CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL

COUNCIL BILL NO. O-21-81 ENACTMENT NO. 0-2022-008

SPONSORED BY: Isaac Benton

1 ORDINANCE
2 REPEALING CHAPTER 11, ARTICLE 14, OF THE REVISED ORDINANCES OF
3 ALBUQUERQUE (THE "MARIJUANA POSSESSION ORDINANCE").
4 WHEREAS, The Cannabis Regulation Act, NMSA 1978, § 26-2C-1 et seq.,
5 ("CRA") was signed into law by the New Mexico Legislature on April 12, 2021;
6 and
7 WHEREAS, The CRA contains provisions authorizing the possession,
8 consumption, purchase, processing, manufacturing, and transport of
9 cannabis and cannabis-related products by an individual who is at least
10 twenty-one (21) years of age; and
11 WHEREAS, The CRA provides the regulatory framework for the licensing
12 and operation of cannabis establishments which are authorized to engage in
13 the retail sale, cultivation, processing, manufacture, and transport of cannabis
14 and cannabis-related products; and
15 WHEREAS, The State Controlled Substances Act, NMSA 1978, § 30-31-1 et
16 seq. was updated to exclude from its definition of "drug paraphernalia"
17 equipment, products, and materials used in accordance with the Cannabis
18 Regulation Act or the Lynn and Erin Compassionate Use Act; and
19 WHEREAS, The Albuquerque "Marijuana Possession Ordinance," Section
20 11-14-1 et seq., designates the possession of marijuana and/or
21 "paraphernalia" as civil infractions punishable by monetary fines; and
22 WHEREAS, The City Council finds that the civil infractions created by the
23 Marijuana Possession Ordinance are in conflict with State law; and
24 WHEREAS, The City Council finds that in order to comply with changes to
25 State law, the Marijuana Possession Ordinance must be repealed in its
26 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Albuquerque, the “Marijuana Possession Ordinance” is hereby repealed.
Chapter 11, Article 14 shall be re-labeled as “Repealed.”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.
PASSED AND ADOPTED THIS 7th DAY OF March, 2022
BY A VOTE OF: 9 FOR 0 AGAINST.

Isaac Benton, President
City Council

APPROVED THIS 22nd DAY OF March, 2022

Timothy M. Keller, Mayor
City of Albuquerque

ATTEST:

Ethan Watson, City Clerk