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Drug Use and Possession Ordinances

This page provides examples of city and county ordinances prohibiting drug possession and public drug use in Washington State, in response to *State v. Blake* (2021) and the 2023 failure of a bill that would have created a long-term statewide approach.

We will be updating this page with other information and examples as needed.

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Overview

One of the surprises of the 2023 legislative session was that the legislature did not adopt a long-term replacement for the current laws prohibiting public drug use and possession that are currently set to expire on July 1, 2023. The current state laws were adopted as a temporary measure response to the *State v. Blake* case, which is summarized in a [March 2021 MRSC blog article](#). The expectation was that long-term legislation would be adopted in the 2023 regular session, but the bill was voted down in the closing hours of the session.

On May 2, 2023, [Governor Inslee announced](#) that he will call a special session of the legislature to address this issue to start on May 16. In the meantime, many Washington cities and counties have adopted or are

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considering local ordinances to address prohibition of drug use and possession in the event the special session does not result in legislation that takes effect on July 1, 2023.

Examples of City and County Ordinances

Some cities and counties adopted ordinances prior to the end of the legislative session due to concerns about the effectiveness of the state legislation enacted in response to the *Blake* case. At least some of those local governments have indicated they will rely on those ordinances after July 1, 2023 if state legislation is not adopted. Other cities and counties are adopting ordinances now to ensure that there are local regulations in effect on July 1, 2023 if necessary.

MRSC is providing representative examples of such ordinances on this page for informational purposes but does not endorse or make any representations about the legality of any ordinance. Regulation of drug use and possession raises complex policy and legal issues which must be decided at the local level.

Cities

- [Bellingham Ordinance No. 2023-04-009](#) (April 10, 2023) – Makes it a misdemeanor to knowingly use a controlled substance in public places without a prescription; section sunsets in two years. “Public place” is defined in [BMC Sec. 10.08.010](#). Law enforcement/prosecutor are encouraged to divert cases to substance abuse treatment services.
- [Kent Ordinance 4461](#) (May 2, 2023) – Repeals and reenacts chapter on drug and alcohol possession. Use or possession of controlled substances in public is gross misdemeanor; possession of drug paraphernalia is misdemeanor. Creates alternative deferred prosecution program to provide additional treatment options.
- [Lakewood Ordinance No. 782](#) (March 20, 2023) – Adds section to the municipal code making it unlawful to intentionally use any dangerous drug in a public place or to knowingly dump, throw, deposit, or discharge onto the ground or into any body of water any dangerous drug or drug paraphernalia.
- [Lynnwood Municipal Code Ch. 10.42](#) (February 13, 2023) – *Use of Drugs in Public*. Makes it a misdemeanor for any person to intentionally use a controlled substance in a public place unless it has been lawfully prescribed.
- [Richland Municipal Code Chapter 9.09](#) (January 17, 2023) – Makes it a misdemeanor to use a dangerous drug in a public place.
- [Sumner Municipal Code Sec. 9.16.045](#) (2021) – Possession or use of dangerous drugs is prohibited; violation is a gross misdemeanor.

Counties

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- [Chelan County Code Chapter 7.34](#) (2021) – *Controlled Substances*. Knowing possession of controlled substances is a misdemeanor.
- [Grant County Ordinance No. 21-020-CC](#) (2021) – Makes it a gross misdemeanor to knowingly possess a controlled substance, with exception of legal marijuana possession and valid prescriptions.
- [Snohomish County Draft Ordinance No. 23-XXX](#) (2023; not yet adopted) – Makes the possession or public use of controlled or counterfeit substances or legend drugs illegal. Note: this is a draft ordinance. We will update with final ordinance when/if passed by the Snohomish County Council.

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Sample Documents

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