

2SHB 2136 - H AMD 341

By Representative Sawyer

ADOPTED 04/10/2015

1 On page 43, after line 34, insert the following:

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3

"PART XII

4

Preemption and Public Vote

5

6 NEW SECTION. **Sec. 1201.** A new section is added to chapter
7 69.50 RCW to read as follows:

8 (1) Except as provided in subsections (2) through (6) of this
9 section, no city, town, or county may enact or enforce a moratorium
10 or prohibition on the production, processing, researching, or retail
11 sale of marijuana under this chapter.

12 (2)(a) Any registered voter of a city, town, or county may
13 submit a petition calling for the city, town, or county to prohibit
14 the siting or operation of any business or facility to be used for
15 the production, processing, researching, or retail sale of marijuana
16 under this chapter. The petition must be signed by thirty percent or
17 more of the voters of the jurisdiction and must be filed with the
18 legislative authority of the applicable city, town, or county. With
19 respect to petitions to be filed with a county under this
20 subsection, only registered voters in the unincorporated area of the
21 county may initiate and sign the petition.

22 (b) If the legislative authority determines the petition to be
23 sufficient, it must, within sixty days of determining the petition
24 to be sufficient, hold a public hearing on the petition and an
25 implementing ordinance. Following the public hearing, the
26 legislative authority of the city, town, or county must submit the
27 question of prohibiting siting or operation of any business or

1 facility to be used for the production, processing, researching, or
2 retail sale of marijuana products under this chapter to the voters
3 of the jurisdiction at a general election.

4 (c) If a majority of the voters of the city, town, or county
5 voting in the election approve the prohibition, the prohibition will
6 take effect on the date specified in the petition. If no effective
7 date is specified in the petition, the prohibition takes effect
8 sixty days after the election.

9 (3) As an alternative to the petition process established in
10 subsection (1) of this section, the legislative authority of any
11 city, town, or county may initiate an ordinance provided for in
12 subsection (1) of this section by submitting a ballot proposition at
13 a general election prohibiting the siting or operation of any
14 business or facility to be used for the production, processing,
15 researching, or retail sale of marijuana under this chapter. If a
16 majority of the voters of the county, city, or town voting in the
17 election approve the prohibition, the prohibition takes effect on
18 the date specified in the ballot proposition. If no effective date
19 is specified in the ballot proposition, the prohibition takes effect
20 sixty days after the election.

21 (4) With respect to a county enacting an ordinance under this
22 section, the ordinance may only apply to unincorporated areas of the
23 county. No voters within the boundaries of an incorporated city or
24 town may participate in a county election under this section.

25 (5) Following the passage of an ordinance under subsections (1)
26 and (2) of this section, the state liquor control board may not
27 issue or renew any license under RCW 69.50.325 or section 1001 of
28 this act for the production, processing, researching, or retail sale
29 of marijuana with respect to businesses that are either located or
30 proposed to be located within an area subject to the ordinance.

31 (6) The legislative authority of a city, town, or county may, by
32 ordinance, repeal a prohibition enacted under this section not less
33 than two years after the prohibition's effective date. After a
34 repeal under this subsection, the state liquor control board may

1 issue and renew licenses under RCW 69.50.325 or section 1001 of this
2 act within the area that had been subject to a prohibition.

3 (7) Nothing in this section may be construed to extend powers to
4 cities, towns, or counties beyond the power to prohibit the siting
5 or operation of any business or facility to be used for the
6 production, processing, researching, or retail sale of marijuana.

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8 NEW SECTION. **Sec. 1202.** A new section is added to chapter
9 36.01 RCW to read as follows:

10 Notwithstanding any other provision of law, counties also have
11 the authority granted in section 1201 of this act to prohibit by
12 ordinance the siting or operation of any business or facility to be
13 used for the production, processing, researching, or retail sale of
14 marijuana under chapter 69.50 RCW.

15

16 NEW SECTION. **Sec. 1203.** A new section is added to chapter
17 35.21 RCW to read as follows:

18 Notwithstanding any other provision of law, cities and towns
19 also have the authority granted in section 1201 of this act to
20 prohibit by ordinance the siting or operation of any business or
21 facility to be used for the production, processing, researching, or
22 retail sale of marijuana under chapter 69.50 RCW.

23

24 NEW SECTION. **Sec. 1204.** A new section is added to chapter
25 35A.21 RCW to read as follows:

26 Notwithstanding any other provision of law, code cities also
27 have the authority granted in section 1201 of this act to prohibit
28 by ordinance the siting or operation of any business or facility to
29 be used for the production, processing, researching, or retail sale
30 of marijuana under chapter 69.50 RCW."

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32 Renumber the remaining sections and parts consecutively and
33 correct any internal references accordingly.

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1 Correct the title.

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EFFECT:

- (1) Establishes that no local jurisdiction may enact or enforce a prohibition on the production, processing, researching, or retail sale of marijuana under the Controlled Substances Act.
- (2) Establishes a process by which a city, town, or county can prohibit marijuana businesses by public vote. Requires the prohibition to be put to a vote at a general election upon submission of a petition signed by 30% of the registered voters in the jurisdiction or a proposition submitted by the jurisdiction's legislative authority.
- (3) Permits the legislative authority of a city, county, or town to repeal a prohibition no less than two years after the effective date of the prohibition.

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