

# Frequently Asked Questions for Cannabis Establishments in the City of Albuquerque (City)

*FAQs updated March 30, 2022*

## What types of cannabis establishments may be located in the City?

**Cannabis establishments** licensed by the State of New Mexico may be located in the City. The City does not allow outdoor cannabis consumption areas without a Conditional Use Approval. The City does not allow outdoor cannabis cultivation or outdoor cannabis-derived products manufacturing.

[\\*View information on NM licensing at the end of these FAQs.](#)

## What types of licenses, approvals, permits and registrations are required?

All cannabis businesses seeking to operate within the City must first obtain a State-issued cannabis license.

All cannabis retail establishments where cannabis or cannabis products are sold to consumers and/or consumed are required to obtain a **Cannabis Retail Location Approval** (no fee) from the City of Albuquerque's Planning Department, except for State-licensed microbusinesses and existing State-licensed medical dispensaries. Applications for Cannabis Retail Location Approvals will be reviewed utilizing a first come-first served process that includes verification that each proposed location complies with the City's zoning regulations, separation requirements, and other applicable rules or ordinances pertaining to retail cannabis.

The City's Environmental Health Department (EHD) anticipates amending its ordinances in order to issue food-related permits consistent with the Cannabis Regulation Act. Any establishment manufacturing edible cannabis products will be required to obtain a Food Processing Establishment—Cannabis Permit following ordinance revisions. Any establishment allowing onsite consumption of edible cannabis products (including drinks) or preparing individual portions of an edible cannabis product (including a drink) for onsite or offsite consumption will be required to obtain a Food Service Establishment—Cannabis Permit following ordinance revisions. Any cannabis establishment selling prepackaged edible cannabis products for offsite consumption will be required to obtain a Food Establishment—Cannabis Permit from EHD following ordinance revisions. Fees have not yet been determined.

All businesses within the City, including but not limited to cannabis retail establishments, must obtain a **City of Albuquerque business registration** for each outlet, branch, location, or place of business within the municipal limits of the City prior to engaging in business. A business registration is separate from a Cannabis Retail Location Approval, and is not equivalent to a Cannabis Retail Location Approval. The annual business registration fee is \$35. The City does not currently charge a fee for a Cannabis Retail Location Approval.

[\\*Find information about obtaining City of Albuquerque business registration at the end of these FAQs.](#)

## What kinds of cannabis establishments do not require a Cannabis Retail Location Approval?

State-licensed microbusinesses, any cannabis establishment where cannabis or cannabis products are **not** sold to consumers and/or consumed (for example manufacturers, producers, and growers), and existing State-licensed medical dispensaries.

## What are the separation requirements and zoning restrictions for cannabis retail establishments?

As authorized by State law, the City's **Integrated Development Ordinance (IDO)** mandates that a cannabis establishment may not be located within 300 feet of a school or child day care facility.

In addition, the IDO mandates that a cannabis retail establishment may not be located within 600 feet of another cannabis retail establishment.

However, the IDO provides that a new cannabis retail location (unless licensed by the State as a microbusiness which, per State law, is not subject to the 600 foot separation requirement) may seek to obtain a Conditional Use Approval if it is requesting to be located within 600 feet of another cannabis retail location. A cannabis retail establishment that is granted a Conditional Use Approval does not need to also go through the Cannabis Retail Location Approval process described below.

The Planning Department has prepared **an overview** of the zones in which cannabis retail, medical-only retail, cultivation, and extraction/manufacturing may take place. An applicant for any type of cannabis establishment must comply with existing zoning laws and cannabis requirements.

[\\*Find information on City of Albuquerque Integrated Development Ordinance at the end of these FAQs](#)

[\\*Find information on the zones at the end of these FAQs.](#)

## Can I locate a cannabis retail establishment in Old Town?

Cannabis retail, cultivation, and manufacturing are prohibited in the Old Town Historic Protection Overlay Zone per **Council Bill number R-21-165**.

[\\*Find the Council Bill number R-21-165 at the end of these FAQs.](#)

## How do I know whether my proposed location is within 600 feet of another cannabis retail location?

Per State law, all existing State-licensed medical cannabis dispensaries are now considered pre-approved cannabis retail businesses entitled to continued and uninterrupted operations at their current locations. Their locations were "locked in" for separation purposes. New retail locations must meet the separation requirements from those pre-approved businesses. The Integrated

Development Ordinance requires that the distance shall be measured in a geometrically straight line from lot line to lot line using a scaled map, or survey if necessary. **For an interactive map of State-licensed medical cannabis dispensaries that became permissive retail establishments, please refer to the Department of Health’s Patients and Caregivers webpage.** The City has also created an interactive **Cannabis Retail Location Approvals Map**, which displays the applications for cannabis retail locations and their current review status.

[\\*Find the Department of Health’s Patients and Caregivers map and the Cannabis Retail Location Approvals Map at the end of these FAQs.](#)

## **How many potential retail cannabis locations are available within the City of Albuquerque?**

Based on the Albuquerque Geographic Information System (AGIS) maps, there are over 10,000 potential locations for cannabis retail locations within the city limits that could meet the separation and zoning requirements.

## **How will the City prioritize the requests for cannabis retail locations?**

The City will use a first come-first served process. For a cannabis retail location to be considered, each applicant is required to submit a fully completed application for a Cannabis Retail Location Approval. This is the only method to “lock in” a cannabis retail site for separation purposes. The requirements for the applications are simple, straightforward, and consistent for all applicants and are listed below in these FAQs. The applicant must include basic items such as documentation of the right to use the proposed site for cannabis retail and an existing State-issued license for cannabis retail. Beginning on February 4, 2022, the Planning Department will begin accepting and reviewing completed applications. Completed applications for Cannabis Retail Location Approvals will be accepted for review in the same order that they are submitted. Whenever a Cannabis Retail Location Approval is issued, the Planning Department will update its Cannabis Retail Location Approvals Map for calculating separation requirements.

## **Why is the City using a first come-first served process for reviewing completed applications for cannabis retail locations?**

After evaluating numerous options and considering the potential demand for locations, the Planning Department has determined that the most equitable initial way to decide which new cannabis retail locations will be approved is to review completed applications in the specific order in which they are submitted to the Department. However, in the future, if the volume of completed applications unduly burdens the City’s resources for timely processing of applications on a first come-first served basis, the City may consider utilizing a drawing process and/or imposing a processing fee.

## **How do I submit an application for a Cannabis Retail Location Approval?**

Beginning on February 4, 2022, the Planning Department will begin accepting and reviewing completed applications. For an application to be deemed complete by the Planning Department and then reviewed, all the questions in the application must be answered and all the required documents uploaded, and then the completed application must be submitted electronically **using the link at the end of these FAQs.**

Completed Cannabis Retail Location Applications will be date/time stamped for purposes of prioritization in the first come-first served process. Completed applications will be processed and accepted or rejected in the order in which they were submitted.

Please be careful to make sure you properly complete the application before submitting it. Partial or incorrect applications will be rejected, and the date/time stamps on rejected applications will not count towards the first come-first served process. A corrected application will need to be resubmitted and will receive a new date/time stamp for purposes of determining when it entered the first come-first served process.

## **Can two or more State-licensed cannabis retail businesses conduct business at the same location?**

Yes. The City does not prohibit multiple licenses from operating at a single licensed premises.

## **Prior to the City now accepting applications for Cannabis Retail Location Approvals, how many proposed cannabis retail locations received Cannabis Retail Location Approvals from the City?**

None. However, the State-licensed medical cannabis dispensaries are allowed to continue to operate at their previously approved locations and are now considered cannabis retail locations.

## **What questions must I answer in the application?**

- Applicant Name
  - The person applying must be a natural person (human being), 21 years of age or older, who certifies that they own at least 10 percent of the licensed entity requesting a Cannabis Retail Location Approval.
- Name of business as listed on State-license for Cannabis Retail
- You will need to upload the documents listed in the FAQ question below to complete this application, unless your business is a currently active State-licensed Medical Dispensary at this location.
- Email Address of Applicant
- Phone Number of Applicant
- State Cannabis License Number
  - Must be Cannabis Retail or Cannabis Medical Dispensary
- Address of Proposed Cannabis Retail Location
- Proposed Cannabis Retail Location
- Is the Business a Currently Active State-licensed Medical Dispensary at this Location?

- If you selected “No” for the previous question, you will also need to answer the following questions:
  - Integrated Development Ordinance Zone Designation
    - The drop-down menu lists the Integrated Development Ordinance Zone Districts where a cannabis retail business can be located. Please select the zone district that corresponds with your proposed location.
  - Name and address of the nearest currently operating cannabis retail business or cannabis medical dispensary
    - A new cannabis retail business cannot be located within 600 feet of an existing cannabis retail business or cannabis medical dispensary without an approved conditional use. Please provide the name and address of the closest existing cannabis retail business or cannabis medical dispensary.
  - Name and address of the nearest school
    - A cannabis business cannot be located within 300 feet of any existing school. Please provide the name and address of the closest school.
  - Name and address of the nearest child day care facility.
    - A cannabis business cannot be located within 300 feet of any existing child day care facility. Please provide the name and address of the closest of child day care facility.

## **In addition to answering all the questions, what documents must I submit to complete a valid application for a Cannabis Retail Location Permit Approval?**

Along with providing all answers to each of the questions in the application, you will need to submit the following documents:

- A copy of a license issued by the State of New Mexico Regulation and Licensing Department allowing cannabis retail
- A copy of a signed lease, letter of intent, or deed for the property where the cannabis retail establishment will operate
- A photocopy of the applicant’s driver’s license or other government-issued identification
- A map indicating the correct distance to the closest cannabis retail establishment, child day care facility, and school to show that the separation requirements are met

## **Do I need to have a lease or deed in order to apply?**

No. If you do not have a lease or a deed for a property, you can submit a letter of intent signed by the applicant and the property owner or their agent.

## **When will my cannabis retail site be “locked in” for separation purposes?**

Upon processing your completed application, the Planning Department will issue either a Cannabis Retail Location Approval, or a rejection stating the reason(s) why the application failed. If your application is approved, then your site will be “locked in” for separation purposes and you will receive a Cannabis Retail Location Approval. However, prior to opening your cannabis retail operation for business, you must fulfill the City’s additional requirements for retail businesses, including, but not limited to, obtaining a **business registration** and an inspection by the **Fire Marshal’s Office**. You must commence cannabis retail operations within 180 days of your site being approved. If you are not operating by that date, your Cannabis Retail Location Approval will expire and your site approval will be cancelled.

[\\*View information about obtaining City of Albuquerque business registration at the end of these FAQs.](#)

[\\*View information about City of Albuquerque Fire Marshal's Office at the end of these FAQs.](#)

## What happens if my location is denied via the first come-first served Cannabis Retail Location Approval process because it is too close to another Cannabis Retail Location?

If your site is not approved, you have two options.

1. First, you may try to find another location and then submit a new complete application.
2. Second, you may apply for a Conditional Use Approval following the requirements of the **Integrated Development Ordinance**.

[\\*Find information on City of Albuquerque Integrated Development Ordinance at the end of these FAQs.](#)

## How can I verify that the location I am considering for my cannabis business is zoned for the cannabis use(s) I am interested in pursuing?

The City provides an **interactive zoning map**. If you require formal documentation, you may also request a **Zone Certification**, for a fee of \$200 per parcel, plus a 2 percent technology fee.

[\\*Find information on City of Albuquerque interactive zoning map at the end of these FAQs.](#)

[\\*Find information on obtaining City of Albuquerque Zone Certification at the end of these FAQs.](#)

## Where can I find the City ordinances and regulations that apply to cannabis establishments?

The Planning Department has prepared an **overview of the zoning regulations** for cannabis retail, cultivation, and extraction/manufacturing.

[\\*Find information on zoning regulations at the end of these FAQs.](#)

## Will cannabis sales at a special event or market be allowed?

No. Cannabis retail establishments may only operate from State-approved retail locations. In addition to State regulations, the City also has a separation requirement between cannabis retail establishments.

[\\*Find more information about cannabis retail in the City.](#)

[\\*Find more information about the State licensing rules for cannabis establishments.](#)

## Am I required to submit an odor control plan?

You are required to submit an **Odor Control Plan** to the Planning Department in order to register your business if you will be cultivating cannabis, performing any manufacturing that requires heating cannabis, or allowing any onsite consumption of cannabis.

[\\*Find information on an Odor Control Plan at the end of these FAQs](#)

## Other Resources

To contact the State with questions about cannabis licensing:

- Call: (505) 476-4995
- Email: [RLD.CannabisControl@state.nm.us](mailto:RLD.CannabisControl@state.nm.us)

To apply for a State License: [Apply through the Regulation and Licensing Department.](#)

To obtain proof of water availability for my State license: You may request a [Water and Sanitary Sewer Availability Statement](#) from the Albuquerque Bernalillo County Water Utility Authority using an online form.

View information on City of Albuquerque [business registration.](#)

View information on City of Albuquerque [Integrated Development Ordinance.](#)

View information on City of Albuquerque [cannabis retail, medical-only retail, cultivation, and extraction/manufacturing zones.](#)

View information on the moratorium to prohibit cannabis retail, cultivation, and manufacturing in Old Town in [Council Bill number R-21-165.](#)

View information on New Mexico [State-licensed medical cannabis dispensaries that became permissive retail establishments.](#)

View the [Cannabis Retail Location Approvals Map.](#)

View Information on the City of Albuquerque [Fire Marshal's Office.](#)

View the City of Albuquerque [interactive zoning map.](#)

View City of Albuquerque [Zone Certification request application.](#)

View City of Albuquerque [odor control requirements.](#)

# Rules

[View the Enacted Rule Governing the Establishment of Cannabis Retail Business in the City of Albuquerque.](#)