Legislation Details (With Text)

File #:	CB 119636	**Version:** 1	**Name:**	CB 119636	
Type:	Ordinance (Ord)		**Status:**	Passed	
			In control:	City Clerk	
On agenda:	9/23/2019				
Final Action:	10/4/2019		**Ord. No.**	Ord 125937	
Title:	AN ORDINANCE relating to the sale and use of tobacco and marijuana products to and by minors; amending Sections 6.240.010 and 6.240.100 of the Seattle Municipal Code; and adding a new Section 12A.20.110 to the Seattle Municipal Code.				
Sponsors:	Bruce Harrell				
Indexes:					
Attachments:	1. Summary and Fiscal Note, 2. Signed Ordinance 125937, 3. Affidavit of Publication				

Date	Ver.	Action By	Action	Result
10/4/2019	1	City Clerk	attested by City Clerk	
10/4/2019	1	Mayor	returned	
10/4/2019	1	Mayor	Signed	
9/27/2019	1	City Clerk	submitted for Mayor's signature	
9/23/2019	1	City Council	passed	Pass
9/17/2019	1	Governance, Equity, and Technology Committee	pass	Pass
9/9/2019	1	City Council	referred	
9/5/2019	1	Council President's Office	sent for review	
9/5/2019	1	City Clerk	sent for review	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the sale and use of tobacco and marijuana products to and by minors; amending Sections 6.240.010 and 6.240.100 of the Seattle Municipal Code; and adding a new Section 12A.20.110 to the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 6.240.010 of the Seattle Municipal Code, last amended by Ordinance 124301, is amended as follows:

6.240.010 Definitions ((.))

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As used in this ((~~chapter~~)) Chapter 6.240, the following terms shall have the following meanings:

A. "Minor" means any individual who is less than ((~~eighteen (18)~~)) 21 years of age.

* * *

Section 2. Section 6.240.100 of the Seattle Municipal Code, last amended by Ordinance 124301, is amended as follows:

6.240.100 Sale of tobacco product to minor unlawful((~~.~~))

A. Every person who sells or gives, or permits to be sold or given, to any ((~~person under the age of eighteen (18) years~~)) minor any cigar, cigarette, cigarette paper or wrapper, tobacco in any form, or a vapor product is guilty of a gross misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed and none of the mental states described in Section 12A.04.030 need be proved. It shall be no defense to a prosecution for a violation of this subsection that the person acted, or was believed by the defendant to act, as agent or representative of another.

B. No tobacco product retailer shall sell or permit any agent or employee of such retailer to sell any tobacco product to a potential purchaser where there may be any question of such purchaser's right to purchase a tobacco product because of ((~~his or her~~)) the purchaser's age, without first having requested and examined identification provided by the potential purchaser that positively establishes that said person is not ((~~less than eighteen (18) years old~~)) a minor. In the event that the tobacco product retailer or an agent or employee thereof fails to request and examine such identification before making a tobacco product sale and the purchaser was, in fact, ((~~less that eighteen (18) years old~~)) a minor at the time such failure occurs, such retailer shall be deemed to have had no conclusive basis for determining that a tobacco product sale could lawfully be made to such purchaser. Every tobacco product sale to a minor shall constitute a separate violation unless multiple purchases are made during a single visit by such minor to a tobacco product retailer's premises, in which event all sales made during that visit shall constitute a single violation.

Section 3. A new Section 12A.20.110 is added to the Seattle Municipal Code as follows:

12A.20.110 Selling marijuana products to minor

A. Except as authorized in chapter 69.50 RCW, an employee of a retail outlet who sells marijuana products to a person under the age of 21 years in the course of employment is guilty of a gross misdemeanor.

B. As authorized by Section 12A.04.100, liability for selling marijuana products to a minor does not require proof of any of the mental states described in Section 12A.04.030.

C. For purposes of this Section 12A.20.110:

"Marijuana products" means useable marijuana, marijuana concentrates, and marijuana-infused products as defined in Section 12A.20.100.

"Retail outlet" means a location licensed by the Washington Liquor and Cannabis Board for the retail sale of marijuana products.

Section 4. Sections 1 and 2 of this ordinance shall take effect and be in force on January 1, 2020.

Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2019, and signed by me in open session in authentication of its passage this _____ day of _____, 2019.

_____

President _____ of the City Council

Approved by me this _____ day of _____, 2019.

_____

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2019.

_____

Monica Martinez Simmons, City Clerk

(Seal)

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