AN ORDINANCE of the City Council of the City of Kent, Washington, amending Section 9.02.150, entitled “Criminal Code,” adopting new RCW’s relating to marijuana.

RECITALS

A. On November 6, 2012, Washington voters passed Initiative 502. I-502 decriminalized the possession of one ounce or less of marijuana, decriminalized certain laws relating to the use of drug paraphernalia and made it an infraction to use marijuana in a public place.

B. This amendment updates the City’s criminal code so that it complies with the requirements of I-502.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. Amendment. Section 9.02.150 is amended to read as follows:

Sec. 9.02.150 RCW Title 69, entitled “Food, Drugs, Cosmetics, and Poisons” – Adoption by reference. The following RCW

1 Amend KCC 9.02.150 Ordinance
sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW

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<th>Section</th>
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<td>69.41.010</td>
<td>Definitions.</td>
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<td>69.41.030</td>
<td>Sale, delivery, or possession of legend drug without prescription or order prohibited – Exceptions – Penalty.</td>
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<td>69.41.050</td>
<td>Labeling requirements.</td>
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<td>69.41.060</td>
<td>Search and seizure.</td>
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<td>69.41.072</td>
<td>Violations of Chapter 69.50 RCW not to be charged under Chapter 69.41 RCW – Exception.</td>
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<td>69.41.320</td>
<td>Practitioners – Restricted use – Medical records.</td>
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<td>69.41.350</td>
<td>Penalties.</td>
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<td>69.43.020</td>
<td>Receipt of substance from source outside state – Report – Penalty.</td>
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<td>69.43.030</td>
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<td>69.43.035</td>
<td>Suspicious transactions – Report – Penalty.</td>
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<td>69.43.040</td>
<td>Reporting form.</td>
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<td>69.43.043</td>
<td>Recordkeeping requirements – Penalty.</td>
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<td>69.43.048</td>
<td>Reporting and recordkeeping requirements – Submission of computer readable data, copies of federal reports.</td>
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<td>69.43.090</td>
<td>Permit to sell, transfer, furnish, or receive substance – Exemptions – Application for permit – Fee – Renewal – Penalty.</td>
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Amend KCC 9.02.150 Ordinance
69.43.110 Ephedrine, pseudoephedrine, phenylpropanolamine – Sales restrictions – Penalty.

69.43.120 Ephedrine, pseudoephedrine, phenylpropanolamine – Possession of more than fifteen grams – Penalty – Exceptions.

69.43.130 Exemptions – Pediatric products – Products exempted by the state board of pharmacy.

69.50.101 Definitions.

69.50.102 Drug paraphernalia – Definitions.

69.50.202 Nomenclature.

69.50.204 Schedule I.

69.50.206 Schedule II.

69.50.208 Schedule III.

69.50.210 Schedule IV.

69.50.212 Schedule V.

69.50.401 Prohibited acts: A – Penalties.

69.50.4013 Possession of controlled substance – Penalty.

69.50.4014 Possession of forty grams or less of marihuana – Penalty.

69.50.404 Penalties under other laws.

69.50.407 Conspiracy.

69.50.408 Second or subsequent offenses.

69.50.412 Prohibited acts: E – Penalties.

69.50.4121 Drug paraphernalia – Selling or giving – Penalty.

69.50.425 Misdemeanor violations – Minimum imprisonment.

69.50, I-502, Section 21
SECTION 2. – Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state or federal laws, codes, rules, or regulations.

SECTION 3. – Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, that decision shall not affect the validity of the remaining portion of this ordinance and that remaining portion shall maintain its full force and effect.

SECTION 4. – Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage and publication, as provided by law.

Suzette Cooke, Mayor

ATTEST:

Ronald Moore, MMC

Ronald Moore, City Clerk

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

Amend KCC 9.02.150
Ordinance
I hereby certify that this is a true copy of Ordinance No. 4068 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

RONALD MOORE, CITY CLERK