



ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LYNNWOOD, WASHINGTON, ADOPTING A NEW SECTION OF THE
LYNNWOOD MUNICIPAL CODE ("LMC") CHAPTER 10.02 RELATING
TO ENDANGERMENT WITH A CONTROLLED SUBSTANCE;
PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE
DATE; AND PROVIDING FOR SUMMARY PUBLICATION**

WHEREAS, Chapter 10.02 of the LMC contains provisions establishing numerous criminal offenses within the City, and includes the adoption by reference of various state statutes establishing criminal offenses; and

WHEREAS, the City of Lynnwood ("City") has the power to provide for the punishment of all practices dangerous to public health or safety, and to make necessary for the preservation of public health, peace, and good order, and to provide for the punishment of all persons charged with violating any city ordinance; and

WHEREAS, although state law preempts the field of setting penalties for violations of the state's Uniform Controlled Substances Act, Chapter 69.50 RCW, cities are authorized to enact local laws that are not inconsistent with state law; and

WHEREAS, it is a Class B felony under RCW 9A.42.100 to knowingly or intentionally permit dependent children or adults to be exposed to, ingest, inhale, or have contact with methamphetamine or specific ingredients utilized for its production; and

WHEREAS, efforts to amend RCW 9A.42.100 to include the knowing or intentional exposure to fentanyl and other synthetic opioids have repeatedly stalled in the State Legislature; and

WHEREAS, controlled substances come in all forms, and they are regularly made into powders, pills, candies, eye droppers, and nasal sprays; and

WHEREAS, users are unable to discern by sight, taste, or smell just how potent and dangerous these illicit drugs may be due to unregulated sources. The identity, purity, and quantity are uncertain and inconsistent, thus posing significant adverse health risks not only to the user, but also to their family members or members of the public who may be exposed inadvertently or through secondhand contact; and

WHEREAS, the Washington State Office of the Family and Children's Ombuds Child Fatalities and Near Fatalities in Washington State 2025 report states that 25% of DCYF-investigated child fatalities, and 66% of near-fatalities, were caused by accidental ingestions and overdoses of controlled substances, with 78% of those combined incidents involving fentanyl. Fentanyl accounted for 30 of the 38 accidental ingestions by children under 11; and

WHEREAS, these risks are particularly high for infants and toddlers who may live in close proximity to and come in contact with controlled substances through no fault of their own. Over half (52.5%) of children involved in accidental ingestions and overdoses investigated by DCYF in 2024 involved children aged 0 and 1 years old; and

WHEREAS, for those who survive exposure, non-fatal opioid-involved overdoses can result in immediate and long-term complications such as brain injury, developmental difficulties, psychiatric effects, and respiratory complications; and

WHEREAS, the City encourages the State Legislature to amend RCW 9A.42.100 in such a way that appropriately criminalizes recklessly or knowingly permitting a child or dependent person to be exposed to, ingest, inhale, absorb or have contact with any controlled substance, including synthetic opioids; and

WHEREAS, the City Council finds that it is necessary and appropriate in protecting the public health, safety, and welfare to take immediate steps to protect children and dependent persons from the dangers of exposure to powerful controlled substances such as fentanyl and deter the endangerment of our most vulnerable caused by exposure to these substances; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings adopted

The findings set forth in the above recitals are hereby adopted and incorporated by reference. Further, the City Council specifically finds that the regulation of the conduct addressed in this Ordinance is a valid exercise of police power.

Section 2. Adopting Section 10.02.150 of LMC Chapter 10.02

A new section 10.02.150 is hereby added to the LMC Chapter 10.02 to read as follows:

Section 10.02.150

Endangerment with a Controlled Substance

A. Definitions

For the purpose of this section, the following terms shall apply:

1. "Cannabis" means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis during the growing cycle through harvest and usable cannabis. "Cannabis" does not include hemp or industrial hemp as defined in RCW 15.140.020, or seeds used for licensed hemp production under chapter 15.140 RCW.
2. "Child" shall mean the same as the term is defined in RCW 9A.42.010.
3. "Controlled Substance" shall mean the same as the term is defined in RCW 69.50.101.
4. "Dependent person" means a person who, because of physical or mental disability, or because of extreme advanced age, is dependent upon another person to provide the basic necessities of life. A resident of a nursing home, as defined in RCW 18.51.010, a resident of an adult family home, as defined in RCW 70.128.010, and a frail elder or vulnerable adult, as defined in RCW 74.34.020 (21), is presumed to be a dependent person for purposes of this chapter.
5. "Prescription" shall mean the same as the term is defined in RCW 69.50.101.

B. Endangerment with a Controlled Substance

1. Under circumstances not amounting to endangerment with a controlled substance under RCW 9A.42.100, a person is guilty of the crime of endangerment with a controlled substance if the person knowingly or recklessly causes a child or dependent person to be exposed to, ingest, inhale, absorb, or have contact with a controlled substance, or the smoke of a substance that the person knows, or reasonably should know, contains, or is contaminated with, a controlled substance.
2. Administering or providing a controlled substance to a child or dependent person in the course of delivering health care services pursuant to and in accordance with a valid prescription is not a violation of this Section.
3. This section shall not apply to cannabis.
4. This section shall not apply to, nor be deemed or construed to conflict with, conduct specifically prohibited by RCW 9A.42.100.

C. Penalty for Violations

Any person who violates this section is guilty of a gross misdemeanor punishable by up to 364 days in jail and a \$5,000 fine.

D. Preemption

In the event the Washington State Legislature passes a law preempting this section, this section shall cease to have effect on the same date the state statute comes into effect. Any violation of this section that occurs prior to the preempting statute coming into effect may be prosecuted and punished pursuant to this Ordinance.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase or word of this ordinance.

Section 4. Effective Date: This ordinance or an approved summary thereof consisting of its title shall be published in the City's official newspaper of record and shall take effect and be in full force five days following its publication.

PASSED by the City Council the _____ day of _____, 2026.

APPROVED:

George Hurst, Mayor

ATTEST/AUTHENTICATED:

APPROVED AS TO FORM:

Nathan MacDonald, City Clerk

Lisa Marshall, City Attorney