticides used in the production of marijuana it distributes.

3. Any medical marijuana establishment that is distributing marijuana and is located within 500 feet of another state-licensed or non-state-licensed marijuana establishment.

4. Any medical marijuana establishment that is not operating within the parameters of MUCA's provisions governing collective gardens.

Section 4. In order to address community concerns regarding public health and safety, the Mayor intends to submit and the City Council intends to consider legislation that will require non-state licensed marijuana retail establishments to be at least 1000 feet from any private or public elementary or secondary school or playground and an acceptable distance from another state-licensed or non-licensed marijuana retail establishment.

A. All distance measurements shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of those entities listed. If allowed by state and federal law, other methods of distance measurement, such as common path of travel, may be considered by the City Council.

B. A marijuana retail establishment may, at its own cost and expense, submit a certified surveyor report establishing the distance of their location from another entity.

C. The presence of more than two marijuana retail establishments, either licensed by the state or not, will trigger the mutual dispersion requirement. The entity that established its use earlier in time will be allowed to remain in place.

D. If a state-licensed marijuana retail establishment arrives after a non-licensed marijuana establishment, the state-licensed retail establishment will be given preference.

Adopted by the City Council the 13th day of July, 2015, and signed by me in open session in authentication of its adoption this 13th day of July, 2015.

President _____ of the City Council

The Mayor concurred the 17 day of July, 2015.

Edward B. Murray, Mayor

Filed by me this 17th day of July, 2015.

Monica Martinez Simmons, City Clerk

(Seal)

STATE OF WASHINGTON -- KING COUNTY

--ss.

326942

No. 31600,31595,31588

CITY OF SEATTLE,CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY RESOLUTION

was published on

07/31/15

The amount of the fee charged for the foregoing publication is the sum of $69.75 which amount has been paid in full.

JENNIFER A BONNERO
COMMISSION EXPIRES
NOTARY
10-24-19
STATE OF WASHINGTON

Subscribed and sworn to before me on

07/31/2015

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

Title Only Resolutions

The full text of the following legislation, passed by the City Council on July 13, 2015, and published below by title only, will be mailed upon request, or can be accessed at http://clerk.seattle.gov. For information on upcoming meetings of the Seattle City Council, please visit http://www.seattle.gov/council/calendar.

Contact: Office of the City Clerk at (206) 684-8344.

Resolution 31600

A RESOLUTION concerning a voter-proposed Initiative Measure that concerns public participation in government, including publicly-financed election campaigns, regulating campaign donations and regulating lobbying activities; authorizing the City Clerk and the Executive Director of the Ethics and Elections Commission to take those actions necessary to enable the proposed Initiative to appear on the November 3, 2015 ballot and the local voters' pamphlet; requesting the King County Elections' Director to place the proposed City Charter amendment on the November 3, 2015 election ballot; and providing for the publication of such proposed amendment.

Resolution 31595

A RESOLUTION concerning the creation of enforcement priorities for city departments regarding non-state-licensed marijuana establishments.

Resolution 31588

A RESOLUTION supporting Executive Order 2015-02: Workforce Equity Initiative, which addresses gender and race/ethnic wage equity for City employees; and requesting the development of metrics and reporting processes to track the achievement of objectives listed in the Executive Order.

Date of publication in the Seattle Daily Journal of Commerce, July 31, 2015.

7/31(326942)