
AGENDA ITEM #4 – MEDICAL CANNABIS REGULATIONS

AN ORDINANCE relating to medical cannabis or medical cannabis products, and the regulation thereof within the City of Seattle.

DISCUSSION AND POSSIBLE VOTE

Presenters: Darby DuComb, Office of the Seattle City Attorney
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LEGISLATION SUMMARY:

This legislation establishes a regulatory framework for medical cannabis and medical cannabis products within the City of Seattle.

This Council Bill, instead of creating any special designation or regulation for medical cannabis, states the City’s expectation that any current and future medical cannabis-related entities will comply with all established City rules and regulations, including:

1. Business Licensing,
2. Land Use Regulations,
3. Environmental Protection, Historic Preservation and Noise Regulations,
4. Building and Technical Codes,
5. Americans with Disabilities Act Regulations,
6. Food-Service and Smoking Regulations,
7. Chronic Public Nuisance Regulations,
8. Street and Sidewalk Use, and,
9. Prohibitions on Open Public Use.

This Bill does not make any policy statement on the legality of medical cannabis dispensaries or the use of medical cannabis.

BACKGROUND:

The legislation reflects (i) the continuing Federal prohibition on production, processing, dispensing and possession of cannabis, and (ii) the expanded provisions for the use of medical cannabis under Washington State Law. The legislation recognizes the conflicting Federal and State guidance on medical cannabis and takes a “middle road” approach to this regulatory conflict.

Key background items include:

- In 1998 the State of Washington approved the medical use of cannabis by patients with certain medical conditions.
- The City of Seattle and Seattle voters, who enacted Initiative 75 on September 16, 2003, have made the investigation and prosecution of cannabis violations a low priority for city law enforcement.
- State law permits patients to grow medical cannabis for their own use or to designate a provider to grow medical cannabis for them.

- In 2011 the Washington State Legislature passed ESSSB5073 which:
 - (a) permits cities to regulate and license the production, processing, or dispensing of cannabis or cannabis products within their jurisdiction, and,
 - (b) permits collective gardens by qualified patients and/or their designated providers.

- Collective Gardens are limited to:
 - No more than 10 patients.
 - No more than 15 plants per patient to a maximum of 45 plants.
 - No more than 24 ounces per patient to a maximum of 72 ounces.
 - Qualifying Patient documentation must be on the premises.
 - No delivery to non-participating patients.
 - Qualifying patients share in responsibility.

- In 2011 Governor Christine Gregoire signed into law some portions of ESSSB5073, as described above, to take effect on July 22, 2011.

- If passed by Council and signed by the Mayor, this legislation will take effect shortly after new state regulation takes effect, and will provide guidance to entities involved in medical cannabis on regulatory, tax and other City compliance issues.

- Council staff are working with the Department of Planning and Development, and other interested parties, in developing related land use regulations, to be considered at a later date by the Council's Committee on the Built Environment.