



RESOLUTION NO. 38724

1 A RESOLUTION relating to stormwater systems; authorizing the execution of an
2 Interlocal Agreement with the Port of Tacoma for the purpose of providing a
3 cooperative framework for coordination of certain stormwater management
4 activities.

4 WHEREAS the City is required to develop and implement a stormwater
5 management plan under its Phase I Municipal Separate Storm Sewer System
6 Permit ("MS4 Permit"), which permit is issued by the Washington State Department
7 of Ecology to all Phase I permittees in Western Washington, and
8

9 WHEREAS the Port of Tacoma ("Port") is considered a secondary permittee
10 under the MS4 Permit because it owns and operates its own municipal stormwater
11 system within the city limits of Tacoma, and
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12 WHEREAS the MS4 Permit encourages the City and Port to coordinate
13 stormwater management activities when possible, and
14

15 WHEREAS the proposed Interlocal Agreement ("Agreement") would provide
16 a cooperative framework for coordinating certain stormwater management
17 obligations under the MS4 Permit with the goal of reducing stormwater impacts to
18 Commencement Bay, its waterways, and other receiving waters, and
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20 WHEREAS, under the Agreement, each party would remain responsible for
21 its own MS4 Permit compliance, and
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22 WHEREAS the Agreement provides for, among other things, access to Port
23 properties by City staff for inspection and spill response as requested by the Port;
24 compensation to the City for certain services when the Port has requested such
25 services; collaboration on review of Port development and/or redevelopment
26



1 projects; and annual meetings to discuss stormwater MS4 Permit-related issues,
 2 and

3 WHEREAS any related expenses incurred by the City will be reimbursed by
 4 the Port in accordance with the terms of the Agreement, and

5 WHEREAS the Port approved the proposed Agreement on July 25, 2013;

6 Now, Therefore,

7 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

8 That the proper officers of the City are hereby authorized to enter into an
 9 Interlocal Agreement with the Port of Tacoma, in accordance with RCW 39.34, the
 10 Interlocal Cooperation Act, for the purpose of providing a cooperative framework
 11 for coordination of certain stormwater management activities, said agreement to be
 12 substantially in the form of the proposed document on file in the office of the City
 13 Clerk.

14 Adopted _____

15 _____
 16 Mayor

17 Attest: _____

18 _____
 19 City Clerk

20 Approved as to form: _____

21 _____
 22 Deputy City Attorney

23



Legislation Passed September 10, 2013

The Tacoma City Council, at its regular City Council meeting of September 10, 2013, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

Resolution No. 38724

Authorizing the execution of an interlocal agreement with the Port of Tacoma to provide a cooperative framework for coordinating certain stormwater management activities.

Resolution No. 38726

Reappointing Sean Armentrout to the Board of Ethics to serve a term to expire December 31, 2015.

Purchase Resolution No. 38727

Awarding a contract to: Asphalt Patch Systems, Inc., in the amount of \$85,000, sales tax not applicable, for a cumulative total of \$623,035, budgeted from the Streets Special Revenue Fund, to increase the contract for the reconstruction of sidewalks at approximately 164 locations citywide - Specification No. PW12-0336F.

Resolution No. 38728

Accepting a 2013 Drinking Water State Revolving Fund loan, in the amount of \$12,120,000; and authorizing the execution of a low-interest loan agreement with the Washington State Public Works Board for a term of 20 years for the Green River Filtration Facility project.

Ordinance No. 28169

Amending Chapters 8.28 and 8.29 of the Municipal Code, relating to the public use and display of marijuana and medical cannabis and revising the definition of drug paraphernalia to comply with state law.



RESOLUTION NO. 38726

1 BY REQUEST OF MAYOR STRICKLAND, DEPUTY MAYOR CAMPBELL, AND
2 COUNCIL MEMBERS LONERGAN AND THOMS

3 A RESOLUTION relating to committees, boards, and commissions; reappointing an
4 individual to the Board of Ethics.

5 WHEREAS, on December 31, 2012, Sean Armentrout's term serving on the
6 Board of Ethics expired, and

7 WHEREAS, at the meeting of August 21, 2013, the Government
8 Performance and Finance Committee recommended the reappointment of Sean
9 Armentrout to serve on the Board of Ethics, to a term to expire December 31, 2015;

10 Now, Therefore,

11 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

12 That Sean Armentrout is hereby confirmed and reappointed as a member of
13 the Board of Ethics, to a term to expire December 31, 2015.

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16 Adopted _____

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18 _____
19 Mayor

20 Attest:
21 _____
22 City Clerk

23 Approved as to form:
24 _____
25 City Attorney
26



RESOLUTION NO. 38727

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A RESOLUTION related to the purchase of materials, supplies or equipment, and the furnishing of services; authorizing the appropriate City officials to enter into contracts and, where specified, waiving competitive bidding requirements, authorizing sales of surplus property, or increasing or extending existing agreements.

WHEREAS the City has complied with all applicable laws governing the acquisition of those supplies, and/or the procurement of those services, inclusive of public works, set forth in the attached Exhibit "A," which Exhibit is incorporated herein as though fully set forth, and

WHEREAS the Board of Contracts and Awards has reviewed the proposals and bids received by the City, and the Board has made its recommendation as set forth in Exhibit "A," and

WHEREAS the Board of Contracts and Awards has also made its recommendations as to entering into purchasing agreements with those governmental entities identified in Exhibit "A"; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the Council of the City of Tacoma does hereby concur in the findings and recommendations of the Board of Contracts and Awards set forth in the attached Exhibit "A," and does hereby approve and authorize the:

(X) A. Procurement of those supplies, services, and public works recommended for acceptance in the attached Exhibit "A";

() B. Rejection of those bids and/or proposals that are recommended for rejection in the attached Exhibit "A";



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() C. Entry into the proposed purchasing agreement with those governmental entities identified in the attached Exhibit "A," which proposed agreement is on file in the office of the City Clerk;

() D. Waiver of competitive bidding procedures in those instances, as set forth in Exhibit "A," in which it is impracticable to obtain supplies or public works improvements by competitive bid, or in those instances in which supplies and/or public works are available from a single source.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:



City Attorney



City of Tacoma
Public Works Department

EXHIBIT "A"

RESOLUTION NO.: 38727

ITEM NO.: 1

MEETING DATE: SEPTEMBER 10, 2013

DATE: August 20, 2013
TO: Board of Contracts and Awards
SUBJECT: 2011 Sidewalk Reconstruction Project
Budgeted in Streets Special Revenue Fund 1060
Request for Bids Specification No. PW12-0336F
Contract No. 4600008344

RECOMMENDATION: The Public Works Engineering Division requests approval to increase Contract No. 4600008344 with **Asphalt Patch Systems, Inc., Puyallup, WA**, by \$85,000, sales tax not applicable, for additional sidewalk reconstruction. This increase will bring the contract to a cumulative amount of \$623,035, sales tax not applicable.

EXPLANATION: The 2011 Sidewalk Reconstruction Project provides for the reconstruction of unfit or unsafe sidewalk and associated curb ramps. The existing contract included 164 locations where property owners paid their property owner share of the sidewalk reconstruction costs as a requirement to participate in the Sidewalk Maintenance Program.

The Public Works Department is requesting a contract increase to cover additional costs associated with the reconstruction of unfit or unsafe sidewalks for the following reasons:

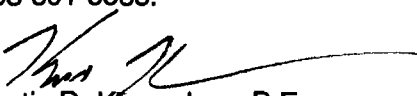
- Soil conditions under existing sidewalk were unstable and required the material to be replaced with crushed rock.
- The cost for traffic control associated with the construction of curb ramps increased to ensure pedestrian and vehicle safety during construction.

COMPETITIVE BIDDING: This contract was originally awarded to Asphalt Patch Systems, Inc., as a result of Request for Bids Specification No. PW12-0336F in August 2012. The contractor has agreed to increase the contract at the same prices, terms, and conditions as the original contract.

CONTRACT HISTORY: The contract was awarded by Resolution No. 38534, in the amount of \$538,035, sales tax not applicable, on September 11, 2012. This increase will bring the contract to a cumulative amount of \$623,035, sales tax not applicable. This is the first amendment to the contract.

FUNDING: Funds are budgeted from a grant provided by the Federal Highway Administration, Federal Aid Project No. CM-9927(051) and property owner contributions.

PROJECT ENGINEER/COORDINATOR: Chris E. Larson, P.E., Engineering Division Manager, 253-591-5538.


Kurtis D. Kingsolver, P.E.
Interim Public Works Director/City Engineer

cc: Chuck Blankenship, Purchasing Analyst, Finance/Purchasing
Charles Wilson, SBE Coordinator
Peter Guzman, LEAP Coordinator



TO: T.C. Broadnax
City Manager

FROM: Kurtis D. Kingsolver, P.E. *KDK*
Interim Public Works Director/City Engineer

SUBJECT: Council Action Memo – Purchase Resolution – September 10, 2013
Contract 4600008344 - 2011 Sidewalk Reconstruction Project

DATE: August 29, 2013

The Public Works Engineering Division requests approval to increase Contract No. 4600008344 with Asphalt Patch Systems, Inc., of Puyallup, WA, by \$85,000.00, sales tax not applicable.

The Public Works Department is requesting a contract increase to cover additional costs associated with the reconstruction of unfit or unsafe sidewalk for the following reasons:

- The amount of unstable soil under existing sidewalks increased and the condition required an application of new crushed rock base material.
- The need for traffic control associated with the reconstruction of curb ramps increased to help insure pedestrians and motorists were safe during reconstruction.

The proposed increase will deplete the remaining grant funding awarded to the City in 2010. The participating property owners provide the funds for the grant local match so no general fund dollars are being used for this project. This increase will bring the contract to a cumulative amount of \$623,035.00, sales tax not applicable.

Background

The 2011 Sidewalk Reconstruction Project is a part of the Sidewalk Maintenance Program aimed at reducing deteriorated sidewalks throughout the City. Prior to 2013, grants were used to partner with property owners to reconstruct unfit or unsafe sidewalk. The program required each participating property owner to provide up to 50% of the sidewalk reconstruction costs. This contract requires each property owner to pay a flat rate cost of \$4.50 per square foot, with the City paying the remaining costs. This has been a popular and successful program with Tacoma citizens.

The contract with Asphalt Patch Systems, Inc. will provide sidewalk reconstruction at 164 locations and construct 51 associated curb ramps.

Prior Council Action

Two project-related resolutions have been passed by the City Council:

1. Resolution 38074, July 27, 2010, authorizing the City to accept federal grant funds for various transportation projects.
2. Contract was awarded by Resolution 38534, in the amount of \$538,035.00, sales tax not applicable, on September 11, 2012.

Funding Source

Funds are budgeted from a grant provided by the Federal Highway Administration, Federal Aid Project No. CM-9927(051) and property owner contributions.

Reason for Project

The City received a grant in 2010 to reconstruct unfit or unsafe sidewalk throughout the City. Many property owners expressed a willingness to participate with the City to reconstruct the sidewalks abutting their properties. This project will improve pedestrian access and reduce the potential for trip and falls by reconstructing sidewalks at locations City-wide.

Public Involvement

Most unfit sidewalks are reported to the City by the public. The Public Works Department conducts an on-site inspection to determine if the reported sidewalk warrants replacement. The abutting property owner is sent a letter informing them of the unsafe condition and the amount of sidewalk replacement required. Letters mailed prior to January 2013 also included information on an option to participate with the City in a cost sharing program to reconstruct unfit or unsafe sidewalks. To help reduce the overall sidewalk replacement cost, the City packaged several locations into this contract.

Bid/Purchase Process

Asphalt Patch Systems, Inc. was chosen based on competitive bidding. Three submittals were received. Bids were opened on August 7, 2012.

Schedule

The contract was awarded in September 2012. The City anticipates the contractor to complete all work on the project by the end of September 2013.

2011 Sidewalk Reconstruction Project
Construction List

8/28/2013

38727

2301 N 8TH ST	220 S 27TH ST	809 E MORTON ST
3122 N 13TH ST	413 S 30TH ST	905 E MORTON ST
3123 N 13TH ST	1407 S CUSHMAN AV	5621 PACIFIC AVE
3121 N 17TH ST	1517 EARNEST S BRAZILL ST	6831 PACIFIC AVE
3311 N 22ND ST	737 FAWCETT AVE	3220 E ROOSEVELT AVE
3323 N 22ND ST	1732 S FIFE ST	622 UPPER PARK ST
3205 N 26TH ST	1718 S G ST	410 E WRIGHT AVE
3914 N 27TH ST	2327 S G ST	417 E WRIGHT AVE
3201 N 28TH ST	802 S L ST	701 E WRIGHT AVE
3224 N 28TH ST	1314 S M ST	4902 22ND AVE NE
3715 N 28TH ST	1412 S M ST	4908 22ND AVE NE
3519 N 29TH ST	1414 S M ST	5434 34TH STREET LOOP NE
3718 N 30TH ST	1420 S M ST	3717 49TH AVENUE CT NE
4522 N 30TH ST	615 S MADISON ST	2815 GALLEON CT NE
3709 N 34TH ST	624 MARTIN LUTHER KING JR	3506 NORTH SHORE BLVD NE
4014 N 35TH ST	1410 MARTIN LUTHER KING JR WAY	1210 S 37TH ST
6001 N 50TH ST	2306 S MELROSE ST	1402 S 39TH ST
1603 N ALDER ST	811 S OAKES ST	1502 S 45TH ST
1607 N ALDER ST	1514 S OAKES ST	1656 S 45TH ST
834 N ANDERSON ST	1027 S OXFORD ST	422 S 48TH ST
1421 N BALTIMORE ST	1003 S PINE ST	415 S 52ND ST
1427 N BALTIMORE ST	401 ST HELENS AV	705 S 52ND ST
1439 N BENNETT ST	604 ST HELENS AVE	721 S 52ND ST
1442 N BENNETT ST	829 S STEELE ST	403 S 55TH ST
1119 N CEDAR ST	223 TACOMA AVE S	222 S 58TH ST
1320 N CEDAR ST	2366 TACOMA AVE S	529 S 58TH ST
502 N E ST	707 S YAKIMA AVE	1025 S 59TH ST
518 N E ST	1315 N 4TH ST	S 96TH WEST OF STEELE
4702 N FERDINAND ST	1415 N 8TH ST	7010 A ST
3314 N GOVE ST	901 E 32ND ST	3606 S ALASKA ST
1402 N HIGHLAND ST	517 E 34TH ST	4805 S BURKHART DR
5727 N HUNTER ST	911 E 35TH ST	3598 S D ST
2824 N LAWRENCE ST	1018 E 35TH ST	3736 S D ST
5015 N MCBRIDE ST	411 E 46TH ST	5215 S FIFE ST
1114 N NEWTON ST	1701 E 62ND ST	4325 S G ST
914 N PINE ST	4602 E F ST	S HOSMER ST, 150' NORTH OF S 96TH
1201 N PROCTOR ST	2212 E FAIRBANKS ST	5029 S I ST
1519 N PROCTOR ST	4333 E G ST	6412 S I ST
1825 N PROCTOR ST	1839 E HARRISON ST	3534 S J ST
1033 N STEELE ST	3562 E I ST	4612 S J ST
1104 N STEELE ST	3580 E I ST	3816 S L ST
320 TACOMA AV N	3602 E J ST	4115 S M ST
2419 N UNION AV	3711 E J ST	4826 S M ST
3925 N VASSAULT ST	3718 E J ST	5041 S M ST
4419 N VASSAULT ST	3726 E J ST	5828 S OAKES ST
3421 N WASHINGTON ST	3730 E J ST	3302 PACIFIC AV
1105 N WHITMAN ST	3731 E J ST	5404 S PINE ST
421 N YAKIMA AV	3566 E M ST	5217 S PROSPECT ST
7116 6TH AVE	3570 E M ST	4501 TACOMA AVE S
3706 S 8TH ST	3574 E M ST	4129 S THOMPSON AV
3614 S 9TH ST	3555 MCKINLEY AV	3731 S YAKIMA AVE
3621 S 9TH ST	3614 MCKINLEY AV	4505 S YAKIMA AVE
502 S 11TH ST	3636 MCKINLEY AV	4820 SOUTH TACOMA WAY
7409 S 15TH ST	3838 MCKINLEY AV	7643 S WILKESON ST
2411 S 19TH ST	4320 MCKINLEY AVE	



RESOLUTION NO. 38728

1 A RESOLUTION relating to the Department of Public Utilities, Water Division
2 (d.b.a. "Tacoma Water"); authorizing the acceptance of a 2013 Drinking
3 Water State Revolving Fund loan in the amount of \$12,120,000; and
4 authorizing the execution of a loan agreement with the Washington State
Public Works Board for the purpose of financing the Green River Filtration
Facility Project.

5 WHEREAS the Department of Public Utilities, Water Division
6 (d.b.a. "Tacoma Water"), was selected to receive a low-interest loan in the amount
7 of \$12,120,000, through the 2013 Drinking Water State Revolving Fund, for the
8 purpose of financing the Green River Filtration Facility Project ("Project"), and
9

10 WHEREAS the Washington State Department of Health is the funding
11 source for this loan, which is made available through the United States
12 Environmental Protection Agency for qualifying public water system projects, and
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14 WHEREAS the Project is necessary to comply with the cryptosporidium
15 treatment requirements of the federal Long Term 2 Enhanced Surface Water
16 Treatment Rule, and

17 WHEREAS the interest rate on the loan is 1.5 percent for a 20-year term,
18 with a 1 percent administrative fee, and

19 WHEREAS Section 4.11 of the Tacoma City Charter requires that all matters
20 related to the incurring of indebtedness by the Department of Public Utilities be
21 initiated by the Public Utility Board and approved by the City Council, and
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23 WHEREAS, on August 28, 2013, the Public Utility Board approved the
24 proposed loan agreement, and
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WHEREAS it appears to be in the best interests of the City, the citizens of

Tacoma, and the customers of Tacoma Water that the loan agreement be approved; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the Superintendent of the Department of Public Utilities, Water Division, is hereby authorized to accept a 2013 Drinking Water State Revolving Fund loan in the amount of \$12,120,000, and to execute a loan agreement on behalf of the City with the Washington State Public Works Board for the Green River Filtration Facility Project, said document to be substantially in the form of the proposed loan agreement on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney

Requested by Public Utility Board
Resolution No. U-10650



ORDINANCE NO. 28169

1 AN ORDINANCE relating to the public use and display of marijuana and medical
2 cannabis; amending Chapter 8.28 of the Tacoma Municipal Code (“TMC”)
3 by the addition thereto of two new sections, to be known and designated as
4 Sections 8.28.011 and 8.28.012, relating to the public use and display of
5 marijuana and medical cannabis; and amending TMC 8.29.060 to revise the
6 definition of “drug paraphernalia” to be consistent with state law.

7 WHEREAS Chapter 8.28 of the Tacoma Municipal Code (“TMC”), “Narcotics,”
8 regulates the use, possession, and distribution of controlled substances, and

9 WHEREAS state laws relating to marijuana, usable marijuana, marijuana-
10 infused products, and medical cannabis have undergone substantial revisions, and

11 WHEREAS state law defines the limitations on the public use and display of
12 marijuana, usable marijuana, marijuana-infused products, and medical cannabis,
13 and

14 WHEREAS the public use and display of marijuana, usable marijuana,
15 marijuana-infused products, and medical cannabis adversely affects public safety,
16 health, and welfare, and

17 WHEREAS making the TMC consistent with state law regarding the public
18 use and display of marijuana, usable marijuana, marijuana-infused products, and
19 medical cannabis will clarify prohibited conduct and enhance enforcement, and

20 WHEREAS TMC Chapter 8.29, “Drug Paraphernalia,” regulates the use,
21 possession, and distribution of drug paraphernalia, and

22 WHEREAS state law related to drug paraphernalia was altered by the
23 passage of Initiative 502 in November 2012, eliminating the penalties for
24 marijuana-related paraphernalia, and
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WHEREAS making the TMC consistent with state law will clarify prohibited conduct and enhance enforcement related to drug paraphernalia; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 8.28 of the Tacoma Municipal Code is hereby amended by the addition thereto of two new sections, to be known and designated as Sections 8.28.011 and 8.28.012, as set forth in the attached Exhibit "A."

Section 2. That Section 8.29.060 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "B."

Section 3. Severability. If any part, provision, or section of these chapters are held to be void or unconstitutional, all other parts not expressly so held shall continue in full force and effect.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

Chapter 8.28
NARCOTICS

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Sections:

- 8.28.005 Enforcement priority.
- 8.28.010 Unlawful acts.
- 8.28.011 Opening or consuming package containing marijuana, useable marijuana, or marijuana-infused product in view of general public – Penalty – Adoption by Reference.
- 8.28.012 Crimes – Limitations of chapter – Public display of medical cannabis – Adoption by Reference.
- 8.28.015 Presence where drugs kept.
- 8.28.020 Definitions.
- 8.28.030 Complaint.
- 8.28.040 Violation – Penalty.
- 8.28.050 Severability.

8.28.005 Enforcement priority.

The police chief and city attorney shall make the investigation, arrest, and prosecution of cannabis (a/k/a “marijuana”) offenses the lowest enforcement priority, as this term may be defined in their policies and procedures manuals, for adult personal use.

8.28.010 Unlawful acts.

A. It is unlawful, except as provided pursuant to Chapter 69.50 RCW as now or hereafter amended, for any person to:

- 1. Offer to sell, offer to purchase, or purchase any controlled substance with the intent to sell, or purchase any such controlled substance or any other liquid, substance, or material in lieu of such controlled substance; or
- 2. Have in his or her actual or constructive possession 40 grams or less of marijuana.

B. Definitions.

- 1. “Controlled substance” means any substance classified in Schedule I, II, III, IV, or V of Chapter 69.50 RCW as now or hereafter amended.
- 2. “Marijuana” means marijuana as defined by RCW 69.50.101 as now or hereafter amended.
- 3. “Offer” has its ordinary meaning and includes a manifestation in any form of willingness to enter into a bargain.

C. Inference of Intent. In any prosecution pursuant to subsection A of this section, any person who makes an offer to sell or offer to purchase a controlled substance, or who makes a purchase of a controlled substance or any other liquid, substance, or material in lieu of such controlled substance, may be inferred to have acted with intent to do the same unless such offer shall be explained by evidence satisfactory to the trier of fact to have been made without such criminal intent.

8.28.011 Opening or consuming package containing marijuana, useable marijuana, or marijuana-infused product in view of general public – Penalty – Adoption by Reference.

RCW 69.50.445, “Opening or consuming package containing marijuana, useable marijuana, or marijuana-infused product in view of general public – Penalty,” as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.



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8.28.012 Crimes – Limitations of chapter – Public display of medical cannabis – Adoption by Reference.

RCW 69.51A.060(1), “Crimes – Limitations of chapter ,” as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

* * *



EXHIBIT "B"

1 **8.29.060 Illegal conduct.**

2 A. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate,
3 cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack,
4 repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled
5 substance other than marijuana. Any person who violates this subsection is guilty of a misdemeanor.

6 B. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver
7 drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used
8 to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test,
9 analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human
10 body a controlled substance other than marijuana. Any person who violates this subsection is guilty of a
11 misdemeanor.

12 C. Any person 18 years of age or over who violates subsection B of this section by delivering drug
13 paraphernalia to a person under 18 years of age who is at least three years his junior is guilty of a gross
14 misdemeanor.

15 D. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any
16 advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the
17 advertisement, in whole or in part, is to promote the sale of drug paraphernalia. Any person who violates this
18 subsection is guilty of a misdemeanor.

19 E. Every person who sells or gives, or permits to be sold or given to any person, any drug paraphernalia in any
20 form commits a class I civil infraction under chapter 7.80 RCW. For purposes of this subsection, "drug
21 paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or
22 designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding,
23 converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing,
24 concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance
25 other than marijuana. Drug paraphernalia includes, but is not limited to, objects used, intended for use, or
26 designed for use in ingesting, inhaling, or otherwise introducing, cocaine into the human body, such as:

1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, or
punctured metal bowls;
2. Water pipes;
3. Carburetion tubes and devices;
4. Smoking and carburetion masks;
5. Miniature cocaine spoons and cocaine vials;
6. Chamber pipes;
7. Carburetor pipes;
8. Electric pipes;
9. Air-driven pipes; and
10. Ice pipes or chillers.

F. It shall be no defense to a prosecution for a violation of subsection E that the person acted, or was believed
by the defendant to act, as agent or representative of another.

G. Nothing in subsection E of this section prohibits legal distribution of injection syringe equipment through
public health and community-based HIV prevention programs, and pharmacies.