

Substitute Proposed by Councilmember Kaylee Galloway

Tuesday, February 8, 2022

Changes:

1. Replaces the word “marijuana” with “cannabis” throughout the code

Reason: There is a growing movement at the state level to make this change in acknowledgement of the controversial history of the word and with commitment to racial equity. The House recently passed [HB 1210](#), which would replace the term "marijuana" with the term "cannabis" throughout the Revised Code of Washington, with bipartisan support 83-13. Making this change in Whatcom Code would be proactive, but ensure consistency should the state pass this bill.

2. Place holder for 20.80.690(2)a(i) and (ii)

Reason: Light editing for consistency

3. Adds “as defined by RCW 9.66.010” to 20.80.690(3)g(i)

Reason: This would ensure our nuisance standards are consistent with state law.

4. For 20.97.010 Agriculture definition -removes “However, the production of marijuana is not considered agriculture” and adds “The term “agriculture,” “agricultural product,” “horticulture,” and “horticultural product” may not be construed to include or relate to cannabis, useable cannabis, or cannabis-infused products unless the applicable term is explicitly defined to include cannabis, useable cannabis, or cannabis-infused products pursuant to RCW 82.04.213.”

Reason: Ensures county code follows Washington State in how it defines marijuana/cannabis. This law was derived from definitions established in SB 6505 (2014) regarding taxation of marijuana products.

5. For 20.97.225 Marijuana/Cannabis definition – adds ”as defined and regulated by RCW 69.50 and RCW 15.125,”

Reason: Add clarity and consistency to state law. From Royce Buckingham legal memo: “The entire Washington State regulatory scheme for marijuana growing and processing is contained in Title 69 RCW – Food, Drugs, Cosmetics, and Poisons. Marijuana growing and processing is extensively addressed under Chapter 69.50 RCW – The Uniform Controlled Substances Act at RCW 69.50.325-395. Thus, Marijuana is regulated as a drug. Agriculture, on the other hand, is regulated under Title 15 RCW - Agriculture and Marketing. This title has only a few sporadic references to marijuana. It does not serve as the regulatory home for marijuana growing and processing.” Chapter 15.125 has to do with marijuana and marijuana products.