

E3SSB 5887 - H AMD **964**

By Representative Sawyer

1 On page 49, after line 9, insert the following:

2

3 "Sec. 38. RCW 69.50.608 and 1989 c 271 s 601 are each amended to
4 read as follows:

5 (1) The state of Washington fully occupies and preempts the entire
6 field of the regulation of controlled substances under this chapter
7 and setting penalties for violations of the controlled substances act.
8 This preemption also includes, but is not limited to, statutory
9 provisions pertaining to licensing, marketing, taxation, production,
10 processing, and retail sale of marijuana.

11 (2) Cities, towns, and counties or other municipalities may enact
12 only those laws and ordinances relating to controlled substances that
13 are consistent with this chapter. Such local ordinances shall have
14 the same penalties, rules, and requirements as provided for by state
15 law. Local laws and ordinances that are inconsistent with the
16 requirements of state law, or that in any way have the effect of
17 interfering with the development, implementation, or maintenance of a
18 state regulated market regarding the production, processing,
19 possession, or use of legal marijuana, shall not be enacted and are
20 preempted and (~~repealed~~) unenforceable, regardless of the nature of
21 the code, charter, or home rule status of the city, town, county, or
22 municipality."

23

24 Renumber the remaining sections, correct any internal references
25 accordingly, and correct the title.

26

EFFECT: Expands the state preemption statute in the
Controlled Substances Act in scope through the addition of

amendatory language explicitly establishing the general principle that state law preempts all local governmental regulations and ordinances pertaining to the regulation of controlled substances under the Act. Establishes that the state preemption principle includes state statutory provisions pertaining to licensing, marketing, taxation, production, processing, and retail sale of marijuana.

Invalidates any local law or ordinance that in any way has the effect of interfering with the development, implementation, or maintenance of a state regulated market regarding the production, processing, possession, or use of legal marijuana.

--- END ---