

0.2025.019

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**CITY OF ALBUQUERQUE**  
**CITY COUNCIL**

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**INTEROFFICE MEMORANDUM**

**TO:** Timothy M. Keller, Mayor

**FROM:** Isaac Padilla, Director of Council Services

TMM / For  
IEP

**SUBJECT:** Transmittal of Legislation

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Transmitted herewith is Bill No. O-25-78 Adopting A New Part 3 In Chapter 9, Article 11 Of The Revised Ordinances Of Albuquerque 1994 To Be Known As The "Intoxicating Hemp Products Ordinance" (Lewis), which was passed at the Council meeting of June 2, 2025, by a vote of 7 FOR AND 2 AGAINST.

For: Baca, Champine, Grout, Lewis, Peña, Rogers, Sanchez

Against: Bassan, Fiebelkorn

In accordance with the provisions of the City Charter, your action is respectfully requested.

# CITY of ALBUQUERQUE

## TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-25-78

ENACTMENT NO. 0.2025.019

SPONSORED BY: Dan Lewis

1 **ORDINANCE**

2 **ADOPTING A NEW PART 3 IN CHAPTER 9, ARTICLE 11 OF THE REVISED**  
3 **ORDINANCES OF ALBUQUERQUE 1994 TO BE KNOWN AS THE**  
4 **"INTOXICATING HEMP PRODUCTS ORDINANCE".**

5 **WHEREAS, the unregulated sale of intoxicating hemp-derived products**  
6 **pose significant risks to public health, safety and welfare; and**

7 **WHEREAS, intoxicating cannabinoids derived from hemp can mimic the**  
8 **effects of controlled substances and contribute to the abuse of controlled**  
9 **substances within the community; and**

10 **WHEREAS, young people are particularly vulnerable to the marketing and**  
11 **sale of intoxicating hemp products, which are often indistinguishable from**  
12 **legal, nonintoxicating hemp products and are not subject to the same**  
13 **marketing scrutiny as those in the regulated recreational and medical**  
14 **cannabis market.**

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

17 **SECTION 1. PART 3: INTOXICATING HEMP.**

18 **§ 9-11-3-1 FINDINGS. The City Council finds that:**

19 **(A) The unregulated sale of intoxicating hemp-derived products, such as**  
20 **Delta-8 THC, Delta-10 THC and THC-A, poses significant risks to public health,**  
21 **safety, and welfare.**

22 **(B) Intoxicating cannabinoids derived from hemp can mimic the effects of**  
23 **controlled substances and contribute to the abuse of controlled substances**  
24 **within the community.**

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

1 (C) Federal law permits the sale of hemp-derived cannabinoids that contain  
2 less than 0.3% Delta-9 THC but does not adequately regulate the conversion of  
3 hemp into intoxicating products, creating a 'derivatives loophole.'

4 (D) Young people are particularly vulnerable to the marketing and sale of  
5 intoxicating hemp products, which are often indistinguishable from legal,  
6 nonintoxicating hemp products and are not subject to the same marketing  
7 scrutiny as those in the regulated recreational and medical cannabis market.

8 (E) It is in the public interest to regulate the sale and distribution of  
9 intoxicating hemp products to ensure public safety, discourage misuse, and  
10 promote compliance with existing laws.

11 (F) The New Mexico Cannabis Regulation Act does not comprehensively  
12 address the use, tracking, or testing of intoxicating hemp products intended  
13 for sale within the State's recreational and medical cannabis market.

14 § 9-11-3-2 SHORT TITLE. This article may be cited as the "Intoxicating Hemp  
15 Products Ordinance."

16 § 9-11-3-3 DEFINITIONS. As used in this section, unless the context otherwise  
17 requires:

18 (A) ADVERTISE. To publish or disseminate an Advertisement.

19 (B) ADVERTISEMENT. Any written or verbal statement, illustration, or  
20 depiction that a reasonable person would understand as intended to induce  
21 sales, including any written, printed, graphic, or other material; billboard, sign,  
22 or other outdoor, digital, indoor, or point-of-sale display, including, without  
23 limitation, an individual carrying a display; other periodical, literature, or  
24 publication; or any similar media.

25 (C) CANNABINOIDS. Structured chemical compounds found in cannabis  
26 plants, including both THC and CBD.

27 (D) CANNABIDIOL (CBD). A type of substance identified using CAS  
28 Common Chemistry Registry Number 13956-29-1, including cannabidiolic acid.

29 (E) INDUSTRIAL HEMP or HEMP means the plant cannabis sativa L. and  
30 any part of that plant, including seeds and all derivatives, extracts,  
31 cannabinoids, isomers, acids, salts and salts of isomers, whether growing or  
32 not, with a THC concentration of not more than three-tenths percent on a dry  
33 weight basis.

1 (F) OFFER FOR SALE. The solicitation, advertisement, allowance,  
2 inducement, or any other method or attempt to encourage any person to  
3 acquire, possess, sell, purchase, or exchange a product. There is a rebuttable  
4 presumption that a product is for sale if it is located with other products  
5 offered for sale.

6 (G) PERSON. Any individual, partnership, firm, or corporation.

7 (H) SEMI-SYNTHETIC CANNABINOID. A substance that is created by a  
8 chemical reaction that converts one cannabinoid extracted from a cannabis  
9 plant directly into a different cannabinoid. Semi-synthetic cannabinoids do not  
10 include cannabinoids produced via decarboxylation of naturally occurring  
11 acidic forms of cannabinoids, such as THCA, into the corresponding neutral  
12 cannabinoid, such as THC, through the use of heat or light, without the use of  
13 chemical reagents or catalysts, and that results in no other chemical change.

14 (I) SYNTHETIC CANNABINOID. A cannabinoid-like compound that was  
15 produced by using chemical synthesis, chemical modification, or chemical  
16 conversion.

17 (1) Synthetic cannabinoid does not include:

18 (a) A compound produced through the decarboxylation of naturally  
19 occurring cannabinoids from their acidic forms; or

20 (b) A semi-synthetic cannabinoid.

21 (J) TETRAHYDROCANNABINOL (THC) or THC OR COMPARABLE  
22 CANNABINOID. Delta-9 tetrahydrocannabinol (CAS number 1972-08-3) as  
23 measured using a post-decarboxylation method and based on percentage dry  
24 weight.

25 § 9-11-3-4 PROHIBITED SALES AND DISTRIBUTION.

26 (A) It is unlawful for any person to maintain or operate any business in  
27 which, for the benefit of the business, hemp is chemically or synthetically  
28 altered to have a concentration of more than 0.3 percent of  
29 tetrahydrocannabinol.

30 (B) It is unlawful for a person, or business, to sell, advertise, offer to sale,  
31 or manufacture any synthetically derived cannabinoid product that contains  
32 tetrahydrocannabinol or comparable cannabinoid concentrations of more than  
33 0.3 percent.

1 (C) Notwithstanding the foregoing, nothing herein shall prohibit a  
2 manufacturer from manufacturing any bulk ingredients containing hemp,  
3 regardless of concentration, so long as such ingredients do not contain  
4 synthetically derived cannabinoids and such ingredients are not for consumer  
5 use or retail distribution. For the avoidance of doubt, any finished goods  
6 containing hemp and sold to consumers or available in retail distribution in  
7 the City shall be in accordance with this Ordinance.

8 **§ 9-11-3-5 ENFORCEMENT.**

9 (A) The Albuquerque Police Department, Environmental Health Department,  
10 and other designated agencies shall enforce this Ordinance.

11 (B) Violations of this Ordinance shall constitute a petty misdemeanor  
12 subject to the penalty provisions in 1-1-99.

13 (C) Businesses found in violation may have their operating licenses  
14 revoked.

15 **§ 9-11-3-6 SIGNAGE AND EDUCATION.**

16 (A) Licensed businesses selling non-intoxicating hemp products must  
17 display signage stating, "Sale of intoxicating hemp products is prohibited  
18 under Albuquerque law."

19 (B) The City will provide educational materials to retailers and the public  
20 regarding the risks associated with intoxicating hemp products.

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

28 **SECTION 3. COMPILATION.** SECTION 1 of this Ordinance is to be compiled  
29 as a new Part 3 in Article 11 in Chapter 9 of the Revised Ordinances of  
30 Albuquerque, New Mexico, 1994, titled "Intoxicating Hemp Products  
31 Ordinance."

32 **SECTION 4. EFFECTIVE DATE.** This Ordinance takes effect five days after  
33 publication by title and general summary.

1 PASSED AND ADOPTED THIS 2<sup>nd</sup> DAY OF June, 2025  
2 BY A VOTE OF: 7 FOR 2 AGAINST.

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4 For: Baca, Champine, Grout, Lewis, Peña, Rogers, Sanchez

5 Against: Bassan, Fiebelkorn  
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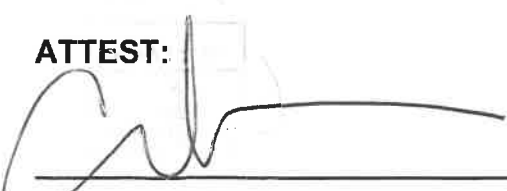
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11 Brook Bassan, President  
12 City Council  
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16 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025  
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18  
19 Bill No. O-25-78  
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24 Timothy M. Keller, Mayor  
25 City of Albuquerque  
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27 ATTEST:  
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30 Ethan Watson, City Clerk  
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# City of Albuquerque

## Office of the City Clerk

Timothy M. Keller, Mayor

Ethan Watson, City Clerk

### Interoffice Memorandum

June 17, 2025

To: CITY COUNCIL

From: Ashley Santistevan, Records Center Manager

Subject: BILL NO. O-25-78; ENACTMENT NO. O-2025-019

I hereby certify that on June 16, 2025, the Office of the City Clerk received Bill No. O-25-78 as signed by the president of the City Council, Brook Bassan. Enactment No. O-2025-019 was passed at the June 2, 2025 City Council meeting. Mayor Keller did not sign the approved Ordinance within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Ordinance is in full effect beginning June 12, 2025 without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. O-25-78.

Sincerely,

Ethan Watson  
City Clerk