

## 5476.E AMH APP JONC 247

By Representative Stokesbary

**ESB 5476** - H COMM AMD TO APP COMM AND (H-1608.1/21)

By Committee on Appropriations

1 On page 52, after line 17 of the striking amendment, insert the  
2 following:

3 "Sec. 26. RCW 69.50.608 and 1989 c 271 s 601 are each amended to  
4 read as follows:

5 ~~((The state of Washington fully occupies and preempts the entire  
6 field of setting penalties for violations of the controlled  
7 substances act. Cities))~~ (1) Except as provided in subsection (2) of  
8 this section, cities, towns, and counties or other municipalities  
9 may enact only those laws and ordinances relating to controlled  
10 substances that are consistent with this chapter. Such local  
11 ordinances shall have the same penalties as provided for by state  
12 law. ((Local)) Except as provided in subsection (2) of this section,  
13 local laws and ordinances that are inconsistent with the  
14 requirements of state law shall not be enacted and are preempted and  
15 repealed, regardless of the nature of the code, charter, or home  
16 rule status of the city, town, county, or municipality.

17 (2) Cities, towns, counties, and other municipalities may enact  
18 laws and ordinances relating to possession of controlled substances  
19 and counterfeit substances."

20

21 Renumber the remaining sections consecutively and correct any  
22 internal references accordingly.

EFFECT: Adds a provision that creates an exception to the  
preemption clause in the Uniform Controlled Substances Act to allow  
local jurisdictions to enact laws and ordinances relating to  
possession of controlled substances and counterfeit substances.

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