

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to controlled substances; adding the crime of use of a controlled substance in a public place; adding a new Section 12A.20.120 to the Seattle Municipal Code; and amending Section 12A.09.020 of the Seattle Municipal Code.

..body

WHEREAS, there were 589 overdose deaths in Seattle in 2022, with the majority attributed to

fentanyl and methamphetamines, compared to 342 in 2021, an increase of 72 percent; and

WHEREAS, on April 17, 2023, Mayor Bruce Harrell issued his Downtown Activation Plan and

Executive Order 2023-04: Addressing the Opioid and Synthetic Drug Crisis in Seattle,

identifying the need to address the spike in overdose deaths and improve Downtown

public safety; and

WHEREAS, public drug use negatively impacts the public’s sense of safety and harms and

threatens neighborhoods across Seattle; and

WHEREAS, public drug use is associated with drug trafficking, gun violence, and property

crimes, which the City is trying to address; and

WHEREAS, the State Legislature failed to pass a bill in the 2023 legislative session to address

the possession of controlled substances, which results in the legalization of the possession

of controlled substances in July 2023 unless the City takes action; and

WHEREAS, prohibiting public drug use is beneficial for public health and safety and will help

combat the current drug epidemic; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.09.020 of the Seattle Municipal Code, last amended by Ordinance 126691, is amended as follows:

1 **12A.09.020 Adoption of RCW sections**

2 The following RCW sections as amended are adopted by reference:

3 * * *

4 43.43.754's crime of refusal to provide DNA

5 69.50.101 – Definitions (except that cannabis is not included in the definition of
6 “controlled substance”)

7 69.50.204 – Schedule I (except that cannabis is not included)

8 69.50.206 – Schedule II

9 69.50.208 – Schedule III

10 69.50.210 – Schedule IV

11 69.50.212 – Schedule V

12 * * *

13 Section 2. A new Section 12A.20.120 is added to the Seattle Municipal Code as follows:

14 **12A.20.120 Use of a controlled substance in a public place**

15 A. It is unlawful for any person to knowingly use a controlled substance in a public place
16 unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a
17 practitioner while acting in the course of his or her professional practice, or except as otherwise
18 authorized by chapter 69.50 RCW.

19 B. Use of a controlled substance in a public place is a misdemeanor.

20 C. For purposes of this Section 12A.20.120, “use” means any effort taken in furtherance
21 of an attempt to inject, ingest, inhale, or otherwise introduce a controlled substance into the
22 human body.

1 D. For purposes of this Section 12A.20.120, “controlled substance” has the same
2 meaning as in RCW 69.50.101, except that cannabis is not included as a controlled substance.

3 E. For purposes of this Section 12A.20.120, “public place” means and includes any street
4 or alley in the City, or state or county highway or road; any building or grounds used for school
5 purposes; any public dance hall or grounds adjacent thereto; any part of an establishment where
6 beer may be sold under Title 66 RCW, soft-drink establishment, public building, public meeting
7 hall, lobby, hall, or dining room of any hotel, restaurant, theater, store, garage, or filling station
8 which is open to and is generally used by the public and to which the public is permitted to have
9 unrestricted access; any railroad train, stage, or other public conveyance of any kind or character,
10 and any depot or waiting room used in conjunction therewith that is open to unrestricted use and
11 access by the public; any publicly owned bathing beach, park, or playground; and any other
12 place of like or similar nature to which the general public has unrestricted right of access, and
13 that is generally used by the public.

