



DATE: May 8, 2023

TO: City Councilmembers

FROM: Jared Nieuwenhuis, Deputy Mayor
City Council

SUBJECT: Item 7 - Council Business and New Initiatives -- Request for More than 8 Hours of Staff Work Re: Prohibiting Possession and Public Use of Drugs

In 2021, the Washington Supreme Court ruled that the state statute making possession of a controlled substance a felony was unconstitutional because it did not require that the possession be done “knowingly”. In response, the legislature amended state law in 2021 (ESB 5476) to make it a misdemeanor to knowingly possess controlled substances (narcotics) or counterfeit substances (falsely labeled narcotics). However, those provisions of state law expire on July 1, 2023. If the legislature does not pass legislation in a special session making possession of these substances unlawful, then as of July 1, 2023, possession of these drugs will be lawful in the City of Bellevue. The Council could adopt an ordinance prohibiting public use and possession of these substances in the event the legislature fails to act.

Consistent with Section 11 of the Council’s rules (Resolution 10084), I am requesting Council support to have the City Attorney’s Office conduct any necessary research and provide the Council with potential options to adopt an ordinance making it a crime (either misdemeanor or gross misdemeanor) to knowingly possess or publicly use controlled substances (except cannabis) or counterfeit substances.