

1 **WHEREAS, the Working Group was tasked with making recommendations**
2 **on programs, requirements and/or incentives to promote social and economic**
3 **equity for applicants, licensees, & community members; identifying**
4 **communities that have been disproportionately impacted by the “War on**
5 **Drugs;” identifying funding needs within those communities; and to determine**
6 **programmatic eligibility of persons who have been disproportionately**
7 **impacted by the criminalization of marijuana; and**

8 **WHEREAS, the City of Albuquerque hired equity consultants in December**
9 **2021 and tasked them with hosting community listening sessions to gain**
10 **additional community insight regarding needs of a marijuana social equity**
11 **program while also noting community concerns of new marijuana legalization;**
12 **and**

13 **WHEREAS, feedback given by the initial working group in combination with**
14 **feedback from the listening sessions led to recommendations to the City of**
15 **Albuquerque for consideration; and**

16 **WHEREAS, the City of Albuquerque’s Office of Equity and Inclusion**
17 **worked with the City of Albuquerque Equity Working Group, the City**
18 **consultants, and the community throughout the process of forming**
19 **recommendations related to marijuana equity and the use of marijuana tax**
20 **revenue funds by the City of Albuquerque; and**

21 **WHEREAS, the community stakeholders recommended that the City**
22 **establish a marijuana social equity program and that such program be**
23 **situated within an existing City department that shares the foundational goals**
24 **of using part of the tax proceeds of legal marijuana sales to reinvest in**
25 **communities that have been disproportionately impacted by criminalization of**
26 **marijuana; and**

27 **WHEREAS, recently released results from the national Youth Risk Behavior**
28 **Survey (YRBS) allow comparisons between high school students in New**
29 **Mexico, the US, and in other states; the YRBS reveals that in 2019, compared**
30 **to other US high school students, NM students had higher rates of most drug**
31 **use and tobacco use and were more likely to be early initiators of cigarette**
32 **smoking, alcohol use, and marijuana use; and**

1 **WHEREAS, the federal Substance Abuse and Mental Health Services**
2 **Administration (SAMHSA) identifies ‘Recovery Housing,’ also known as Sober**
3 **Living Homes, as a vital component to the continuums of affordable housing**
4 **because sober living homes replicate normal, everyday life situations while**
5 **instilling healthy habits, helping to reduce the chance of relapse; and**

6 **WHEREAS, recovery housing acts as a supplement to an individual’s**
7 **recovery and is an alternative to going from an immersive care environment**
8 **straight to a totally unstructured environment at home; and**

9 **WHEREAS, Recovery Residences are also designed for specific/special**
10 **populations such as language, gender, women with children, age, re-occurring**
11 **problems, medication status, prison re-entry to society after incarceration, and**
12 **those that are unhoused; and**

13 **WHEREAS, safe, stable, and nurturing relationships and environments are**
14 **essential to children’s health and wellbeing, yet many children in Albuquerque**
15 **do not live in these types of environments, which places them at-risk for**
16 **adverse childhood experiences with the potential for immediate and long-term**
17 **negative health and social impacts; and**

18 **WHEREAS, because strengthening economic supports is one of the six**
19 **strategies recommended by the U.S. Centers for Disease Control and**
20 **Prevention to prevent Adverse Childhood Experiences (ACES), a range of**
21 **economic support programs is being tested in cities across the country to**
22 **meet basic needs; and**

23 **WHEREAS, basic income programs create an income floor for the most**
24 **vulnerable as a step toward empowering individuals to meet their basic needs**
25 **and make decisions that go beyond merely surviving, and instead enable**
26 **thriving; and**

27 **WHEREAS, the New Mexico Department of Taxation and Revenue requires**
28 **that municipalities report on how Marijuana tax revenue is spent, and**
29 **establishing a fund simplifies this reporting.**

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

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1 **SECTION 1. A new Article 12, the “Marijuana Equity and Community**
2 **Reinvestment Fund,” is hereby adopted within Chapter 4, “Revenue and**
3 **Taxation” as follows:**

4 **“§ 4-12-1 SHORT TITLE.**

5 **This article may be referred to as the Albuquerque Marijuana Equity**
6 **and Community Reinvestment Fund Ordinance.**

7 **A. DEFINITIONS**

8 ***Marijuana* – cannabis flower and cannabis extracts, as defined in the New**
9 **Mexico Cannabis Regulation Act, NMSA § 26-2C-2(B).**

10 ***Recreational Marijuana Tax Revenue* – Includes all taxes and revenue**
11 **collected by or deposited to the City in connection with excise taxes from**
12 **recreational marijuana sales, except that recreational marijuana licensing**
13 **fees shall not be considered recreational marijuana tax revenue.**

14 ***Marijuana Social Equity Program* – activities related to the use of marijuana**
15 **taxes to benefit those populations most adversely impacted by the historical**
16 **criminalization of marijuana.**

17 ***Vulnerable Community* – a community of interest that has historically been**
18 **targeted or victimized by the war on drugs.**

19 ***Community needs and support* –supplemental support directed to vulnerable**
20 **communities and communities of interest.**

21 **B. PERMANENT MARIJUANA EQUITY AND COMMUNITY**
22 **REINVESTMENT FUND.**

23 1. **The City shall establish a Marijuana Social Equity and**
24 **Community Reinvestment Fund wherein all recreational marijuana tax**
25 **revenue shall be deposited at least once per annum;**

26 2. **The Department of Finance and Administrative Services shall**
27 **oversee and administer the Marijuana Equity and Community Reinvestment**
28 **Fund, coordinating with the Office of Equity and Inclusion to facilitate related**
29 **programs to ensure equitable community reinvestment and access.**

30 3. **The Office of Equity and Inclusion shall develop and maintain**
31 **a process for broadly representative public input into the activities of the**
32 **Marijuana Equity and Community Reinvestment Fund programs.**

33 **C. DEDICATION.**

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1 **1. The Marijuana Equity and Community Reinvestment Fund may**
2 **be used for the administration and provision of any or all of the following**
3 **purposes and related programs:**

- 4 **a. Evidence-based drug education, awareness, and prevention**
5 **programs for youth;**
- 6 **b. Evidence-based substance use treatment for youth, including**
7 **but not limited to inpatient detoxification;**
- 8 **c. Recovery Housing and supportive aftercare;**
- 9 **d. Supplemental income programs;**
- 10 **e. Workforce development and job training;**
- 11 **f. Technical assistance for small marijuana business owners in**
12 **impacted communities;**
- 13 **g. Programs for people re-entering society after incarceration;**
- 14 **h. Programs operated by Equity and Inclusion for the benefit of**
15 **populations disproportionately impacted by the historical criminalization of**
16 **marijuana.**

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

24 **SECTION 3. COMPILATION. Section 1 of this Ordinance shall be**
25 **incorporated in and made part of the Revised Ordinances of Albuquerque,**
26 **New Mexico, 1994, as a new Article 12 to be added to Chapter 4, titled**
27 **“Marijuana Equity and Community Reinvestment Fund.”**

28 **SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five**
29 **(5) days after publication by title and general summary.**

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1 PASSED AND ADOPTED THIS 8th DAY OF November, 2023
2 BY A VOTE OF: 8 FOR 1 AGAINST.

3
4 AGAINST: Jones

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7 _____
8 Pat Davis, President
9 City Council

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12 APPROVED THIS 21 DAY OF June, 2023

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17 Bill No. O-23-87

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20 _____
21 Timothy M. Keller, Mayor
22 City of Albuquerque

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25 ATTEST:

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27 _____
28 Ethan Watson, City Clerk

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