

ORDINANCE NO. 4165-26

An ORDINANCE adopting a new chapter of the Everett Municipal Code relating to Endangerment with a Controlled Substance.

WHEREAS,

- A.** The City of Everett 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.
- B.** 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.
- C.** 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.
- D.** The Everett Police Department has investigated thirty-three overdoses involving minor victims since 2019. Over 35% of those investigations (36%) involved children ages 1-3¹. One was fatal. Of those involving very young children, seven are known to have involved fentanyl, including the fatal exposure.
- E.** Controlled substances come in all forms, and they are regularly made into powders, pills, candies, eye droppers, and nasal sprays.
- F.** 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.
- G.** 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 fentanyl². Fentanyl accounted for 30 of the 38 accidental ingestions by children under 11.
- H.** 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

¹ Accurate as of Feb. 13, 2026.

² Office of the Family and Children's Ombuds (OFCO), *2025 Annual Report* (Dec. 2025), <https://ofco.wa.gov/sites/default/files/2025-12/2025%20OFCO%20Annual%20Report.pdf> (accessed Feb. 13, 2026).

children involved in accidental ingestions and overdoses investigated by DCYF in 2024 involved children aged 0 and 1 years old³.

- I. 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.
- J. 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 to be exposed to, ingest, inhale, absorb or have contact with any controlled substance, including synthetic opioids.
- K. In the interim, 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 from the dangers of exposure to powerful controlled substances such as fentanyl and deter the endangerment of children caused by exposure to these substances.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

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. New Chapter 10.xx EMC

A new chapter 10.41 is hereby added to the Everett Municipal Code as chapter 10.41 EMC as follows:

Chapter 10.41

Endangerment with a Controlled Substance

10.41.010 Definitions

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

- A. "Child" shall mean the same as the term is defined in RCW 9A.42.010.
- B. "Controlled Substance" shall mean the same as the term is defined in RCW 69.50.101.
- C. "Prescription" shall mean the same as the term is defined in RCW 69.50.101.

10.41.020 Endangerment with a Controlled Substance

- A. 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

³ Office of the Family and Children's Ombuds (OFCO), *2025 Annual Report* (Dec. 2025), <https://ofco.wa.gov/sites/default/files/2025-12/2025%20OFCO%20Annual%20Report.pdf> (accessed Feb. 13, 2026).

person knowingly or recklessly causes a child to be exposed to, ingest, inhale, absorb, or have contact with any controlled substance classified in Schedule I or Schedule II as set forth in State or Federal law, or the smoke of a substance that the person knows, or reasonably should know, contains, or is contaminated with, a controlled substance classified in Schedule I or Schedule II.

- B. Administering or providing a controlled substance to a child in the course of delivering health care services pursuant to and in accordance with a valid prescription is not a violation of this Section.
- C. This chapter shall not apply to, nor be deemed or construed to conflict with, conduct specifically prohibited by RCW 9A.42.100.

10.41.030. 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.

10.41.040. Preemption

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

Section 3. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers, and any internal references.

Section 4. The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

Section 5. The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 6. It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.



CASSIE FRANKLIN, MAYOR

ATTEST:



CITY CLERK

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Final Audit Report

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