

CITY of ALBUQUERQUE

TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-25-78 ENACTMENT NO. _____

SPONSORED BY: Dan Lewis

1 **ORDINANCE**

2 **ADOPTING A NEW PART 3 IN CHAPTER 9, ARTICLE 11 OF THE REVISED**
3 **ORDINANCES OF ALBUQUERQUE 1994 TO BE KNOWN AS THE**
4 **“INTOXICATING HEMP PRODUCTS ORDINANCE”.**

5 **WHEREAS, the unregulated sale of intoxicating hemp-derived products**
6 **pose significant risks to public health, safety and welfare; and**

7 **WHEREAS, Intoxicating cannabinoids derived from hemp can mimic the**
8 **effects of controlled substances and contribute to the abuse of controlled**
9 **substances within the community; and**

10 **WHEREAS, Young people are particularly vulnerable to the marketing and**
11 **sale of intoxicating hemp products, which are often indistinguishable from**
12 **legal, nonintoxicating hemp products and are not subject to the same**
13 **marketing scrutiny as those in the regulated recreational and medical**
14 **cannabis market.**

15 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
16 **ALBUQUERQUE:**

17 **SECTION 1.**

18 **PART 3: INTOXICATING HEMP**

19 **§ 9-11-3-1 FINDINGS. The City council finds that:**

20 **(A) The unregulated sale of intoxicating hemp-derived products, such as**
21 **Delta-8 THC, Delta-10 THC and THC-A, poses significant risks to public health,**
22 **safety, and welfare.**

23 **(B) Intoxicating cannabinoids derived from hemp can mimic the effects of**
24 **controlled substances and contribute to the abuse of controlled substances**
25 **within the community.**

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1 (C) Federal law permits the sale of hemp-derived cannabinoids that contain
2 less than 0.3% Delta-9 THC but does not adequately regulate the conversion of
3 hemp into intoxicating products, creating a 'derivatives loophole.'

4 (D) Young people are particularly vulnerable to the marketing and sale of
5 intoxicating hemp products, which are often indistinguishable from legal,
6 nonintoxicating hemp products and are not subject to the same marketing
7 scrutiny as those in the regulated recreational and medical cannabis market.

8 (E) It is in the public interest to regulate the sale and distribution of
9 intoxicating hemp products to ensure public safety, discourage misuse, and
10 promote compliance with existing laws.

11 (F) The New Mexico Cannabis Regulation Act does not comprehensively
12 address the use, tracking, or testing of intoxicating hemp products intended
13 for sale within the state's recreational and medical cannabis market.

14 § 9-11-3-2 SHORT TITLE. This article may be cited as the "Intoxicating Hemp
15 Products Ordinance."

16 § 9-11-3-3 DEFINITIONS. As used in this section, unless the context otherwise
17 requires:

18 (A) ADVERTISE. To publish or disseminate an Advertisement.

19 (B) ADVERTISEMENT. Any written or verbal statement, illustration, or
20 depiction that a reasonable person would understand as intended to induce
21 sales, including any written, printed, graphic, or other material; billboard, sign,
22 or other outdoor, digital, indoor, or point-of-sale display, including, without
23 limitation, an individual carrying a display; other periodical, literature, or
24 publication; or any similar media.

25 (C) CANNABINOIDS. Structured chemical compounds found in cannabis
26 plants, including both THC and CBD.

27 (D) CANNABIDIOL (CBD). A type of substance identified using CAS
28 Common Chemistry Registry Number 13956-29-1, including cannabidiolic acid.

29 (E) INDUSTRIAL HEMP or HEMP. An agricultural product, whether growing
30 or not, limited to types of the plant Cannabis saliva L. and any part of that
31 plant, including the seeds and all derivatives, extracts, resin extracted from
32 any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers,
33 with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent

1 on a dry weight basis. INDUSTRIAL HEMP does not include any synthetically
2 derived cannabinoid.

3 (F) OFFER FOR SALE. The solicitation, advertisement, allowance,
4 inducement, or any other method or attempt to encourage any person to
5 acquire, possess, sell, purchase, or exchange a product. There is a rebuttable
6 presumption that a product is for sale if it is located with other products
7 offered for sale.

8 (G) PERSON. Any individual, partnership, firm, or corporation.

9 (H) SYNTHETICALLY DERIVED CANNABINOID. A substance derived from a
10 chemical reaction that changes the molecular structure of any substance
11 separated or extracted from the plant Cannabis sativa L.

12 (I) TETRAHYDROCANNABINOL (THC) or THC OR COMPARABLE
13 CANNABINOID. A cannabinoid found in cannabis, including but not limited to:

14 a. Tetrahydrocannabinolic acid (THC-A);

15 b. Any tetrahydrocannabinol, including Delta-8-
16 tetrahydrocannabinol, Delta-9-tetrahydrocannabinol, and Delta-10-
17 tetrahydrocannabinol, or similar substances, however derived;

18 c. Any other cannabinoid, except cannabidiol (CBD), deemed to
19 cause intoxication.

20 § 9-11-3-4 PROHIBITED SALES AND DISTRIBUTION.

21 (A) It is unlawful for any person to maintain or operate any business in
22 which, for the benefit of the business, hemp is chemically or synthetically
23 altered to have a concentration of more than 0.3 percent of
24 tetrahydrocannabinol.

25 (B) It is unlawful for a person, or business, to sell, advertise, offer to sale,
26 or manufacture any synthetically derived cannabinoid product that contains
27 tetrahydrocannabinol or comparable cannabinoid concentrations of more than
28 0.3 percent.

29 § 9-11-3-5 ENFORCEMENT.

30 (A) The Albuquerque Police Department, Environmental Health Department,
31 and other designated agencies shall enforce this ordinance.

32 (B) Violations of this ordinance shall constitute a petty misdemeanor
33 subject to the penalty provisions in 1-1-99.

1 (C) Businesses found in violation may have their operating licenses
2 revoked.

3 § 9-11-3-6 SIGNAGE AND EDUCATION.

4 (A) Licensed businesses selling non-intoxicating hemp products must
5 display signage stating, "Sale of intoxicating hemp products is prohibited
6 under Albuquerque law."

7 (B) The City will provide educational materials to retailers and the public
8 regarding the risks associated with intoxicating hemp products.

9 SECTION 2. SEVERABILITY. If any section, paragraph, sentence, clause,
10 word or phrase of this Ordinance is for any reason held to be invalid or
11 unenforceable by any court of competent jurisdiction, such decision shall not
12 affect the validity of the remaining provisions of this Ordinance. The Council
13 hereby declares that it would have passed this Ordinance and each section,
14 paragraph, sentence, clause, word or phrase thereof irrespective of any
15 provision being declared unconstitutional or otherwise invalid.

16 SECTION 3. COMPILATION. SECTION 1 of this Ordinance is to be
17 complied as a new Part 3 in Article 11 in Chapter 9 of the Revised Ordinances
18 of Albuquerque, New Mexico, 1994, titled "Intoxicating Hemp Products
19 Ordinance."

20 SECTION 4. EFFECTIVE DATE. This Ordinance takes effect five days after
21 publication by title and general summary.
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