



Legislation Text

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CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL

COUNCIL BILL NO. O-21-81 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton

ORDINANCE

Repealing Chapter 11, Article 14, Of The Revised Ordinances Of Albuquerque (The “Marijuana Possession Ordinance”) (Benton)

WHEREAS, The Cannabis Regulation Act, NMSA 1978, § 26-2C-1 et seq., (“CRA”) was signed into law by the New Mexico Legislature on April 12, 2021; and

WHEREAS, The CRA contains provisions authorizing the possession, consumption, purchase, processing, manufacturing, and transport of cannabis and cannabis-related products by an individual who is at least twenty-one (21) years of age; and

WHEREAS, The CRA provides the regulatory framework for the licensing and operation of cannabis establishments which are authorized to engage in the retail sale, cultivation, processing, manufacture, and transport of cannabis and cannabis-related products; and

WHEREAS, The State Controlled Substances Act, NMSA 1978, § 30-31-1 et seq. was updated to exclude from its definition of “drug paraphernalia” equipment, products, and materials used in accordance with the Cannabis Regulation Act or the Lynn and Erin Compassionate Use Act; and

WHEREAS, The Albuquerque “Marijuana Possession Ordinance,” Section 11-14-1 et seq., designates the possession of marijuana and/or “paraphernalia” as civil infractions punishable by monetary fines; and

WHEREAS, The City Council finds that the civil infractions created by the Marijuana Possession Ordinance are in conflict with State law; and

WHEREAS, The City Council finds that in order to comply with changes to State law, the Marijuana Possession Ordinance must be repealed in its entirety.

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

SECTION 1. REPEAL.

The entirety of Chapter 11, Article 14 of the Revised Ordinances of Albuquerque, the “Marijuana Possession Ordinance” is hereby repealed. Chapter 11, Article 14 shall be re-labeled as “Repealed.”

SECTION 2. SEVERABILITY.

If any section, paragraph, sentence, clause, 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 and each section, paragraph, sentence, clause, word, or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 3. COMPILATION.

The ordinance amendment prescribed by SECTION 1 shall amend, be incorporated in, and be made part of the Revised Ordinances of Albuquerque, New Mexico 1994.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect immediately after publication by title and general summary.