



Legislation Text

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CITY of ALBUQUERQUE
TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-22-26 ENACTMENT NO. _____

SPONSORED BY: Trudy E. Jones and Louie Sanchez

ORDINANCE

Amending The Criminal Code, Chapter 12, Article 4 Of The Revised Ordinances Of Albuquerque
1994, To Prohibit Smoking Cannabis In Public (Jones, Sanchez)

WHEREAS, The Cannabis Regulation Act, NMSA 1978, § 26-2C-1 et seq., ("CRA") authorizes
the consumption of cannabis and cannabis-related products in private spaces and licensed
cannabis consumption areas; and

WHEREAS, The City Council aims to protect the health and safety of persons in the City of
Albuquerque, regulate public consumption, and limit exposure to the harmful effects of
secondhand cannabis smoke and the potential negative secondary effects on the use and
enjoyment of public spaces by the general public; and

WHEREAS, The City Council finds it necessary to explicitly prohibit smoking cannabis in
public.

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

SECTION 1. A new Section 12-4-9 is hereby added to the Criminal Code, Chapter 12, Article
4, of the Revised Ordinances of Albuquerque, 1994, as follows:

"[§ 12-4-9 SMOKING CANNABIS IN PUBLIC.

(A) Definitions. For purposes of this section, the following definitions shall apply unless the
context clearly indicates or requires a different meaning:

Smoking Cannabis in Public. Means inhaling, exhaling, burning, carrying or holding any

lighted, heated, or otherwise volatilized cannabis product, including all types of cigarettes, cigars, pipes, e-cigarettes, vaporizers, and any other lighted cannabis product in a place to which the general public has access and includes hallways, lobbies and other parts of apartment houses and hotels that do not constitute rooms or apartments designed for actual residence; highways; streets; schools; places of amusement; parks; playgrounds; open space; places used in connection with public passenger transportation, parking lots, and public ways including sidewalks and any other area between the curb lines or lateral lines of the roadway and the adjacent property lines. This definition does not include or apply to otherwise lawful activities within a licensed cannabis consumption area.

(B) Smoking Cannabis in Public Prohibited. No person shall smoke cannabis in public within the City of Albuquerque.]”

SECTION 2. SEVERABILITY CLAUSE. 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. 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 amend, be incorporated in, and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994, as a new Section 12-4-9 titled “Smoking Cannabis in Public.”

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect five days after publication by title and general summary.