

CITY OF SEATTLE CANNABIS LEGISLATION

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City of Seattle
Mayor Edward B. Murray

- **Medical Use of Marijuana Initiative 692 (1998)**
 - Did not "legalize" - created an "affirmative defense"
- **Seattle Initiative 75 (2003)**
 - Requires that : "the Seattle Police Department and City Attorney's Office shall make the investigation, arrest and prosecution of marijuana offenses, when the marijuana was intended for adult personal use, the city's lowest law enforcement priority."
- **WA Senate Bill 5073 (2011)**
 - Legalized authorization, use and possession by patients and providers who voluntarily registered with a database maintained by Department of Health.
 - Provisions for collective gardens, licensed growers, licensed processors, and licensed dispensaries.
 - Governor Gregoire section-item vetoed vast majority of this act effectively leaving only an affirmative defense and "collective garden" for patients in place.

CANNABIS REGULATION IN WA PRIOR TO FULL LEGALIZATION



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- **Initiative 502 (2012)**
 - Three-tiered system: producers, processors, & retailers
 - 25% excise tax at each transaction between tiers
 - 1000 foot buffer zones around schools, daycares, parks, playgrounds, recreational centers, arcades, public transit centers.
 - Restrictions on advertising and signage
 - Testing and labeling requirements
- **WA Senate Bill 5052 and House Bill 2136 (2015)**
 - Merged medical and recreational MJ
 - Eliminated collective gardens (as of 7/1/16)
 - Allows for registered patient cooperative grows
 - Created authorization database and arrest protection and higher level of possession for those registered
 - Collapsed tier excise tax into end-user 37% tax
 - Gave local authorities ability to reduce buffer zones as low as 100 feet

RECREATIONAL AND MEDICAL LEGALIZATION



- **502**
 - Maximum of 21 retail locations, many still not open
 - Some producer/processors in operation, many in licensing process
- **Non-502 – (Approximate)**
 - 118 storefronts (August 2015)
 - Increase from 45 storefronts in December 2012.
 - Dozens of delivery services
 - Both stores and delivery services advertising in weekly papers and online

STATE OF THE SEATTLE MARKET 2014 - 2015



ENFORCEMENT RESOLUTION

► Tier 1:

- Distributing or delivering marijuana or marijuana infused products directly to anyone under 21 years old or people other than qualifying patients.
- Under law enforcement investigation for criminal violations or public safety concerns.
- Manufacture or distribute products that mimic trademark protected products or are otherwise appealing to children.
- Operating without a business license or with a business license obtained after January 1, 2013.

► Tier 2:

- Violation of City building, fire, or other codes.
- Engaged in delivery services of marijuana for medical purposes.
- Allow consumption of marijuana or marijuana infused products on their premises.

► Tier 3:

- Distributing marijuana that has not undergone microbial and potency testing.
- Located within 500 feet of another licensed or unlicensed marijuana establishment or are within 1000 feet of a school or playground.

ENFORCEMENT PREFERENCE

- City agencies will favor civil remedies to address compliance.
- Criminal sanctions may be imposed if civil remedies fail to gain compliance.



- Limited to only those businesses that have received a license to produce, process or distribute marijuana by the WA State Liquor and Cannabis Board (LCB).
 - LCB rules for marijuana businesses would be incorporated in a way to allow the City of Seattle to enforce.
- Non-state-licensed marijuana establishments in compliance with MUCA and enforcement guidelines allowed continue to operate without a regulatory license until July 2016.
 - *Exemption only extended to those that opened before 1/1/13.*

REGULATORY BUSINESS LICENSE



- Upon passage of legislation FAS, wrote and/or visited 69 storefront dispensaries requesting them to close in 30 days.
- Prior to that deadline, FAS Inspectors visited 8 dispensaries and were able to purchase medical marijuana without a medical authorization at 3 locations.
 - After the closure deadline, FAS obtained search warrants and seized marijuana products from 3 locations.
 - FAS led seizures with support of two uniformed SPD officers. Neither owners nor employees were arrested or detained. Owners faced misdemeanor charges, reached settlement with CAO by agreeing to end their businesses and allow SPD to destroy seized product.
- By of July 2016:
 - All Non-WSLCB licensed storefront businesses had closed without a single arrest or criminal charge being filed.

IMPLEMENTATION AND ENFORCEMENT



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CURRENT STATE OF THE SEATTLE MARKET

- Combined Medical & Recreational Market
 - 42 (of 48) retail locations now open
 - 6 retail locations pending
 - 79 producer/processors
 - 37 pending producer/processors
 - 80 non-Seattle businesses who sell product in the City
- Illicit Market
 - 118 storefronts (August 2015)
 - All storefronts were closed or converted to state licensed location by early July 2016.
 - 14 (down from 38 in early 2016) delivery services advertising online
 - 8 delivery services – misdemeanor charges filed – City Attorney seeking settlements
 - Weekly papers and Leafly have banned advertising. Craigslist listings have shrunk.



- Existing State buffer is 1000 feet from sensitive uses.
- HB 2136 allowed local jurisdictions to lower buffer to 100'.
 - Except 1000 feet from schools and playgrounds must be maintained.
- City Ordinance:
 - Lowered buffer to 500 feet in most cases.
 - Lower buffer to 250 in select downtown zones

LAND USE LEGISLATION - BUFFERS



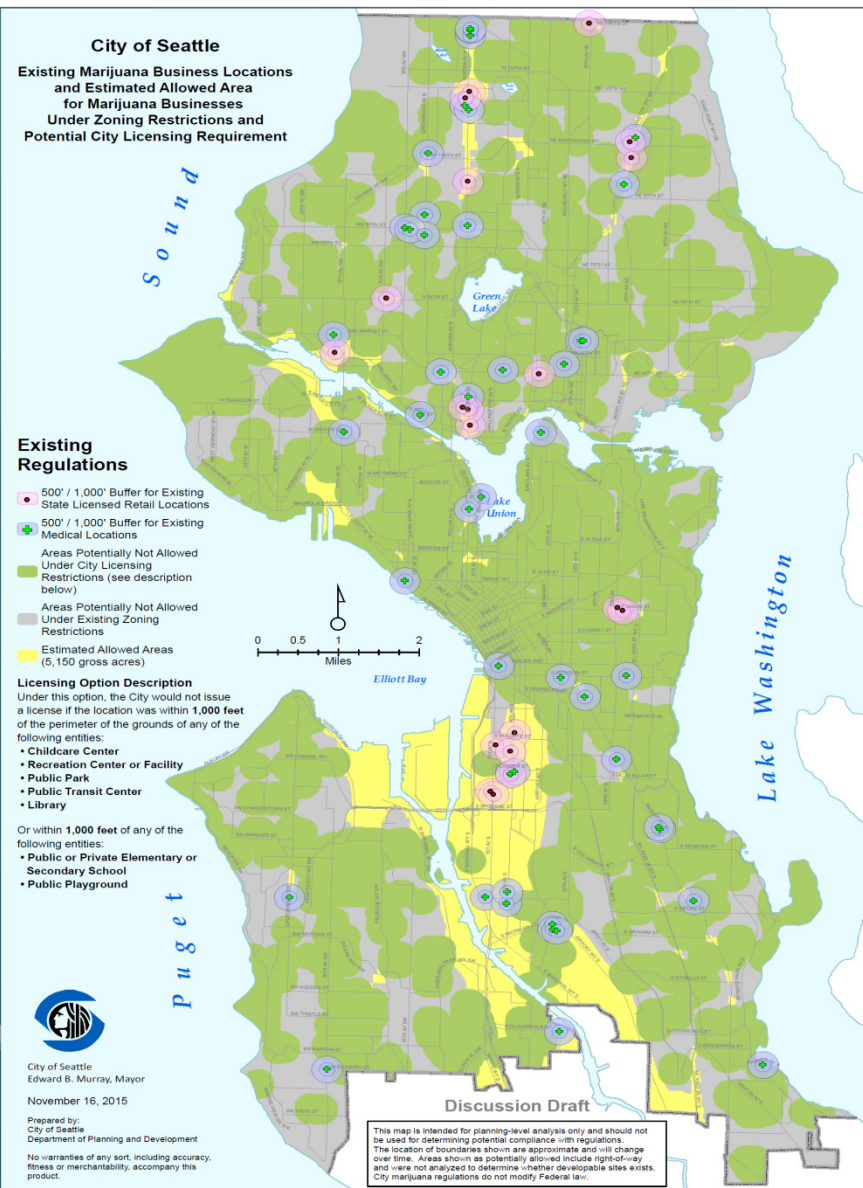
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- No Change: Schools and Playgrounds (1000')
- General reduction from 1000' to 500'
 - Child care centers
 - Game arcades
 - Libraries
 - Public Parks
 - Transit Centers
 - Recreation centers or facilities

SENSITIVE USES

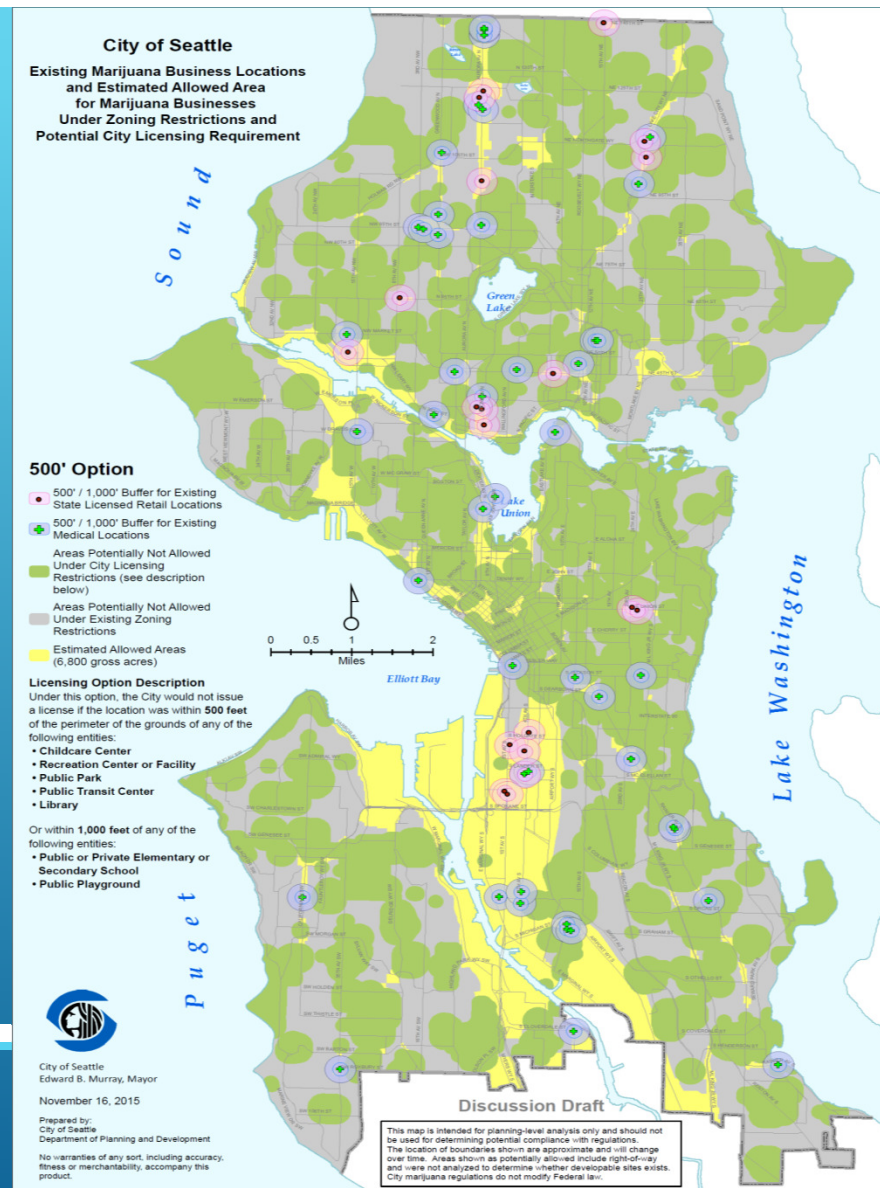


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← 1000'
Buffer 5,150
gross acres of
estimated
allowed areas

500' Buffer →
6,800 gross
acres of
estimated
allowed areas



RETAIL STORES: DISPERSION

- Two stores can be within 1000' of each other. A third store must be 1000 feet from both of the first two stores.
- Date to check for dispersion and for Land Use Code buffering is date LCB notifies City of application (Local Authority Notice date).
- Stores licensed/permitted by State/City may be “grandfathered” to Land Use Code.
- Measurements are property line to property line.



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- For the past three state legislative sessions, the City of Seattle developed and advocated for bills that would:
 - Reform Marijuana-Related Penalties
 - Reduce adult possession of marijuana that exceeded 1 ounce and was less than 2 ounces from a felony to misdemeanor
 - Mandatory vacation of criminal record for adults convicted for possession of 1 ounce of marijuana prior to legalization
 - Legalize non-commercial transfers of up to .5 ounce in a 24 hour period
 - Succeeded in incorporating this aspect in ESSB 5131, signed by Governor in May 2017
 - Marijuana Delivery
 - Proposal to create a licensed and regulated marijuana delivery service in the City of Seattle
 - Marijuana Clubs
 - Allowance for local jurisdictions to create and regulated “marijuana clubs” that would allow individuals to consume marijuana on the premises.

STATE LEGISLATIVE ADVOCACY



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ESSB 5131

- ▶ Allows licensed producers to sell plants, clones and seeds to be sold to MMJ patients and cooperatives
- ▶ Increases number of retail licenses to be held by single person/entity from 3 to 5
- ▶ Licensees must become fully operational within 9 months or risk losing license
- ▶ Increased restrictions on advertising, provision for local governments to further restrict advertising.
- ▶ Authorized non-commercial sharing of marijuana and concentrates
- ▶ Creation of voluntary state organic standard
- ▶ Study for legalization of recreational home grow

2017 LEGISLATIVE SESSION



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QUESTIONS?

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