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Drafted by:	**M. Bailey**
Sponsors:	**Dunn**
Attachments:	**None**

..Title

AN ORDINANCE relating to the use of controlled

substances in public places; adding a new chapter to K.C.C.

Title 12, prescribing penalties, and establishing a

contingent expiration date.

..Body

STATEMENT OF FACTS:

1. In 2021, the Washington state Supreme Court ruled in *Washington v.*

Blake that the state law that made possession of a controlled substance a

felony was unconstitutional.

2. During the 2022 Legislative Session, the Washington state Legislature

passed Engrossed Senate Bill 5476, which temporarily made possession of

a controlled substance a misdemeanor.

3. The existing possession law expires on July 1, 2023, at which point

there will be no statewide law concerning drug use or possession.

4. During the 2023 Legislative Session, the Legislature did not act to pass

a cohesive criminal code for use and possession of controlled substances

after the *Washington v. Blake* decision.

5. County and municipal governments have the authority to regulate drug use and possession in their respective jurisdictions.

6. Use of controlled substances can permanently alter a person's brain chemistry and have lifelong damaging effects on their health.

7. Almost two thousand five hundred people died of an overdose in Washington state in 2022, representing the fifth-highest annual increase in the United States.

8. According to public health - Seattle & King County, six hundred ninety overdose deaths from fentanyl occurred in King County in 2022, and one hundred sixty-seven people have already died from an overdose in King County in 2023.

9. From 2019 to 2022, the number of overdose deaths in King County has increased by one hundred thirty-seven percent, including an increase of twenty percent between 2019 and 2020 and an increase of thirty-nine percent between 2020 and 2021.

10. King County has taken steps to address substance use disorder through various diversion and alternative response programs including Law Enforcement Assisted Diversion, King County Adult Diversion Drug Court, Therapeutic Alternative Diversion, and other programs that connect individuals with substance use disorders to health services.

11. Prohibiting public use of controlled substances is beneficial for general public health and safety and will help combat the opioid epidemic.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Sections 2 through 4 of this ordinance should constitute a new chapter in K.C.C. Title 12.

NEW SECTION. SECTION 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I, II, III, IV, and V, as set forth in RCW 69.50.204, RCW 69.50.206, RCW 69.50.208, RCW 69.50.210, and RCW 69.50.212, but does not include hemp or industrial hemp as defined in RCW 15.140.020.

B. "Public place" means an area generally visible to public view, and includes a street, sidewalk, bridge, alley, plaza, park, driveway, parking lot, automobiles whether moving or not, and a building open to the public, as well as a doorway, window, drive-up window, and entrance to a building or dwelling, that is visible to public view.

C. "Use" means any effort taken in furtherance of an attempt to inject, ingest, inhale, or otherwise introduce a controlled substance into the human body.

NEW SECTION. SECTION 3. It is unlawful for any person to knowingly use a controlled substance in a public place unless the controlled substance has been lawfully prescribed to the person using it. A violation of this section shall constitute a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a term not to exceed ninety days.

NEW SECTION. SECTION 4. This chapter expires when a state bill takes effect that makes it unlawful for any person to knowingly use a controlled substance in a public place unless the controlled substance has been lawfully prescribed to the person using it.