

CITY of ALBUQUERQUE
TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-23-87 ENACTMENT NO. O-2023-027

SPONSORED BY: Klarissa Peña

1 ORDINANCE
2 DIRECTING THE TAX REVENUE GENERATED BY LEGAL RECREATIONAL
3 MARIJUANA SALES TO A PERMANENT MARIJUANA EQUITY AND
4 COMMUNITY REINVESTMENT FUND FOR THE BENEFIT, HEALTH, SAFETY,
5 WELFARE, AND QUALITY OF LIFE FOR THOSE WHO HAVE BEEN
6 NEGATIVELY IMPACTED BY THE CRIMINALIZATION OF MARIJUANA.

7 WHEREAS, the communities that have been most harmed by marijuana
8 prohibition are benefiting the least from the legal marijuana marketplace; and

9 WHEREAS, the Cannabis Regulation Act (CRA) legalized sales of adult-use
10 marijuana in New Mexico during a special session in March 2021 legalizing
11 marijuana for adult recreational use; and

12 WHEREAS, legal marijuana tax revenue to the City of Albuquerque has
13 averaged \$2.8 million per year; and

14 WHEREAS, individuals with marijuana and other convictions types are
15 burdened with collateral consequences that make seeking employment,
16 receiving public benefits, obtaining occupational licenses, and pursuing
17 higher education more difficult, thus limiting their opportunities for financial
18 stability; and

19 WHEREAS, tax revenue generated from the adult-use sales of marijuana
20 could be used to reinvest in communities most harmed by marijuana
21 prohibition; and

22 WHEREAS, the City of Albuquerque Cannabis Equity Working Group,
23 formed in August 2021, met monthly to discuss what is needed to ensure
24 equity and public benefit of adult use of marijuana within the City of
25 Albuquerque; and

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1 **WHEREAS, the Working Group was tasked with making recommendations**
2 **on programs, requirements and/or incentives to promote social and economic**
3 **equity for applicants, licensees, & community members; identifying**
4 **communities that have been disproportionately impacted by the “War on**
5 **Drugs;” identifying funding needs within those communities; and to determine**
6 **programmatic eligibility of persons who have been disproportionately**
7 **impacted by the criminalization of marijuana; and**

8 **WHEREAS, the City of Albuquerque hired equity consultants in December**
9 **2021 and tasked them with hosting community listening sessions to gain**
10 **additional community insight regarding needs of a marijuana social equity**
11 **program while also noting community concerns of new marijuana legalization;**
12 **and**

13 **WHEREAS, feedback given by the initial working group in combination with**
14 **feedback from the listening sessions led to recommendations to the City of**
15 **Albuquerque for consideration; and**

16 **WHEREAS, the City of Albuquerque’s Office of Equity and Inclusion**
17 **worked with the City of Albuquerque Equity Working Group, the City**
18 **consultants, and the community throughout the process of forming**
19 **recommendations related to marijuana equity and the use of marijuana tax**
20 **revenue funds by the City of Albuquerque; and**

21 **WHEREAS, the community stakeholders recommended that the City**
22 **establish a marijuana social equity program and that such program be**
23 **situated within an existing City department that shares the foundational goals**
24 **of using part of the tax proceeds of legal marijuana sales to reinvest in**
25 **communities that have been disproportionately impacted by criminalization of**
26 **marijuana; and**

27 **WHEREAS, recently released results from the national Youth Risk Behavior**
28 **Survey (YRBS) allow comparisons between high school students in New**
29 **Mexico, the US, and in other states; the YRBS reveals that in 2019, compared**
30 **to other US high school students, NM students had higher rates of most drug**
31 **use and tobacco use and were more likely to be early initiators of cigarette**
32 **smoking, alcohol use, and marijuana use; and**

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1 **WHEREAS, the federal Substance Abuse and Mental Health Services**
2 **Administration (SAMHSA) identifies ‘Recovery Housing,’ also known as Sober**
3 **Living Homes, as a vital component to the continuums of affordable housing**
4 **because sober living homes replicate normal, everyday life situations while**
5 **instilling healthy habits, helping to reduce the chance of relapse; and**

6 **WHEREAS, recovery housing acts as a supplement to an individual’s**
7 **recovery and is an alternative to going from an immersive care environment**
8 **straight to a totally unstructured environment at home; and**

9 **WHEREAS, Recovery Residences are also designed for specific/special**
10 **populations such as language, gender, women with children, age, re-occurring**
11 **problems, medication status, prison re-entry to society after incarceration, and**
12 **those that are unhoused; and**

13 **WHEREAS, safe, stable, and nurturing relationships and environments are**
14 **essential to children’s health and wellbeing, yet many children in Albuquerque**
15 **do not live in these types of environments, which places them at-risk for**
16 **adverse childhood experiences with the potential for immediate and long-term**
17 **negative health and social impacts; and**

18 **WHEREAS, because strengthening economic supports is one of the six**
19 **strategies recommended by the U.S. Centers for Disease Control and**
20 **Prevention to prevent Adverse Childhood Experiences (ACES), a range of**
21 **economic support programs is being tested in cities across the country to**
22 **meet basic needs; and**

23 **WHEREAS, basic income programs create an income floor for the most**
24 **vulnerable as a step toward empowering individuals to meet their basic needs**
25 **and make decisions that go beyond merely surviving, and instead enable**
26 **thriving; and**

27 **WHEREAS, the New Mexico Department of Taxation and Revenue requires**
28 **that municipalities report on how Marijuana tax revenue is spent, and**
29 **establishing a fund simplifies this reporting.**

30 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
31 **ALBUQUERQUE:**

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1 SECTION 1. A new Article 12, the “Marijuana Equity and Community
2 Reinvestment Fund,” is hereby adopted within Chapter 4, “Revenue and
3 Taxation” as follows:

4 “§ 4-12-1 SHORT TITLE.

5 This article may be referred to as the Albuquerque Marijuana Equity
6 and Community Reinvestment Fund Ordinance.

7 A. DEFINITIONS

8 *Marijuana* – cannabis flower and cannabis extracts, as defined in the New
9 Mexico Cannabis Regulation Act, NMSA § 26-2C-2(B).

10 *Recreational Marijuana Tax Revenue* – Includes all taxes and revenue
11 collected by or deposited to the City in connection with excise taxes from
12 recreational marijuana sales, except that recreational marijuana licensing
13 fees shall not be considered recreational marijuana tax revenue.

14 *Marijuana Social Equity Program* – activities related to the use of marijuana
15 taxes to benefit those populations most adversely impacted by the historical
16 criminalization of marijuana.

17 *Vulnerable Community* – a community of interest that has historically been
18 targeted or victimized by the war on drugs.

19 *Community needs and support* –supplemental support directed to vulnerable
20 communities and communities of interest.

21 B. PERMANENT MARIJUANA EQUITY AND COMMUNITY
22 REINVESTMENT FUND.

23 1. The City shall establish a Marijuana Social Equity and
24 Community Reinvestment Fund wherein all recreational marijuana tax
25 revenue shall be deposited at least once per annum;

26 2. The Department of Finance and Administrative Services shall
27 oversee and administer the Marijuana Equity and Community Reinvestment
28 Fund, coordinating with the Office of Equity and Inclusion to facilitate related
29 programs to ensure equitable community reinvestment and access.

30 3. The Office of Equity and Inclusion shall develop and maintain
31 a process for broadly representative public input into the activities of the
32 Marijuana Equity and Community Reinvestment Fund programs.

33 C. DEDICATION.

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- 1 1. The Marijuana Equity and Community Reinvestment Fund may
- 2 be used for the administration and provision of any or all of the following
- 3 purposes and related programs:
- 4 a. Evidence-based drug education, awareness, and prevention
- 5 programs for youth;
- 6 b. Evidence-based substance use treatment for youth, including
- 7 but not limited to inpatient detoxification;
- 8 c. Recovery Housing and supportive aftercare;
- 9 d. Supplemental income programs;
- 10 e. Workforce development and job training;
- 11 f. Technical assistance for small marijuana business owners in
- 12 impacted communities;
- 13 g. Programs for people re-entering society after incarceration;
- 14 h. Programs operated by Equity and Inclusion for the benefit of
- 15 populations disproportionately impacted by the historical criminalization of
- 16 marijuana.

17 **SECTION 2. SEVERABILITY CLAUSE.** If any section, paragraph,

18 word or phrase of this ordinance is for any reason held to be invalid or

19 unenforceable by any court of competent jurisdiction, such decision shall not

20 affect the validity of the remaining provisions of this ordinance. The Council

21 hereby declares that it would have passed this ordinance and each section,

22 paragraph, sentence, clause, word or phrase thereof irrespective of any

23 provision being declared unconstitutional or otherwise invalid.

24 **SECTION 3. COMPILATION.** Section 1 of this Ordinance shall be

25 incorporated in and made part of the Revised Ordinances of Albuquerque,

26 New Mexico, 1994, as a new Article 12 to be added to Chapter 4, titled

27 “Marijuana Equity and Community Reinvestment Fund.”

28 **SECTION 4. EFFECTIVE DATE.** This ordinance shall take effect five

29 (5) days after publication by title and general summary.

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1 PASSED AND ADOPTED THIS 8th DAY OF November, 2023
2 BY A VOTE OF: 8 FOR 1 AGAINST.


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4 AGAINST: Jones

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8 Pat Davis, President
9 City Council

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APPROVED THIS 21 DAY OF March, 2023

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Bill No. O-23-87

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21 Timothy M. Keller, Mayor
22 City of Albuquerque

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ATTEST:

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28 Ethan Watson, City Clerk

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