

repealed by 2704

ORDINANCE NO. 1128

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, RELATING TO DRUGS, DEFINING NARCOTIC AND DANGEROUS DRUGS, PROVIDING PENALTIES FOR THE IMPROPER USE, SALE AND ACQUISITION OF SAME, AND AMENDING CHAPTER XIII OF ORDINANCE NO. 895 OF THE CITY OF KIRKLAND, THE KIRKLAND PENAL ORDINANCE.

BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Chapter XIII of Ordinance 895 of the City of Kirkland, including Sections 1301 through 1308, inclusive, are hereby amended and supplemented as follows:

CHAPTER XIII - Narcotics and Dangerous Drugs.

Section 1301 - Narcotic drugs defined - unlawful possession.

It shall be unlawful for any person to use, administer by hypodermic or otherwise any narcotic drug except as prescribed and under the direction of a physician authorized by law to practice medicine in this state, and any other person authorized by law to treat sick and injured human beings in this state, and to use narcotic drugs in connection with such treatment. The unlawful possession of narcotic drugs as defined herein shall be prima facie evidence of an intent to illegally use such drugs. Narcotic drug as used in this ordinance shall mean any narcotic drug as defined in the Uniform Narcotic Act, RCW 69.33.220, as now or hereafter amended.

Section 1302 - Dangerous Drugs defined.

It shall be unlawful for a person, firm, or corporation 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, 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, 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; 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 or 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 above provisions 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 1303. - Possession when unlawful

It shall be unlawful for any person to possess any of the drugs described in Section 1301 of this chapter, or any drug described in RCW 69.40.060, 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 1304. - Prescription defined.

A prescription, in order to be effective in legalizing the possession of narcotic or dangerous drugs, must be issued for a legitimate medical purpose by one authorized to prescribe the use of such drugs. An order purporting to be a prescription issued to an addict or habitual user of narcotic or dangerous drugs, not in the course of professional treatment, is not a prescription within the meaning and intent of this section, 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 chapter. A legitimate medical purpose shall include use in the course of a bona fide research program in conjunction with a hospital or university.

Section 1305 - Narcotic or Dangerous Drugs, unlawful practices, communications not privileged.

Narcotic and dangerous drugs are those referred to in Sections 1301 and 1302 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:

1. No person shall obtain or attempt to obtain a narcotic or dangerous drug or procure or attempt to procure the administration of a narcotic or dangerous drug:
  - a. By fraud, deceit, misrepresentation or subterfuge, or,
  - b. By the forgery or alteration of a prescription, or of any written order, or,
  - c. By the concealment of a material fact, or,
  - d. By the use of a false name or the giving of a false address.

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

3. No person shall wilfully make a false statement in any prescription, order, report or record required by this chapter.

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

5. No person shall make or utter any false or forged prescription or false or forged written order.

6. No person shall affix any false or forged label to a package or receptacle containing dangerous drugs.

Section 1306 - Narcotic and Dangerous Drugs; places deemed public nuisances.

Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, public or private, which is resorted to by the users of narcotic or 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 1307 - Narcotic or Dangerous Drugs; search and seizure.

If, upon the sworn complaint of any person it shall be made to appear to any judge of any court of competent jurisdiction in the matter that there is probable cause to believe that any narcotic or dangerous drug is being used, manufactured, sold, bartered, exchanged, given away, furnished or otherwise disposed of, or kept in violation of the provisions of this ordinance, such judge shall issue a warrant directed to the Kirkland Chief of Police, or any police officer in the Kirkland Police Department,

commanding him to search the premises designated and described in such complaint and warrant, and to seize all narcotic or dangerous drugs there found, together with the vessels in which they are contained and all implements, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, giving away, furnishing or otherwise disposing of such.

Section 1308.

Any person who shall violate or fail to comply with any of the provisions of this ordinance, or shall counsel, aid or abet any such violation or failure to comply shall be deemed guilty of a misdemeanor.

Section 2. If any provision of this amendatory ordinance, or its application to any person or circumstance is held invalid the remainder of the amendatory ordinance or the application of the provision to other persons or circumstances is not affected.

Section 3. This ordinance shall be in force and take effect five (5) days from and after its adoption and publication as required by law.

PASSED by the City Council at regular meeting on the 2nd day of JANUARY, 1968.

SIGNED in authentication thereof on the 2nd day of JANUARY, 1968.

Lee Lankham  
Mayor

Attest:

Tom J. Anderson  
Director of Administration and Finance  
(ex officio City Clerk)

Approved as to form:

Carl E. [Signature]  
City Attorney

Ordinance No. 1127