

**CITY OF LIBERTY LAKE  
SPOKANE COUNTY, WASHINGTON  
ORDINANCE NO. 214**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON,  
PROHIBITING MINORS IN CONSUMPTION OF MARIJUANA AND  
ESTABLISHING ENFORCEMENT AND PENALTIES THEREOF.**

WHEREAS, Article 11, §11 of the Washington State Constitution allows local governments to make and enforce within their local laws and regulations not in conflict with the general laws; and

WHEREAS, in November 2012 the voters of the State of Washington approved Initiative 502, providing a framework whereby individuals and business entities may be granted a state license authorizing them to produce, process, or sell marijuana and marijuana-infused products for recreational use; and

WHEREAS, pursuant to Initiative 502, the Washington State Liquor Control Board (“WSLQB”) is responsible for regulating and governing the licensing and operation of recreational marijuana or marijuana-infused products; and

WHEREAS, Initiative 502 and the WSLQB have not established regulations for handling the use of marijuana or marijuana-infused products by minors; and

WHEREAS, it is unlawful for any person under the age of twenty-one (21) years of age to possess, consume, or otherwise acquire any marijuana; and

WHEREAS, it is unlawful for any person under the age of twenty-one (21) years of age to be in a public place, or to be in a motor vehicle in a public place, while exhibiting the effects of having consumed marijuana or marijuana-infused products; and

WHEREAS, the City of Liberty Lake does not have any regulations addressing minors in consumption of marijuana or marijuana-infused products.

NOW THEREFORE the City Council of the City of Liberty Lake does ordain as follows:

**Section 1. Minor in Consumption of Marijuana or Marijuana-Infused Products Prohibited.**

- A. No person under the age of twenty-one ("minor") shall possess, consume, or otherwise acquire marijuana or marijuana-infused products. For purposes of this subsection, marijuana or marijuana-infused products includes, but is not limited to, any cannabis infused product, food, or drink. It shall also include any hashish, hashish oil, or any other byproduct with the active ingredient of THC.
- B. No minor shall be in a public place, or be in a motor vehicle in a public place, while exhibiting the effects of having consumed marijuana or marijuana-infused products. For purposes of this subsection, “exhibiting the effects” of having consumed marijuana or marijuana-infused products means that a person has the odor of marijuana on his or her breath and either 1) is in possession of or close proximity to marijuana or

marijuana-infused products, or 2) by speech, manner, appearance, behavior, lack of coordination, or otherwise, exhibits that he or she has consumed marijuana or marijuana-infused products.

- C. This Section shall not apply to marijuana given for medical purposes to a minor by a parent, guardian, physician, or dentist.

**Section 2. Enforcement and Penalties.**

- A. This Ordinance shall be enforced by the Liberty Lake Police Department or its designee(s) who shall be the "enforcement officer" as that term is used in Chapter 7.80 RCW.
- B. Violation of any provision of this Ordinance by a minor is a class 3 civil infraction and subject to a monetary penalty of fifty dollars (\$50.00).

**Section 3. State and Federal Law.**

This Ordinance shall be harmonized to avoid any conflict with any other federal or state preempting laws or regulations.

This Ordinance shall be null and void on the day that state or federal legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this Ordinance, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the City of Liberty Lake. The City of Liberty Lake legislative body may determine via resolution whether or not identical or substantially similar statewide legislation has been enacted for the purpose of triggering the provisions of this Section.

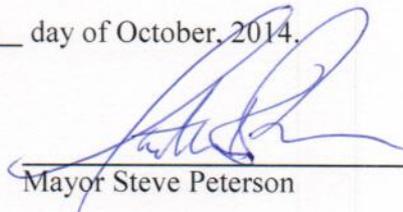
**Section 4. Severability.**

If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 5. Effective Date.**

This Ordinance shall be in full force and effect five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

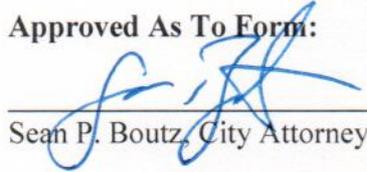
PASSED by the City Council this 7<sup>th</sup> day of October, 2014.

  
\_\_\_\_\_  
Mayor Steve Peterson

**ATTEST:**

  
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Ann Swenson, City Clerk

**Approved As To Form:**

  
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Sean P. Boutz, City Attorney

Date of Publication: 10.16.2014

Effective Date: 10.21.2014

## CERTIFICATION

I, the undersigned City Clerk of the City of Liberty Lake, of Spokane County, Washington, HEREBY CERTIFY that the foregoing Ordinance is a full, true, and correct copy of Ordinance No. 214 duly adopted at a regular meeting of the City Council of said City, duly and regularly held at the regular meeting place thereof on October 7, 2014 of which meeting all members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said Ordinance was adopted by the following vote: 4-0, unanimous.

AYES, and in favor thereof: Mayor Pro Tem Kaminskas, Council Members Dunne, Kopelson, and Moore.

NAYS: None.

ABSENT: Council Members Langford, Brickner, and Severs.

ABSTAINED: None.

CITY OF LIBERTY LAKE



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CITY CLERK