

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-23-87 ENACTMENT NO. _____

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, co-
11 occurring problems, medication status, prison re-entry to society after
12 incarceration, and 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 Sales Tax Revenue* – Includes all taxes and revenue
11 collected by or deposited to the City in connection with sales or excise taxes
12 from recreational marijuana sales, except that recreational marijuana
13 licensing fees shall not be considered recreational marijuana tax revenue.

14 *Marijuana Social Equity Program* – activities related to the use of marijuana
15 sales and excise taxes to benefit those populations most adversely impacted
16 by the historical 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 SOCIAL 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 sales tax
25 revenue shall be deposited at least once per annum;

26 2. The Office of Equity and Inclusion shall oversee and
27 administer the Cannabis Equity Fund and related programs to ensure
28 equitable community reinvestment and access.

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

32 C. DEDICATION.

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1. The Marijuana Equity Fund may be used for the administration and provision of any or all of the following purposes and related programs:

- a. Evidence-based drug education, awareness, and prevention programs for youth;
- b. Evidence-based substance use treatment for youth, including but not limited to inpatient detoxification;
- c. Recovery Housing and supportive aftercare;
- d. Supplemental income programs;
- e. Workforce development and job training;
- f. Technical assistance for small Marijuana business owners in impacted communities;
- g. Programs for people re-entering society after incarceration;
- h. Programs operated by Equity and Inclusion for the benefit of populations disproportionately impacted by the historical criminalization of marijuana.

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

SECTION 3. COMPILATION. Section 1 of this Ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994, as a new Article 12 to be added to Chapter 4, titled “Marijuana Equity and Community Reinvestment Fund.”

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five (5) days after publication by title and general summary.

FISCAL IMPACT ANALYSIS

TITLE: Directing The Tax Revenue Generated By Legal Recreational Marijuana Sales To A Permanent Marijuana Equity And Community Reinvestment R: O:
 FUND: 110

DEPT:

- [X] No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- [] (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	2023	Fiscal Years 2024	2025	Total
Base Salary/Wages				-
Fringe Benefits at				-
Subtotal Personnel	-	-	-	-
Operating Expenses				-
Property				-
Indirect Costs	-	-	-	-
Total Expenses	\$ -	\$ -	\$ -	\$ -
<input type="checkbox"/> [] Estimated revenues not affected				
<input checked="" type="checkbox"/> [x] Estimated revenue impact				
Revenue from program				0
Amount of Grant		-	-	
City Cash Match				
City Inkind Match				
City IDOH	-	-	-	-
Total Revenue	\$ -	\$ -	\$ -	\$ -

These estimates do not include any adjustment for inflation.

* Range if not easily quantifiable.

Number of Positions created

COMMENTS: The State Cannabis Tax revenue has been deposited into the General Fund, accruing \$5.14m since 2022. This legislation would designate a new fund specific for the tax revenue uses.

COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

There is no fiscal impact on the General Fund with this legislation. It designates a broad scope for the use of the tax revenue generated from recreational cannabis sales by creating a new fund and designating this in the Albuquerque Code of Ordinances.

PREPARED BY:

APPROVED:

Laura W Rummler

 FISCAL ANALYST

 DIRECTOR (date)

REVIEWED BY:

 EXECUTIVE BUDGET ANALYST BUDGET OFFICER (date) CITY ECONOMIST



Black Hat Wellness & Creative | Wildflower Resources

To: Timothy M. Keller, Mayor

From: Cannabis Social Equity Working Group
Community Listening Session Members
Shawna Brown, Cannabis Equity Consultant, Black Hat Creative
Rosalie Flores, Cannabis Equity Consultant, Wildflower Resources

Subject: Albuquerque Cannabis Equity Program recommendations

Question:

What specific and achievable actions can the City of Albuquerque take to address equity in the adult-use cannabis market while ensuring cannabis legalization does not harm already vulnerable communities?

Summary of Recommendations:

- Recommendations to create and fund a cannabis social equity program
- Recommendations on defining a social equity applicant
- Recommendations for targeted reinvestment of cannabis tax revenue
- Recommendation for the City to publish cannabis-related arrests, citations and penalty citations from the Albuquerque Police Department
- Recommendations for the Albuquerque Police Department
- Recommendation for City led educational sessions
- Recommendations for vulnerable community protections
- Recommendations to effectively account for environmental and water impact
- Recommendations for community needs and support
- Additional considerations

Background:

The Cannabis Regulation Act (CRA) legalized sales of adult-use cannabis during a special session in March 2021. The bill was passed as a means of economic diversity, addressing the harms from the failed drug war, and entrepreneurship opportunities for New Mexicans. The final bill unfortunately failed to mention or prioritize equity resulting in an industry that continues to push out those who were most impacted by the failed War on Drugs.

Microbusinesses have been touted as an accessible (and equitable) pathway for those seeking access into the cannabis industry due to the reduced licensing fees. However, microbusiness's plant count statutory limitations (e.g., a 200-plant count vs. an unspecified amount which is currently at 20,000 plant count) plus nearly identical start-up costs as larger producers create an inequitable framework that is counter to the rhetoric used to pass legalization.

The City of Albuquerque Equity Working Group, formed in August 2021, met monthly to discuss what is needed to ensure equity and public benefit of adult use of cannabis within the city of Albuquerque. The Working Group was tasked with making recommendations on programs, requirements and/or incentives to promote social and economic equity for applicants, licensees, & community members; to identify communities that have been disproportionately impacted by the "War on Drugs"; to identifying funding needs within those communities; and to determine programmatic eligibility of a person from a disproportionately impacted community. The working group was a multidisciplinary team of professionals and community members who reviewed these matters.

Equity consultants were hired in December 2021 and tasked with hosting community listening sessions to gain additional community insight regarding needs of a cannabis social equity program while also noting community concerns of new cannabis legalization. Feedback given by the initial working group in combination with feedback from the listening sessions led to the following recommendations to submit to the City of Albuquerque for consideration.

Since the launch of adult-use cannabis on April 1st, New Mexico has seen more than \$15 million worth of recreational cannabis sales according to the Cannabis Control Division. This was made possible as existing medical operators, with the ability to meet the capital and infrastructure requirements, were grandfathered in to be the first to sell in the adult-use market. As reported by KRQE, many aspiring entrepreneurs are "frustrated and watching from the sidelines" (48). Pat Davis, City Council member, acknowledges that it is the lack of experience among applicants who do not understand the rules and requirements that is the issue. It is evident that more support is needed for locals who wish to enter the industry.

As of April 2022, at a state level, there is no community reinvestment fund or earmarked tax revenue allocated towards repairing communities and individuals that have been harmed by the drug war. Without a clear designation of tax revenue to help repair the harms from the drug war, the social justice promises made to promote legalization remain unfulfilled. Equity and social justice within cannabis is not exclusive to licensing and expungement alone. Underfunded and over criminalized communities must also be the first to benefit from legalization otherwise they will be further exploited by the operators profiting from their consumption. The City of Albuquerque has an opportunity to take the lead in areas of economic development through a cannabis equity program and community reinvestment to aid in repairing broken systems that keep New Mexico at the bottom of nearly all state rankings.

Lastly, the Intergovernmental Panel on Climate Change recently released a report concluding that climate change has caused substantial damages, and increasingly irreversible losses, in freshwater ecosystems (high confidence), reduces food and water insecurity and adverse physical and mental health, particularly of people in economically and socially marginalized communities (47). The Colorado River, the main source of drinking water for New Mexico, was recently named the most endangered river in the US, perpetuated by the climate crisis. Albuquerque must take the lead in ensuring this water and energy intensive industry does not further contribute to global warming nor threaten water supplies. It is crucial to be proactive in these particular topics to ensure the health and safety of New Mexicans is not at stake.

The following recommendations address the above statements. The recommendations were developed by the cannabis workforce group and community listening sessions including participants who have been negatively impacted by the war on drugs and those who are interested in entering the cannabis industry.

Recommendations:

Recommendations to create and fund a cannabis social equity program

- a. Rationale: Within the Cannabis Equity Working Group and community listening sessions, there was overwhelming consensus that a cannabis social equity program is needed in Albuquerque due to the historic harms of racist rhetoric and policies regarding cannabis. This rhetoric has disproportionately impacted communities creating increased incarceration and in turn lack of economic opportunities, resulting in the average Black or Latinx or Hispano households with just 15 to 20% of net wealth and earning about half as much as the average White household. Today only 4.3% of the legal cannabis industry is owned by Black people and 5.7 % owned by Hispanos due to the lack of access to capital, technical assistance and real-estate. There is no data whatsoever on the percentage of cannabis businesses owned by Indigenous people (46). The “War on Drugs” has disproportionately negatively impacted Black and Brown communities since the creation of the Federal Bureau of Narcotics in 1930, led by Harry Anslinger (1). Prior to being appointed as commissioner, Anslinger didn't believe that cannabis was harmful, but changed his narrative due to his new role.
 - i. “...Most [marijuana smokers in the US] are Negroes, Hispanics, Filipinos and entertainers...Reefer makes darkies think they're as good as white men...the primary reason to outlaw marijuana is its effect on the degenerate races.” - Harry Anslinger (2)
 - ii. In the 1970's the “War on Drugs” was officially declared by President Richard Nixon. From 1980 to 1984 the number of arrests for all crimes increased by 28%, but the number of arrests for drug offenses increased 126%. (3) In 1986, Congress passed the Anti-Drug Abuse Act, which established mandatory minimum prison sentences for certain drug offenses. Data revealed that people of color were targeted and arrested on suspicion of drug use at higher rates than whites (4).

O-23-87: Attachment iii. Although cannabis consumption is the same amongst all races, racist drug policies have heavily policed and criminalized non-white communities. Penalties for violations of drug laws are not only experienced within the criminal law system. Drug charges can also deny child custody, voting rights, employment, licenses, student support, public housing, and business financing (5).

iv. In Colorado, a state that legalized cannabis in 2012 with legal sales beginning in 2014, found in a 2016 report that Black youth arrests increased 50% and Latino youth arrests increased 20% while arrests for their white peers decreased (20%) (45).

2. The cannabis social equity program should consist of programming that will effectively provide social equity program participants with the tools needed to successfully launch and run a business.

a. Rationale: The cannabis industry is difficult to navigate due to its previously illegal status, extensive regulatory requirements, complicated legal needs, tax restrictions, high taxes, high startup costs, and banking limitations. Those who meet the cannabis social equity criteria (*see section "Recommendations on defining a social equity applicant"*) are at a disadvantage towards successfully entering the industry.

b. Public benefit to funding and supporting social equity programs:

i. A report by Supernova Women concluded that when social equity programs are funded, there is a \$1.20 projected return of investment for every \$1.00 spent (49). The report also found that when community reinvestment is considered (and this investment supports early childhood and public education, employment training, mental health and expungement assistance) the projected social value generated by a social equity program increases to \$4.56 for every \$1 spent to serve equity operators (49).

c. Programming should include:

i. Educational Workshops: The program should be responsible for developing and presenting needed educational content which will be created in partnership with locally owned and operated businesses and organizations whose expertise aligns with program needs. Partnering organizations should be compensated and/or contracted with for their contributions. Programming should be made available to any cannabis social equity participant who is interested in launching their own cannabis establishment or ancillary business. Educational workshops should consist of:

1. Review of state and local cannabis rules and legislation
2. Types of cannabis business licenses and application processes & requirements
3. Process for applying for a cannabis license

4. Compliance training (e.g., testing, odor control, etc.)
 5. Business development and formation
 - a. to include ancillary businesses
 6. Business financial literacy
 - a. to include estimated costs (e.g., including specific tax requirements) for cannabis and cannabis ancillary businesses
 7. Legal assistance
 8. Cannabis cultivation & manufacturing best practices
- ii. Workforce Development: Training and job placement should be available for those who are not seeking business ownership in the cannabis industry (24). The City should create pipelines into the cannabis industry by partnering with existing cannabis businesses to meet the requirements set forth by the CRA to create and maintain a diverse workforce.
 - iii. 1:1 and Small Group Support: The program should have dedicated staff available outside of educational workshops to offer comprehensive 1:1 and small group assistance for participants. Support should include answering questions specific to the participants current needs in their process of applying for a state cannabis license (e.g., items that are listed on the Cannabis Control Division or applicant checklist) and connect participants to resources that can assist them in forming their ancillary business not otherwise provided in the Office.
 - iv. Financial Support: Within the first year, the program should identify and secure funding that will be allocated to program participants to assist with start-up and operational costs. Cannabis tax revenue can be a potential source of capital for participants. The Office should create a budget and formal process for applicants to obtain funding. The program should also support applicants in locating additional sources of funding (e.g., micro-business loans, small business grants, One ABQ Fund, etc.) and/or provide equity-based loans and loan forgiveness options.
 1. Estimates to start one cannabis microbusiness can start conservatively around \$150,000 based on information gathered from a local cannabis business (*see attachment: Approximate Start-Up Costs for Cannabis Microbusiness (200 plants)*). There are limited traditional banking options for cannabis businesses which makes securing capital difficult, and when possible, much more expensive than a traditional business (26).
 2. The Minority Cannabis Business Association reported in their National Cannabis Equity Report released early 2022, that among

the very few social equity programs that provide funding, even fewer provide access to timely funding to allow for a competitive advantage (46). Existing medical operators in New Mexico are establishing market share and establishing brand recognition long before social equity applicants can enter the market.

3. The cannabis social equity program should be its own office within a designated City department (*see attached Estimated Budget Cannabis Social Equity Office*). Due to the range of diverse goals of this particular program, the Cannabis Social Equity Office could be well suited in the following departments: Planning, Economic Development, Civil Rights Office, or Equity and Inclusion Office. The goals of this program include economic opportunities, racial justice, community reinvestment, reparative justice. The Office should be responsible for creating, implementing, and growing the cannabis equity program. Responsibilities include but are not limited to creating the office's value proposition, identifying resource needs, installing metrics for success, designing a process map, and adapting to changes and needs as they occur.
 - a. Rationale: Within the Cannabis Equity Working Group and community listening sessions, there was consensus that in order to maintain a cannabis social equity program, there must be dedicated staff and funding to handle the functions of the program. Personnel should be well-versed in the Cannabis Regulatory Act (CRA) and understand the process for obtaining a New Mexico cannabis license.
 - b. The program should hire at least one dedicated staff person who in the first year would:
 - i. Build out program framework, strategic planning, milestones, deadlines, and budget.
 - ii. Create strategic relationships with partner organizations.
 - iii. Develop (with support of partner organizations) educational workshops for program participants.
 - iv. Research and secure funding opportunities for program participants.
 - v. Create and implement strategic outreach to qualifying applicants to enter the program.
 - vi. Plan and monitor program execution (project coordination and managing project interdependencies) align deliverables with program outcomes, and work directly with social equity applicants.
 - c. By year two, the program should add additional staff to assist with administration support, growing the number of program participants, and managing funding disbursements as funding is made available.
4. The cannabis social equity program should connect those who are seeking record expungement with organizations who can assist. This should be made available to anyone who has a cannabis record that is eligible for expungement.

Rationale: The Criminal Record Expungement Act has allowed New Mexicans with marijuana-related arrest and conviction records to be eligible for record expungement. The expungement process has been noted as being “automatic” however there have been no public updates on the process (as of 2/2022) or to the expungement timeline. Due to the lack of information, community members should have a resource available in the Office to navigate the process. The Office should collaborate with legal entities who can help participants navigate the process.

5. The City should make immediate attempts to fund, create and staff the cannabis social equity program that will work to ensure that applicants can gain the tools necessary to compete with well-financed, multi-state operators. This program should be implemented with initial short-term funding and organization objectives followed by a long-term plan to sustain growth and success of the program.

- a. Rationale: Cannabis tax revenue is a potential avenue for program funding, however adult-use tax revenue will not actualize until 2024. This puts social equity applicants at a disadvantage if they have to wait until 2024 to gain access to this program. Building an immediate short-term funding strategy that is then supported by future cannabis tax revenue funding will help with the creation and sustainability of the program whose goal is to ensure locals and individuals who have been harmed by the drug war actualize the promise of economic opportunities for New Mexicans.

- b. Potential Funding Sources / Considerations: The City should create a line item in the 2023 FY Budget for this program accounting for staffing, programmatic development and implementation.

- i. Initial Funding from the cannabis social equity program can be secured through various means e.g., state and city led economic grants, private-public partnerships, the Cannabis Control Division, City Council ordinance, and/or unused funding sources from FY 2022.

1. Examples of municipal cannabis social equity funding and budgets:

- a. Oakland: The City of Oakland has two significant sources of funding for cannabis social equity including the Bureau of Cannabis Control and the Governor’s Office of Business and Economic Development (Go-Biz). In the spring of 2020, Oakland received a grant of approximately \$1,650,000 from the Bureau of Cannabis Control. In the summer of 2020, Oakland received a \$6,576,705 grant from the Governor’s Office of Business and Economic Development (Go-Biz). In the summer of 2021, Oakland received a \$2,434,712.51 grant from Go-Biz. Oakland has utilized funding from the state as a result of Senate Bill 1294 which funds most of Oakland’s social equity program (6).

- i. Program Details:

1. Successes of Oaklands Program include the development of a business coaching program Gaining Resources to Achieve Sustainable Success (GRASS), a program to provide leniency for late loan payments and to allow equity applicants to restructure their loans, and 1000 sq. ft. of “incubation” space rent-free for three years by a general applicant (non-equity license) (50).
2. Without adequate funding, incubation leases have expired before program participants could receive benefits from the GRASS program (50). Being connected to a cannabis business means bankruptcy protections are likely not available to these individuals.
 - a. A survey taken by program participants of the Oakland equity program concluded that 90% of respondents reported lack of capital as a major problem plaguing their business compared to general 40% fewer respondents from general applicants reporting capital issues (50).
- b. Sacramento City Council on Feb. 4, 2020 voted to accept funding from the California Bureau of Cannabis Control in the amount of \$1.2 million. This funding would allow the City to reimburse eligible participants for up to \$25,000 for certain start-up costs. (43)
 - i. Program Details:
 1. Since 2019, Sacramento’s Cannabis Opportunity Reinvestment and Equity (CORE) Program has been administered by two organizations: the Sacramento Asian-Pacific Chamber of Commerce through their “Sacramento Grow Green” program, and the city-based California Urban Partnership.
 2. At the inception of CORE, the City offered up to \$125,000 in loans to participants. Moreover, there is a Business Reimbursement program: Business Operating Permit (BOP) applicants who have

completed or are currently enrolled in the CORE Program are eligible to receive a reimbursement of up to \$25,000 for expenses incurred towards obtaining their permit. Requesters must own at least 51% of the cannabis business (50).

3. Successes/Struggles:

- a. By the time the program participants completed the CORE course, all retail locations had been accounted for. However, an additional ten retail slots were finally awarded to CORE participants in April 2021, after much deliberation with council and stakeholders (50).

6. The City should seek and obtain grant funding to continue and expand the efforts of the Cannabis Working Group by creating a paid community led advisory board.

- a. Rationale: Advocates and community members are often asked to donate their time to serve on boards and councils that inform well-paid executives on how to consider their concerns. In order to maintain transparency and inclusion while developing an ongoing social equity program and process, a community advisory board should be established and compensated to continuously ensure that programmatic goals are achievable and that individuals are not exploited for their knowledge. The goals and metrics should be shared with the public through a public comment period, the cannabis equity working group and decision-makers at regular intervals to inform the on-going process.

7. The City should identify city-owned property that can be used to incubate social equity applicants through such avenues such as the Metro Redevelopment Agency (MRA) and land or structures to be made available for multiple small businesses to rent.

- a. Rationale: The current 2022 proposed emergency rules allow for two or more State-licensed cannabis retail businesses to conduct business at the same location which could alleviate costs for social equity participants.
 - i. In an effort to increase accessibility to a social equity program, Detroit is offering a discount to purchase available properties at a discounted rate (18). Although the City cannot sell any publicly owned properties for less than market value due to the anti-donation clause, these surplus properties can be made for good use by incubating qualifying businesses, to include those of an ancillary nature.

Recommendations on defining a social equity applicant

1. The City should clearly define who a cannabis social equity applicant is to determine those who would qualify for cannabis social equity programming.

Rationale: Due to the historic harms of racist rhetoric and policies regarding cannabis targeted at specific communities, there should be clear guidelines as to who qualifies for social equity programming. Community listening session feedback recommended expanding the criteria to include underrepresented communities including those with disabilities, distressed farmers, and people who are LGBTQ. These communities should be considered as these populations are grossly underrepresented in the adult-use cannabis industry (19).

2. A Social Equity applicant should be defined as an individual who meets *two* of the following criteria:
 - a. Have a household income below 80% of the average median income (AMI) for the previous year (12-months).
 - b. Have been cited, arrested, convicted, or adjudicated delinquent of any offense except for those listed in NM Stat 29-3A-5(G) allowing for a past offense involving driving while under the influence of intoxicating liquor or drugs (including as a juvenile);
 - c. Have a parent, legal guardian, spouse, or dependent who was cited, arrested, convicted or adjudicated delinquent of any offense except for those listed in NM Stat 29-3A-5(G) allowing for a past offense involving driving while under the influence of intoxicating liquor or drugs (including as a juvenile);
 - d. Enrolled member of an Indian Nation, Tribe or Pueblo, Acequia Parciante in good standing, or qualified Land Grant-Mercedes for five years at any time;
 - e. An individual who experienced suspension or expulsion from a learning institution for a drug-related offense;
 - f. An individual from a Historically Underrepresented Community:
 - i. African American
 - ii. Asian American
 - iii. Hispanics or Chicanos/Latinos
 - iv. Native American
 - v. Veteran
 - vi. Distressed farmers
 - vii. People with disabilities
 - viii. Individuals who are part of a mixed-immigration status family
 - ix. LGBTQ

O-23-37: Attachment A

3. To efficiently identify who a social applicant is, the cannabis social equity program should create an application that identifies all admissible qualifying documents, to be used when determining those who meet the criteria to gain access to the program.

Recommendations for targeted reinvestment of cannabis tax revenue

1. The City should allocate a percentage of cannabis tax revenue to a community reinvestment fund.
 - a. Rationale: Designating a specific percentage of cannabis tax allocation to communities that have been unjustly targeted by cannabis prohibition ensures that legalization is a pathway to help repair its harms.
 - i. It is predicted the first full fiscal year of recreational marijuana may add an estimated \$19.1 million in net tax revenue to its general fund (11). It is estimated that Albuquerque will see between \$3-4 million for fiscal year 2023 (11).
 - ii. There are examples of states and municipalities that have instituted cannabis reinvestment funds including the state of Virginia (§ 2.2-2499.8. Cannabis Equity Reinvestment Fund) (32). Cities such as Illinois, New York, and New Jersey have dedicated 25-70% of marijuana tax revenue to be specifically designated to impacted communities (24).
 - iii. The Albuquerque Office of Equity and Inclusion has already identified areas within city limits that have a high vulnerability index that can be used as a baseline to help determine where and how to assist these communities (23).
2. The City should develop a robust community centered feedback process for input regarding how cannabis tax revenue from the cannabis reinvestment fund should be allocated.
 - a. Rationale: Addressing and centering priorities of impacted communities and individuals ensures inclusive and equitable practices when developing a tax revenue distribution plan.
 - i. Working group and community feedback sessions resulted in reinvestment recommendations, but targeted conversations within socially vulnerable communities need to be held to ensure the needed voices are heard.
 1. Initial considerations shared by listening session and working group members include:
 - a. Cannabis incubator and technical assistance
 - b. Cannabis start-up grants & loans
 - c. Education
 - d. Baby bond trust investment (12)
 - e. Affordable housing
 - f. Mental health

- g. Harm reduction
- h. Violence prevention
- i. Proven poverty alleviation models

Recommendation for the City to publish cannabis-related arrests, citations and penalty citations from the Albuquerque Police Department

1. The City should publish cannabis-related arrests, citations and penalty citations from the Albuquerque Police Department on a centralized web page for community access to include youth numbers.
 - a. Rationale: It is imperative that the public can easily find arrest & citation information on the City website to track whether or not legalization positively changes arrest outcomes and to help the public understand the effects of adult-use cannabis legalization in their communities.
 - i. Although the Cannabis Regulation Act (CRA) (36) requires that the Department of Public Safety (DPS) publish aggregated data collected from all law enforcement agencies in the state on the DPS website, this information should also be published in an easy to access, centralized location on the City's website.
2. The City should ensure that the Albuquerque Police Department accurately categorizes demographic information regarding arrests, citations and penalty citations to ensure proper data collection is gathered.
 - a. Rationale: The Marijuana Arrest Report put forward in August 2021 prepared by the Crime Analysis Unit, groups together American Indian/Alaska Native peoples along with classifying all Chicano, Mexicano & Hispano peoples as white, which does not fairly represent the unique demographics of Albuquerque (25) nor accurately account for arrest disparities between races (13). This can lead to under-reporting of the number of arrests, citations and penalty citations made against people of color as so many people currently fall under one race (white) instead of being delineated into more accurate demographics.

Recommendations for the Albuquerque Police Department

1. The Albuquerque Police Department should put into practice alternatives to citations including warnings and confiscation when encountering youth in possession of cannabis.
 - a. Rationale: Although the CRA includes language on youth cannabis possession, it is not clear if youth who are entered into the drug training program (due to cannabis possession) will result in a criminal juvenile record (36). Juvenile records can create barriers to employment and education, especially for youth who are seeking such avenues under the age of 18. The Albuquerque Police Department can assist with preventing an increase in youth cannabis offenses by prioritizing alternatives to arrests.
 - i. In a 2016 study data from 38 states were examined, including 4 states with cannabis legalization policies and 7 states with cannabis decriminalization policies. Legalization did not appear to reduce arrests for cannabis

2. Recommendation for the City to require the Albuquerque Police Department receive training on the history of cannabis prohibition, current arrest disparities between races and youth after legalization, legal possession limits, areas permissible to consume, and on harm reduction resources available to families related to cannabis.
 1. Rationale: In order to effectively destigmatize cannabis, use and continuously reduce disparities of arrest among different races and youth after legalization, law enforcement officers should thoroughly understand the ramifications cannabis prohibition had on communities of color. Law enforcement will also play a critical role in educating the public on new laws which can reduce future violations within the communities they patrol.
 - a. There was overwhelming feedback from community members for educational sessions (*see section "Recommendation for City Led Educational Sessions"*) on interacting with law enforcement. Law enforcement and the community at large should be provided with the same information to ensure understanding of the law and to aid in the reduction of cannabis citations and arrests.

Recommendation for City led educational sessions

1. The City should provide educational sessions and informative content, in collaboration with community-based organizations, to inform and guide citizens on various cannabis related topics. These can be housed under the Cannabis Social Equity Office, but should not be dependent upon the Office's formation to take place.
 - a. Rationale: With new adult-use legalization, the community should be made aware of how legalization will impact their daily lives and the lives of youth. A report by the ACLU found that although rates of cannabis use are the same of all races, black people are 3.6 times more likely to get arrested for cannabis, even after legalization (38). This disparity has not improved with changing cannabis laws and in fact are worsening. Further, some states have seen a rise in youth arrests for marijuana even in adult-use states (38). Providing education to the community and youth can minimize arrests and create a more well-informed population.
 - b. Resources that should be made available should include:
 - i. Content for families with youth to promote safe and educated communities. Various topics to be considered: harm reduction methods, history of prohibition and the war on drugs, scientific data and information regarding the effects of cannabis on a developing brain.
 1. Harm reduction strategies are critical as studies have found an increase in cannabis use disorder amongst youth and increase cannabis use amongst adults in legal states (40).
 - ii. Community education on legal rights pertaining to adult-use cannabis to include: legal possession limits, where consumption is permissible,

Recommendations for vulnerable community protections

1. The City should limit oversaturation of cannabis establishments in vulnerable communities by utilizing the Social Vulnerability Map (created by the Office of Equity and Inclusion) (23) and the Albuquerque Heat Watch Report (created by the Office of Sustainability) (31) to ensure necessary protections are in place within these communities.
 - a. Socially vulnerable communities can experience significant ramifications from oversaturation of cannabis establishments in their area. Potential negative impacts include increased rental costs, environmental impact and exploitation of low-income individuals as consumers (41). Situating dispensaries in communities with high crime and addiction rates may also perpetuate problems associated with intoxicants and cash-only businesses.
 - i. In legal cannabis states, cannabis establishments sites are disproportionately concentrated among low-income and historically disenfranchised communities; however, ownership does not reflect the community (41).
 - ii. In Denver, Colorado commercial real estate prices saw an increase as businesses sought out warehouse spaces for indoor grow facilities. Naturally, this has caused property values and property taxes to increase which makes community members who rent vs. own vulnerable to involuntary displacement without rental protection (42).

Recommendations to effectively account for environmental and water impact

1. The City should create an interagency partnership between the Albuquerque Bernalillo County Water Utility Authority (ABCWUA), Middle Rio Grande Conservancy District (MRGCD), Bernalillo County service area, and all other pertinent Soil & Water Conservation Districts and Acequia Special District Commissions within Bernalillo County to collectively determine and mitigate impacts of cannabis water use on the area's larger ground and surface water systems.
 - a. Rationale: Starting calculated water management efforts now and within the implementation process of recreational cannabis sets universally applicable sustainability standards for water use and water management. It also serves as a strategic benefit to start with one of the single most high-water using industries in the country (7). Allowing for unlimited licenses without sustainable water tracking measures puts a threat on water that is needed for domestic use. New Mexico is currently experiencing extreme aridification and more than 50% of the state falls into the Exceptional drought category as of April 2021 (23). There must be full transparency and cross agency collaboration and communication to ensure there is sufficient water to serve this industry.
 - i. ABCWU's 100-year water plan should be revised to account for the increase of water use by the cannabis industry. Current requirements for a

cannabis producer application are for applicants to submit a water plan and commercial irrigation meter. However, it is unclear if ABCWUA has the portfolio to meet the new demands.

2. The City of Albuquerque should ensure that the Environmental Health Department and the Office of Sustainability study the environmental impacts of the cannabis industry and work with energy providers to aggregate carbon emissions and energy consumption data.
 - a. Rationale: Cannabis is now thought to be one of the most energy-intensive crops in the nation (8). Problems directly related to energy production and consumption include air pollution, climate change, water pollution, thermal pollution, and solid waste disposal (33). Power outages due to indoor marijuana grows have been reported in California as well as Portland, Oregon (33). Without collecting and reporting data of energy-use, the City will be unprepared for the potential negative effects associated with concentrations of high energy use in city limits. In addition, the Urban Heat-watch report released in July 2021 (31), has identified areas in Albuquerque experiencing environmental and thus, social justice inequities.
 - i. This becomes an equity issue as according to Albuquerque Ordinance R-19-187 as, “*frontline communities* [often communities of color whose communities are placed in the least desirable areas of cities] have historically borne the brunt of the extractive fossil-fuel industries.” (30) The United States relies heavily on fossil fuels for the majority of its electricity generation, and indoor cannabis facilities require continuous energy demand (e.g., lighting, fans, humidifiers) (39).
3. The Office of Sustainability should collaborate with environmental justice organizations, cannabis operators and communities to create sustainable policies and practices that reduce negative environmental impact.
 - a. Rationale: The emergence of this new energy intensive industry requires careful consideration of environmental impact as well innovative solutions. Collaboration with environmental organizations, industry members, and community (e.g., through formation of a Cannabis Environmental Workgroup) will ensure that the City is well informed of the potential imminent negative energy impact while working towards solutions. Albuquerque has the opportunity to create a healthy public perception of the cannabis industry by proactively addressing climate concerns.
 - i. The City of Denver has committed to reducing climate and environmental impact within the cannabis industry by creating a Cannabis Environmental Best Practices Guide that can be referenced for sustainable practices (35).
 - ii. Opportunities can be pursued through land use, zoning and other relevant regulatory instruments to reduce carbon footprint and incentivize lower carbon emission cultivation systems.

Recommendations for community needs and support

0.23-170 Attachment
b. The City should develop a central area on its website for all cannabis information, regardless of the formation of a Cannabis Social Equity Office webpage.

- a. Rationale: Current information available regarding zoning, applications, and cannabis laws are across multiple sites (CCD, State of New Mexico, City of Albuquerque). Community members from the listening sessions overwhelmingly recommended that the City have a central place for all cannabis related information. In addition to industry information, the website / webpage should also provide public safety information (e.g., proper storage, keeping cannabis away from children).
- b. Information to include on web page:
 - i. Basics of cannabis industry: licensing, application, local and state cannabis laws, cannabis legislation information, institutional water agreements and access, harm reduction information, connections to community business collaborations (community benefit organizations, chambers of commerce) and Know Your Rights information.
 - ii. How to apply and access cannabis social equity programming, contingent upon program creation and implementation.
 - iii. Employee and employer information regarding the rights of both parties (e.g., employers have a right to implement drug-free workplace policies even in adult use cannabis states; it is unlawful to take an adverse employment action against an applicant or an employee based on conduct allowed under the Lynn and Erin Compassionate Use Act) (44).
 - iv. An educational campaign on cannabis focused on public health and safety to include providing access to lock boxes and smell proof carbon bags.

Additional considerations:

The Cannabis Equity Working Group and community listening sessions rendered additional feedback that is important for the City to consider including:

- The City should incentivize Community Benefit Agreements by facilitating a community input process. This process would allow residents and businesses to prioritize cannabis establishments in their neighborhoods that have a commitment to giving back and providing economic opportunities to locals.
 - Rationale: Although the CRA requires a social and economic equity plan as part of an application for a cannabis establishment it does not require companies to give back to the communities they profit from. Community input and incentives are needed to hold businesses accountable to their plan.
- The City should provide resources and information on standard guidelines for small business owners on the centralized website.

O-23-87: Attachment A
Rationale: Cannabis is only one of many economic opportunities for individuals in Albuquerque. Citizen's desire accessible information on how to start and operate a small business as well as resources to assist in that venture.

- The City should publish the social equity plans of producers operating within city limits in a centralized online space (28).
 - Rationale: The Cannabis Control Division requires that all cannabis operators include a social equity plan as part of their application. Adding their plans to a public portal can allow for greater transparency in ensuring that businesses adhere to the equity plans they put forth.
- The City should lower zoning and order control rules for microbusiness licenses.
 - Rationale: Lowering zoning and odor control requirements for microbusiness licenses can alleviate barriers to entry.
- The City should institute a \$50 plant fee on all non-microbusiness in the city limits.
 - Rationale: Money earned from the program can be used to support the efforts of the Cannabis Social Equity Office. The City can consider making the program optional for non-microbusinesses who desire to support social equity in cannabis.
- The City should draft an ordinance for City Council review to decriminalize cannabis for those under the age of 21.
 - Rationale: With the increase in youth arrests in some states with adult-use cannabis, a decriminalization bill similar to *Ordinance O-18-12 Amending The Criminal Code Of Albuquerque To Remove Marijuana Offenses And Related Penalties; Amending Chapter Eleven Of The Code Of Ordinances To Establish Civil Penalties For Possession Of One Ounce Or Less Of Marijuana Or Marijuana Paraphernalia* that focuses on persons under the age of 21 can help curve potential arrest numbers for youth.

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