

ORDINANCE NO. 164

CITY OF LACEY

AN ORDINANCE DEFINING DANGEROUS DRUGS AND MAKING IT UNLAWFUL TO PROCURE OR POSSESS SUCH DRUGS; PROVIDING FOR PENALTY FOR VIOLATION THEREOF; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LACEY AS FOLLOWS:

Section 1. It shall be unlawful for a person, firm, or corporation to sell, ^{or offer to sell,} give away, barter, exchange or distribute amytal, luminal, veronal, barbital, acid diethylbarbituric, or any salts, derivatives, or compounds thereof, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives, or compounds, or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office containing more than one grain to the avoirdupois or fluid ounce of the above substances; or to sell, ^{or offer to sell,} give away, barter, exchange, or distribute any amphetamine or any dextroamphetamine, or any salts, derivatives, or compounds thereof, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives, or compounds, or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office containing such substances; or to sell, ^{or offer to sell,} give away, barter, exchange or distribute dimethyltryptamine, lysergic acid, mescaline, peyote, psilocin, or any salts, derivatives, or compounds thereof, or any preparation or compound containing any of the foregoing substances, or

their salts, derivatives, or compounds, or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office containing such substances.

It shall be unlawful for a person, firm or corporation to sell,^{or offer to sell,}_^ give away, barter, exchange or distribute any part of the

plant Cannabis Sativa L., commonly known as marijuana, or any other cannabis plant whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of

^{or offer to sell,}_^ germination; or to sell,_^ give away, barter, exchange or distribute any drug found by federal law or regulation or Washington state pharmacy board regulation to have a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect; or any other drug which is required by any applicable federal or state law or federal regulation or Washington state pharmacy board regulation to be used only on prescription, except upon the written or oral order of prescription of a physician, surgeon, dentist, or veterinary surgeon licensed to practice in the state, and shall not be refilled without the written or oral order of the prescriber:

Provided, That the provisions of this section shall not apply to the sale at wholesale by drug jobbers, drug wholesalers, and drug manufacturers to pharmacies or to physicians, dentists, or veterinary surgeons, nor to each other nor to the sale at retail in pharmacies by pharmacists to each other or to physicians, surgeons, dentists or veterinary surgeons licensed to practice in this state.

Section 2. It shall be unlawful for any person to possess any of the drugs described in Section 1 of this Ordinance, as amended from time to time, or any other drug which is required by any applicable federal or state law or federal regulation or Washington state pharmacy board regulation to be used only on prescription, except upon the order or prescription of a physician, surgeon, dentist or veterinary surgeon duly licensed to practice in the State of Washington: Provided, However, That the above provisions shall not apply to the possession by drug jobbers, drug wholesalers and drug manufacturers, to registered pharmacists or to physicians, dentists or veterinary surgeons.

Section 3. Dangerous drugs are those referred to in Section 1 of this Ordinance or any other drug which is required by any applicable federal or state law or regulation to be used only on prescription.

(a) No person shall obtain or attempt to obtain a dangerous drug, or procure or attempt to procure the administration of a dangerous drug, (1) by fraud, deceit, misrepresentation, or

subterfuge; or (2) by the forgery or alteration of a prescription or of any written order; or (3) by the concealment of a material fact; or (4) by the use of a false name or the giving of a false address.

(b) Information communicated to a physician in an effort unlawfully to procure a dangerous drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(c) No person shall wilfully make a false statement in any prescription, order, report, or record, required by this Ordinance.

(d) No person shall, for the purpose of obtaining a dangerous drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person.

(e) No person shall make or utter any false or forged prescription or false or forged written order.

(f) No person shall affix any false or forged label to a package or receptacle containing drugs.

Section 4. A prescription, in order to be effective in legalizing the possession of dangerous drugs, must be issued for a legitimate medical purpose by one authorized to prescribe the use of such dangerous drugs. An order purporting to be a prescription issued to an addict or habitual user of dangerous drugs, not in the course of professional treatment is not a prescription within the meaning and intent of this Ordinance; and the person

who knows or should know that he is filling such an order, as well as the person issuing it, may be charged with violation of this Ordinance. A legitimate medical purpose shall include use in the course of a bona fide research program in conjunction with a ^{state-certified} hospital or ^{state accredited} university.

Section 5. Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, public or private, which is resorted to by users of dangerous drugs as defined in this Ordinance, or which is used for the illegal keeping, selling, giving away or bartering of the same, shall be deemed a public nuisance. No person shall keep or maintain such a public nuisance.

Section 6. Any person, firm or corporation convicted in the Lacey Police Court on a violation of the terms of this Ordinance shall, upon such conviction, be fined in a sum not to exceed Five Hundred Dollars (\$500.00) or be imprisoned in the City Jail not to exceed six (6) months, or may be subjected to both such fine and imprisonment.


Section 7. This Ordinance is necessary for the immediate preservation of the public peace, health and safety, and having been passed by the ~~unanimous~~ vote of the Council, shall take effect immediately upon passage and publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this

5th day of September, 1970.


A. S. Homann
MAYOR

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

PASSED: _____

PUBLISHED: Nov. 11, 1970 