

RESOLUTION R-5269

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND  
STATING THE CITY COUNCIL'S SUPPORT FOR STATE MARIJUANA AND  
REGULATORY TOLERANCE (SMART) ENFORCEMENT ACT, H.R. 3534,  
115<sup>TH</sup> CONGRESS, 1<sup>ST</sup> SESSION.

1           WHEREAS, on July 28, 2017, Congresswoman DelBene (WA-01)  
2 reintroduced the State Marijuana And Regulatory Tolerance (SMART)  
3 Enforcement Act (H.R. 3534) to protect medical patients, recreational  
4 users and small businesses from prosecution under the federal  
5 Controlled Substances Act in states like Washington that have legalized  
6 marijuana; and  
7

8           WHEREAS, if enacted, the SMART Enforcement Act would,  
9 subject to specified conditions, make the provisions of the Controlled  
10 Substances Act inapplicable in states like Washington with respect to  
11 the production, manufacture, distribution, prescribing, dispensing,  
12 possession, and use of marijuana; and  
13

14           WHEREAS, the first condition that would need to be met by a  
15 state like Washington would require the state attorney general to submit  
16 a request to the Attorney General certifying that such state has legalized  
17 marijuana for recreational or medical use; and  
18

19           WHEREAS, the second condition that would need to be met by  
20 a state like Washington would require that the request from a state  
21 attorney general include a certification that the state has, or will have,  
22 regulations in place that protect specified federal interests, including  
23 those related to marijuana use by minors, criminal enterprises and  
24 covers for criminal enterprises, diversion of marijuana to states which  
25 have not legalized marijuana, use of violence and firearms, drugged  
26 driving, marijuana growing on public lands, possession of marijuana on  
27 federal properties, and distribution of tainted marijuana; and  
28

29           WHEREAS, voters in twenty-nine states and Washington, D.C.,  
30 have legalized some form of marijuana use, eight of which, including  
31 Washington State, have legalized recreational use of marijuana; and  
32

33           WHEREAS, Washington State has allowed the medical use of  
34 marijuana since 1998, following the passage of statewide initiative I-  
35 692, the Medical Marijuana Act, and  
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37           WHEREAS, in 2012, Washington State voters approved Initiative  
38 I-502, which legalized the possession, sale, processing, and production  
39 of marijuana for adult recreational use in Washington State; and

40 WHEREAS, I-502 mandated that the Washington State Liquor  
41 Control Board (WSLCB) establish strict rules related to the taxation and  
42 regulation of recreational marijuana growers, processors and retailers;  
43 and  
44

45 WHEREAS, I-502 received 56 percent voter approval statewide  
46 and received 62 percent voter approval citywide in Kirkland in the 2012  
47 general election; and  
48

49 WHEREAS, in 2013, the State Legislature directed a work group  
50 comprised of staff members from the WSLCB and the Departments of  
51 Revenue and Health to evaluate how medical and recreational  
52 marijuana markets might coexist and to send their final  
53 recommendations to the Legislature by January 1, 2014; and  
54

55 WHEREAS, the WSLCB (now the "Washington State Liquor and  
56 Cannabis Board") issued proposed rules and regulations for issuing  
57 licenses to sell, process and produce marijuana in July 2013; and  
58

59 WHEREAS the WSLCB incorporated the points of federal  
60 emphasis, identified by the U.S. Department of Justice (DOJ) in August  
61 2013 and summarized above, into Washington State's regulations for  
62 the issuance of licenses to sell, process, and produce marijuana; and  
63

64 WHEREAS, the WSLCB adopted such rules and regulations on  
65 October 16, 2013, which rules and regulations then became effective on  
66 November 16, 2013; and  
67

68 WHEREAS, the WSLCB accepted applications for all license types  
69 (producer, processor and retailer) through December 20, 2013; and  
70

71 WHEREAS, in an effort to balance implementation of I-502 while  
72 addressing resident concerns, the City Council discussed related zoning  
73 regulations and took public comment at multiple regular council  
74 meetings, held additional public hearings and has now adopted seven  
75 related ordinances (Ord. 4434; Ord. 4439; Ord. 4446; Ord. 4453; Ord.  
76 4462; Ord. 4479; Ord. 4528); and  
77

78 WHEREAS, since the implementation of I-502 in Washington  
79 State, the regulated sale of recreational marijuana has generated over  
80 \$400 million in tax revenue, with nearly \$200 million of that generated  
81 in sales tax receipts; and  
82

83 WHEREAS, because marijuana possession or use for any  
84 purpose is still prohibited under the Controlled Substances Act, every  
85 participant in the state market is at risk of prosecution, including those  
86 in Kirkland; and  
87

88 WHEREAS, the SMART Enforcement Act would address the  
89 conflict between state and federal law by giving states regulating  
90 marijuana themselves consonant with federal policy priorities, a waiver  
91 from the Controlled Substances Act; and

92 WHEREAS, the SMART Enforcement Act also would resolve the  
93 banking issues currently forcing dispensaries to operate on an unsafe,  
94 all-cash basis.

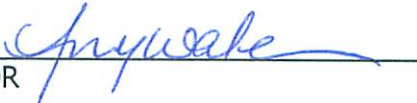
95  
96 NOW, THEREFORE, be it resolved by the City Council of the City  
97 of Kirkland as follows:

98  
99 Section 1. The City Council supports the State Marijuana And  
100 Regulatory Tolerance (SMART) Enforcement Act (H.R. 3534) to protect  
101 medical patients, recreational users and businesses in states that have  
102 legalized and now regulate marijuana consonant with federal policy  
103 priorities from being prosecuted now or in the future.

104  
105 Section 2. The City Council urges Kirkland residents to support  
106 and for Congress to approve H.R. 3534, the SMART Enforcement Act.

107  
108 Passed by majority vote of the Kirkland City Council in open  
109 meeting this 5th day of September, 2017.

110  
111 Signed in authentication thereof this 5th day of September,  
112 2017.  
113

  
MAYOR

Attest:

  
City Clerk