

List of IDO Amendments for Cannabis-related uses voted on by the City Council on June 17th, 2021 (O-21-60)

The following proposed IDO amendments relate to cannabis-related uses and are organized by topic. In instances where there are multiple amendments listed under one topic, those amendments may conflict with one another and reflect different policy preferences. Please see individual amendments for further explanation.

Please note: Amendments related to non-cannabis are to be found in a separate packet. This packet only includes amendments approved by the City Council on June 17th, 2021. Amendments listed above with stricken text indicate that amendment did not pass.

Technical Amendments			
Action	Amendment #	Policy Direction	Sponsor
P 9/0	B5	<ul style="list-style-type: none"> Clarifies existing language in the IDO about how odors are to be mitigated and moves the responsibility of enforcement from the Environmental Health Department to the Planning Department 	Davis
P 9/0	B6	<ul style="list-style-type: none"> Adds to the IDO the phrase “licensed premise”, and changes existing distances separations from 330 feet to 300 feet to be consistent with state law, and adds preschool to the definition of day care 	Davis
Definitions			
Action	Amendment #	Policy Direction	Sponsor
Not Moved	B7	<ul style="list-style-type: none"> Adds a definition for on-site consumption <i>This amendment has been requested to be withdrawn at the June 17th meeting</i> 	Jones, by request
P 9/0	B8	<ul style="list-style-type: none"> Adds a definition for on-site consumption 	Davis
Distance Separation Requirements			
Action	Amendment #	Policy Direction	Sponsor
F 1/8	B9	<ul style="list-style-type: none"> Would prohibit Cannabis Retail on lots abutting a Main Street corridor, within 300 feet of a residential zone district, group home, or religious institution. Would allow Cannabis Retail to occur within 300 feet of a lot containing a residential use in a mixed-use zone district with a Conditional Use Approval Would prohibit on-site consumption on lots abutting a Main Street corridor 	Jones, by request
F 4/5	B10	<ul style="list-style-type: none"> Adds a distance separation requirement between Cannabis Retail and religious institutions of 300 feet 	Borrego
F 3/6	B11	<ul style="list-style-type: none"> Adds a distance separation requirement between Cannabis Cultivation and Cannabis Manufacturing to a religious institution of 300 feet 	Borrego
P 6/3	B12	<ul style="list-style-type: none"> Adds a distance separation requirement between Cannabis Retail facilities of 600 feet 	Davis

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on June 17th, 2021 (O-21-60)

F 1/8	B13	<ul style="list-style-type: none"> • Adds a distance separation requirement between Cannabis Retail facilities of 1,000 feet 	Jones, by request
P 7/2	B14	<ul style="list-style-type: none"> • Removes the distance separation requirement for Cannabis Cultivation and Cannabis Manufacturing from a residential zone district 	Davis
P 7/2	B15	<ul style="list-style-type: none"> • Would allow Cannabis Cultivation and Cannabis Manufacturing to occur within 300 feet of a residential zone district, school, or child day care facility with a Conditional Use approval. 	Davis
Sign Regulations			
Action	Amendment #	Policy Direction	Sponsor
F 0/8	B16	<ul style="list-style-type: none"> • Would restrict sign type, location, and content for all three cannabis uses (Retail, Cultivation, and Manufacturing) 	Jones, by request
HOURS			
Action	Amendment #	Policy Direction	Sponsor
F 0/8	B17	<ul style="list-style-type: none"> • Would disallow customer visits and deliveries between 10pm and 7am for Cannabis Retail • Would disallow customer visits and deliveries between 10pm and 7am for Cannabis Cultivation and Cannabis Manufacturing if located within 300 feet of a residential zone 	Jones, by request
Not Moved	B20	<ul style="list-style-type: none"> • Would exempt integrated cannabis microbusinesses or cannabis producer microbusinesses from limitations on customer and/or delivery hours. 	Borrego, by request
Zoning			
Action	Amendment #	Policy Direction	Sponsor
P 8/0	B18	<ul style="list-style-type: none"> • Would allow Cannabis Manufacturing in more zones and adds a square foot limitation for Cannabis Manufacturing in Mixed-Use zones 	Davis
P 8/0	B21	<ul style="list-style-type: none"> • Would create an exemption for most distance separation requirements for cannabis businesses operating under a Cannabis Microbusiness, as defined by the State of New Mexico. 	Sena
Other Regulations			
Action	Amendment #	Policy Direction	Sponsor
P 9/0	B19	<ul style="list-style-type: none"> • Adds 'grandfathering' language to specify that existing medical-cannabis facilities will still be legal for the purposes of the IDO if they choose to pursue recreational cannabis in the future 	Jones, by request

Council Amendment B5 – Cannabis Odors

CITY COUNCIL of the CITY OF ALBUQUERQUE

June 17th, 2021

FLOOR AMENDMENT NO. _____ TO EXHIBIT 1 to O-21-60

AMENDMENT SPONSORED BY COUNCILOR Davis

1. Page 181, revise Section 4-3(D)(35)(d), Cannabis Retail as follows:
 - (d) This use is conditional if cannabis will be consumed on-site. If cannabis is consumed on-site, an ~~[air filtration odor control]~~ plan approved by the [City] [City's [Environmental Health] [Planning] Department] is required~~[. if smoking or vaping will occur on-site.]~~
2. Page 190, revise Section 4-3(E)(2)(e) Cannabis Cultivation as follows:
 - (e) An ~~[air filtration odor control]~~ plan approved by the [City] [City's [Environmental Health] [Planning] Department] is required.]
3. Page 191, revise Section 4-3(E)(3)(e) Cannabis-derived Products Manufacturing as follows:
 - (e) An ~~[air filtration odor control]~~ plan approved by the [City] [City's [Environmental Health] [Planning] Department] is required~~[. if the following activities will be occurring on the property: on-site oil activation, distillation, or extraction.]~~

Explanation: This amendment revises the review and approval department for the air filtration requirements in the IDO for all three cannabis uses in the IDO and renames it to an “odor control” plan. This amendment shifts the review and approval from Environmental Health to the Planning Department and provides more guidance on how odor is to be mitigated. The Planning Department’s Building and Safety division regularly reviews HVAC and other heating and cooling and air circulation mechanisms and are better suited to review an odor control plan. In researching this amendment, Denver’s model for odor control of cannabis activities was looked at. They require

Council Amendment B5 – Cannabis Odors

applicants to identify odor-creating activities and outlines how they will mitigate them. The mitigation options include engineered controls (such as specific types of HVAC systems) and administrative controls such as a commitment to staff training to ensure doors and windows stay closed during odor-emitting activities.

Note: Text in **Blue** indicates a revision made during the council meeting.

Council Amendment B6 – Cannabis Distances

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

June 17th, 2021

FLOOR AMENDMENT NO. _____ TO Exhibit 1 to O-21-60

AMENDMENT SPONSORED BY COUNCILOR Davis

1. Page 181, revise Section 4-3(D)(35) Cannabis Retail as follows:

4-3(D)(35)(a) Cannabis retail is allowed, provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities. For the purposes of the IDO, all measurements for Cannabis Retail shall be from the licensed premises as defined by the New Mexico Cannabis Regulation Act.

4-3(D)(35)(b) This use shall not include a storage or display area outside of fully enclosed portions of a building.

4-3(D)(35)(c) ~~[This use]~~ [A licensed premises, as defined by the New Mexico Cannabis Regulation Act.] is prohibited within ~~[330]~~ [300] feet of any school or child day care facility.

4-3(D)(35)(d) This use is conditional if cannabis will be consumed on-site. If cannabis is consumed on-site, an air filtration plan approved by the City's Environmental Health Department is required.

2. Page 190, revise Sections 4-3(E)(2)(a) and (b) Cannabis Cultivation as follows:

4-3(E)(2)(a) Cannabis cultivation is allowed, provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities. For the purposes of the IDO, all measurements for Cannabis Cultivation shall be from the licensed premises as defined by the New Mexico Cannabis Regulation Act.

4-3(E)(2)(b) ~~[This use]~~ [A licensed premises, as defined by the New Mexico Cannabis Regulation Act.] is prohibited within ~~[330]~~ [300] feet of any Residential zone district, school, or child day care facility.

Council Amendment B6 – Cannabis Distances

3. Page 191, revise Section 4-3(E)(3) (a) and (b) Cannabis-derived Products Manufacturing as follows:

4-3(E)(2)(a) Cannabis-derived products manufacturing is allowed, provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities. [For the purposes of the IDO, all measurements for Cannabis-derived Products Manufacturing shall be from the licensed premises as defined by the New Mexico Cannabis Regulation Act.]

4-3(E)(3)(b) ~~[This use]~~ [A licensed premises, as defined by the New Mexico Cannabis Regulation Act,] is prohibited within ~~[330]~~ [300] feet of any Residential zone district, school, or child day care facility.

4. Page 539, revise Section 7-1, Definitions, Adult or Child Day Care Facility to read as follows:

Adult or Child Day Care Facility

A facility other than an occupied residence that provides care for more than 12 individual adults or children during the day. [This use includes pre-schools]. This use does not include overnight care. See also *Family Home Day Care, Family Care Facility, Community Residential Facility, and Group Home*.

5. On page 546, revise Section 7-1, Definitions, Cannabis Definitions to read as follows:

Cannabis

As defined in ~~[NMSA 1978 § 7-34-4-7]~~ [New Mexico Cannabis Regulation Act]. For the purposes of this IDO, hemp is not regulated as cannabis. [For the purposes of IDO, cannabis is defined for commercial purposes, and should not impede any personal allowances as established by the New Mexico Cannabis Regulation Act.] See also *Hemp*.

Cannabis-derived Products

A product, other than cannabis itself, that contains or is derived from cannabis, as regulated by ~~[NMSA 1978 § 7-34-4-7]~~ [New Mexico Cannabis Regulation Act]. See also *Hemp*.

6. If amendment B14 passes, striking “residential zone district” from the separation distance from Cannabis Cultivation and Cannabis-derived Product Manufacturing, then “residential zone district” should be considered struck from the text in these same sections in this amendment as well. *

Council Amendment B6 – Cannabis Distances

Explanation: This amendment is intended to bring the IDO regulations into conformity with the recently adopted New Mexico Cannabis Regulation Act. This amendment revises the separation distance from schools and daycares for all three cannabis uses in the IDO from 330 feet to 300 feet, in order to come into compliance with state law. 330 feet is a standard measurement used in the IDO, and was therefore the measurement used during the 2019 IDO annual update when the Cannabis Retail, Cannabis Cultivation, and Cannabis-derived Products Manufacturing uses were introduced to the IDO. However, the recently adopted New Mexico Cannabis Regulation Act prohibits the City from imposing a distance separation from schools and daycares in excess of 300 feet. The term “school” is not defined by the Act, but under the IDO it refers to public and private schools through high school. Accordingly, the distance separation would not apply to post-secondary schools like UNM/CNM. Additionally, this amendment makes reference to New Mexico Cannabis Regulation Act for the logistics of how to measure.

NOTE: This amendment was first made available to the public as A4 at LUPZ. The following revisions in **GREEN** have been made since the amendment was provided to the public for the May 12th LUPZ where this amendment was not moved or voted on:

- Striking “residential zone district” from the list of uses that the 300 foot separation distance can be applied to for Cannabis Cultivation and Cannabis-derived Products Manufacturing uses has been removed and is its own amendment, to be considered separately.
- Pre School has been added to the definition of day care. Pre-schools are not covered by the IDO school definition, but were generally considered part of the “Adult or Child Day Care” definition, however this was not explicit. This revision makes it explicit.

* Action 5 has been added to make explicit the sponsor’s intent if both B14 and B6 were to pass. This action was added after the packet was made available to the public on June 14th.

Council Amendment B8 – Cannabis On Site Consumption Definition

CITY COUNCIL of the CITY OF ALBUQUERQUE

June 17th, 2021

FLOOR AMENDMENT NO. _____ TO O-21-60 and EXHIBIT 1 to O-21-60

AMENDMENT SPONSORED BY COUNCILOR Davis

1. Amend O-21-60, to add a new Section 2 and renumber accordingly:
[SECTION 2. Commercial on-site cannabis consumption is prohibited in all zones until regulations promulgated by the State become effective, in which case all other City provisions regarding on-site consumption not prohibited by state regulation will become effective.]
2. On page 546, Section 7-1 Definitions, add the following to the Cannabis Definitions:

[Commercial On-site Consumption Commercial on-site consumption of cannabis is the commercial cannabis activity of smoking, vaporizing, and ingesting of cannabis or cannabis products in a licensed cannabis consumption area. Commercial on-site consumption is considered part of Cannabis Retail.]

Explanation: This amendment adds language to ensure that on-site consumption cannot occur prior to the State issuing regulations on the matter. This amendment adds a definition for Commercial On-Site Consumption and clarifies that the IDO is regulation the on-site consumption, as a use, in relation Cannabis Retail.

NOTE: This amendment has been revised to include language to ensure on-site consumption cannot occur prior to State regulations. This language was originally included in Amendment B12, in error, and has been moved to this amendment. The changes are shown in **GREEN**.

Council Amendment B12 – Cannabis Retail 600 ft separation

CITY COUNCIL of the CITY OF ALBUQUERQUE

June 17th, 2021

FLOOR AMENDMENT NO. _____ TO EXHIBIT 1 to O-21-60

AMENDMENT SPONSORED BY COUNCILOR Davis

- ~~1. Amend O-21-60, to add a new Section 2 and renumber accordingly:
[SECTION 2. Commercial on-site cannabis consumption is prohibited in all zones until regulations promulgated by the State become effective, in which case all other City provisions regarding on-site consumption not prohibited by state regulation will become effective.]~~
- In Exhibit 1, page 181, Section 4-3(D)(35) Cannabis Retail add the following subsection and renumber if necessary:
[4-3(D)(35)(e) This use shall be conditional within 600 feet of another Cannabis Retail establishment. Nothing herein prohibits multiple licenses from operating from a single premise.]

Explanation: ~~This amendment adds language to ensure that on-site consumption cannot occur prior to the State issuing regulations on the matter.~~ This amendment also proposes that Cannabis Retail establishments be 600 feet apart, and if closer together seek a Conditional Use. The state regulations allows a municipality to consider the density of cannabis businesses. By requiring 600 feet between cannabis retail (and making it a Conditional Use if located closer together) this would allow cannabis retail approximately every two blocks. This amendment seeks to strike a balance between the economic development opportunities that recreational cannabis offers, while still ensuring that no area or areas, have significant clusters of businesses.

NOTE: This amendment has been revised to remove language to ensure on-site consumption cannot occur prior to State regulations. This language was originally included in this amendment, in error, and has been moved to amendment B8. The changes are shown in **GREEN**.

Council Amendment B14 – Cannabis Distances Residential

CITY COUNCIL of the CITY OF ALBUQUERQUE

June 17th, 2021

FLOOR AMENDMENT NO. _____ TO Exhibit 1 to O-21-60

AMENDMENT SPONSORED BY COUNCILOR Davis

1. Page 190, revise Sections 4-3(E)(2)(b) Cannabis Cultivation as follows:

4-3(E)(2)(b) ~~[This use]~~ [A licensed premises, as defined by the New Mexico Cannabis Regulation Act,] is prohibited within ~~[330]~~ [300] feet of any ~~[Residential zone district,]~~ school~~[,]~~ or child day care facility.

2. Page 191, revise Section 4-3(E)(3)(b) Cannabis-derived Products Manufacturing as follows:

4-3(E)(3)(b) ~~[This use]~~ [A licensed premises, as defined by the New Mexico Cannabis Regulation Act,] is prohibited within ~~[330]~~ [300] feet of any ~~[Residential zone district,]~~ school~~[,]~~ or child day care facility.

Explanation: This amendment is intended to bring the IDO regulations into conformity with the recently adopted New Mexico Cannabis Regulation Act. Similar to Amendment B6 this amendment revises the separation distance from schools and daycares for cannabis cultivation and cannabis manufacturing uses in the IDO from 330 feet to 300 feet, in order to come into compliance with state law. Additionally, this amendment removes distance separation requirements between Cannabis Cultivation and Cannabis-derived Products Manufacturing and residential land uses. The recently adopted New Mexico Cannabis Regulation Act prohibits the City from imposing a distance separation from schools and daycares in excess of 300 feet.

Council Amendment B15 – Cannabis Cultivation & Manufacturing

CITY COUNCIL of the CITY OF ALBUQUERQUE

June 17th, 2021

FLOOR AMENDMENT NO. _____ TO Exhibit 1 to O-21-60

AMENDMENT SPONSORED BY COUNCILOR Davis

1. Page 190, revise Section 4-3(E)(2) as follows:

4-3(E)(2) Cannabis Cultivation

4-3(E)(2)(a) Cannabis cultivation is allowed, provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.

4-3(E)(2)(b) ~~[This use is prohibited w]~~ [W]ithin ~~[330]~~ [300] feet of any Residential zone district, school, or child day care facility ~~[, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A)].~~

4-3(E)(2)(c) Except as specified in Subsection (d) below, all activities in this use must be conducted within the fully enclosed portions of a building unless a Conditional Use Approval is obtained pursuant to Subsection 14-16-6-6(A) to conduct specific activities outside of the fully enclosed portions of a building.

4-3(E)(2)(d) An incidental storage area is allowed outside of the fully enclosed portions of a building, but must be screened from view from each property line as described in Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas).

4-3(E)(2)(e) An air filtration plan approved by the City's Environmental Health Department is required.

2. Page 191, revise Section 4-3(E)(3) as follows:

4-3(E)(3) Cannabis-derived Products Manufacturing

4-3(E)(3)(a) Cannabis-derived products manufacturing is allowed, provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.

Council Amendment B15 – Cannabis Cultivation & Manufacturing

- 4-3(E)(3)(b) ~~[This use is prohibited w]~~ [W]ithin ~~[330]~~ [300] feet of any Residential zone district, school, or child day care facility [, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A)].
- 4-3(E)(3)(c) Except as specified in Subsection (d) below, all activities in this use shall be conducted within the fully enclosed portions of a building unless a Conditional Use Approval is obtained pursuant to Subsection 14- 16-6-6(A) to conduct specific activities outside of the fully enclosed portions of a building.
- 4-3(E)(3)(d) An incidental storage area is allowed outside of the fully enclosed portions of a building but shall be screened from view from each property line as described in Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas).
- 4-3(E)(3)(e) An air filtration plan approved by the City Environmental Health Department is required.
3. If amendment B14 passes, striking “residential zone district” from the separation distance from Cannabis Cultivation and Cannabis-derived Product Manufacturing, then “residential zone district” should be considered struck from the text in these same sections in this amendment as well. *

Explanation: These changes to the use-specific standards for Cannabis Cultivation and Cannabis-derived Products Manufacturing would take both uses from prohibited within 330 feet of a residential zone, school, or child day care facility to a Conditional Use within 330 feet of a residential zone, school, or child day care facility. These two uses are permissive in only the NR-C, NR-BP, NR-LM, and NR-GM zone districts. They are prohibited in all other zone districts. The current prohibition within 330 feet of a residential zone, school, or child day care facility does not allow for consideration of operational scale, lot size, and other matters that may make this use have little to no impact on the adjacent uses. By changing the prohibition to a Conditional Use, the public and the City are able to consider the impact of a particular request in relation to a specific site. A Conditional Use requires a public hearing before the Zoning Hearing Examiner and is a decision that is appealable to the City Council. A Conditional Use must meet all of the following criteria:

6-6(A)(3)(a) It is consistent with the adopted ABC Comp Plan, as amended.

6-6(A)(3)(b) It complies with all applicable provisions of this IDO, including but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in a prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.

Council Amendment B15 – Cannabis Cultivation & Manufacturing

6-6(A)(3)(c) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.

6-6(A)(3)(d) It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.

6-6(A)(3)(e) On a project site with existing uses, it will not increase nonresidential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.

6-6(A)(3)(f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.

NOTE: this amendment was previously provided to the public at LUPZ but was not moved or voted on. This was Amendment A3, and has not been revised since LUPZ.

* However, Action 3 has been added to make explicit the sponsor's intent if both B14 and B15 pass.

Council Amendment B18 – Cannabis Manufacturing Zoning

CITY COUNCIL of the CITY OF ALBUQUERQUE

June 17th, 2021

FLOOR AMENDMENT NO. _____ TO Exhibit 1 to O-21-60

AMENDMENT SPONSORED BY COUNCILOR Davis, Benton

1. Page 152, Table 4-2-1, for the Cannabis-derived Products Manufacturing line, add a “C” for MX-T, and a “P” to MX-L, MX-M, and MX-H.
2. Page 191, in Section 4-3(E)(3) Cannabis-derived Products Manufacturing, add a new (b) and renumber accordingly:

[4-3(E)(3)(b) If located in any Mixed-use zone district, this use shall not exceed 10,000 square feet of gross floor area, and all activities must be conducted within the fully enclosed portions of a building. If located in a Mixed-use zone district, the use of hazardous materials as defined by federal regulations is prohibited. If located in a Mixed-use zone district on-site oil activation, distillation, or extraction are prohibited.]

3. Page 152, Table 4-2-1, for the Cannabis Cultivation line, add a “C” for MX-T, and a “P” to MX-L, MX-M, and MX-H.
4. Page 191, in Section 4-3(E)(2) Cannabis Cultivation, add a new (b) and renumber accordingly:

[4-3(E)(2)(b) If located in any Mixed-use zone district, this use shall not exceed 10,000 square feet of gross floor area, and all activities must be conducted within the fully enclosed portions of a building.]

Explanation: This amendment would expand Cannabis-derived Product Manufacturing and Cannabis Cultivation to the MX-T zone district (as conditional) and the MX-L, MX-M, and MX-H zone districts (as permissive). This is intended to mirror the allowances for Artisan Manufacturing, in order to allow for small scale cannabis-derived product manufacturing. A Use Specific standard is proposed in the amendment that mirrors the scale and activity limitations of Artisan Manufacturing. It is anticipated that a significant portion of the economic development associated with the recent changes to allow recreational cannabis in New Mexico will come from the creation of cannabis-derived

Council Amendment B18 – Cannabis Manufacturing Zoning

product manufacturing and cannabis cultivation. The proposed changes would expand the ability to make these products to smaller spaces, in a similar way that Artisan Manufacturing is allowed throughout the city. The Integrated Microbusiness License that the State has created allows for all three uses (cultivation, manufacturing, and retail) at a small scale (200 plants, one store) and by expanding cannabis uses to smaller spaces, it expands the locations where this license could be used.

NOTE: Text in **GREEN** shows additional language added since this amendment was first made available to the public. The revisions include expanding this from Cannabis Manufacturing to include Cannabis Cultivation.

NOTE: Text in **BLUE** was added during the Council meeting on June 17th.

Council Amendment B21 – Cannabis Microbusiness – Retail, Cultivation, and Manufacturing

CITY COUNCIL of the CITY OF ALBUQUERQUE

June 17th, 2021

FLOOR AMENDMENT NO. _____ TO EXHIBIT 1 to O-21-60

AMENDMENT SPONSORED BY COUNCILOR Lan Sena

1. Page 151, Table 4-2-1, for the Cannabis Retail line, add a “P” for MX-T.
2. Page 181, in Section 4-3(D)(35) Cannabis Retail, add a new (b) and renumber accordingly:

[4-3(D)(35)(b) In the MX-T zone district this use is prohibited, unless associated with an establishment that operates under a Cannabis Microbusiness license.]

3. If amendments pass that add distance separations between Cannabis Retail and uses other than schools and day cares, and/or that prohibit Cannabis Retail on Main Street corridors, and/or that require a distance between Cannabis Retail establishments, add the following exemption(s):

[, with the exception of an establishment that operates under a Cannabis Microbusiness license.]

4. If Cannabis Cultivation remains prohibited within 300 feet of a school or day care, add the following Use Specific standard:

[This use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) within 300 feet of a school or day care if associated with an establishment that operates under a Cannabis Microbusiness license.]

5. If amendments pass that add distance separations between Cannabis Cultivation and uses other than schools and day cares, add the following exemption(s):

[, with the exception of an establishment that operates under a Cannabis Microbusiness license.]

Council Amendment B21 – Cannabis Microbusiness – Retail, Cultivation, and Manufacturing

6. If Cannabis-derived Product Manufacturing remains prohibited within 300 feet of a school or day care, add the following Use Specific standard:

[This use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) within 300 feet of a school or day care if associated with an establishment that operates under a Cannabis Microbusiness license.]

7. If Cannabis-derived Product Manufacturing is not extended to the Mixed Use zone districts, make the following changes:
 - Page 152, Table 4-2-1, for the Cannabis-derived Products Manufacturing line, add a “C” for MX-T, and a “P” to MX-L, MX-M, and MX-H.
 - Page 191, in Section 4-3(E)(3) Cannabis-derived Products Manufacturing, add a new (b) and renumber accordingly:

[4-3(E)(3)(b) If located in any Mixed-use zone district, this use is prohibited, unless associated with an establishment that operates under a Cannabis Microbusiness license, and shall not exceed 10,000 square feet of gross floor area, and all activities must be conducted within the fully enclosed portions of a building.]

8. If amendments pass that add distance separations between Cannabis-derived Product Manufacturing and uses other than schools and day cares, add the following exemption(s):

[, with the exception of an establishment that operates under a Cannabis Microbusiness license.]

9. On page 546, Section 7-1 Definitions, add the following to the Cannabis Definitions:

[Cannabis Microbusiness License A Cannabis Microbusiness license is an Integrated Cannabis Microbusiness, or Cannabis Producer Microbusiness License, as defined by the New Mexico Cannabis Regulation Act.]

Explanation: This amendment provides incentives and flexibility for cannabis operators with an Integrated Cannabis Microbusiness, or Cannabis Producer Microbusiness License, as defined by the Cannabis Regulation Act. In order to address concerns about equity, and to ensure that small businesses have an opportunity to enter the recreational cannabis industry, the state established the microbusiness licenses. This amendment seeks to further the State’s intent by providing microbusiness license holders greater allowances for where a cannabis retailer, cultivator, or manufacturer can locate.

The Cannabis Regulation Act contains the following definitions:

Council Amendment B21 – Cannabis Microbusiness – Retail, Cultivation, and Manufacturing

"cannabis producer microbusiness" means a cannabis producer at a single licensed premises that possesses no more than two hundred total mature cannabis plants at any one time;

And

"integrated cannabis microbusiness" means a person that is authorized to conduct one or more of the following:

- (1) production of cannabis at a single licensed premises; provided that the person shall not possess more than two hundred total mature cannabis plants at any one time;
- (2) manufacture of cannabis products at a single licensed premises;
- (3) sales and transportation of only cannabis products produced or manufactured by that person;
- (4) operation of only one retail establishment; and
- (5) couriering of cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers;

This amendment is drafted to be responsive to other amendments that may or may not pass as part of this IDO annual update.

Council Amendment B19 – Cannabis Existing Businesses

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

June 17th, 2021

FLOOR AMENDMENT NO. _____ TO EXHIBIT 1 to O-21-60

AMENDMENT SPONSORED BY COUNCILOR Jones, by request

1. In Exhibit 1, Page 181, Section 4-3(D)(35) Cannabis Retail add the following subsections:

[4-3(D)(35)(g) A Cannabis Retail establishment properly licensed and in good standing pursuant to the Lynn and Erin Compassionate Use Act, upon issuance of a commercial cannabis license pursuant to the Cannabis Regulation Act, but no later than April 1, 2022, is entitled to continued and uninterrupted operations of the licensed premises and may continue to operate and expand its Cannabis Retail use to include the sale of commercial cannabis with the appropriate license(s).]

2. In Exhibit 1, Page 190, Section 4-3(E)(2) Cannabis Cultivation add the following subsections:

[4-3(E)(2)(g) A Cannabis Cultivation establishment properly licensed and in good standing pursuant to the Lynn and Erin Compassionate Use Act, upon issuance of a commercial cannabis license pursuant to the Cannabis Regulation Act, but no later than April 1, 2022, is entitled to continued and uninterrupted operations of the licensed premises and may continue to operate its Cannabis Cultivation use with the appropriate cannabis producer license(s).]

3. In Exhibit 1, Page 191, revise Section 4-3(E)(3) (Cannabis-derived Products Manufacturing add the following subsections:

[4-3(E)(3)(g) A Cannabis-derived Products Manufacturing establishment properly licensed and in good standing pursuant to the Lynn and Erin Compassionate Use Act, upon issuance of a commercial cannabis license pursuant to the Cannabis Regulation Act, but no later than April 1, 2022, is entitled to continued and uninterrupted operations of the licensed premises and may continue to operate its Cannabis-derived Products Manufacturing use with the appropriate cannabis manufacturer license(s).]

Council Amendment B19 – Cannabis Existing Businesses

Explanation: This amendment adds a new section within the retail regulations to allow existing medical cannabis dispensaries to convert to recreational cannabis retail in their current location, regardless of distance separations that would otherwise be applicable.

During the 2019 IDO Annual Update, the IDO created 3 cannabis related uses in anticipation of the legalization of recreational cannabis. Those three uses are, plus definitions:

- Cannabis Retail: A retail sales establishment licensed by the State to sell cannabis for recreational consumption. Retail establishments selling cannabis solely for consumption by users with a medical card issued by the State are considered general retail and are not regulated by this definition. See also *General Retail*.
- Cannabis Cultivation: A facility in which cannabis is grown, harvested, dried, cured, or trimmed.
- Cannabis-derived Product Manufacturing: The processing, including but not limited to extraction, refinement, isolation, or packaging of a product other than cannabis itself, which contains or is derived from cannabis, including but not limited to concentrates, cannabis infusions, edible products, ointments, and tinctures, but excluding hemp. See also *Hemp*.

The IDO anticipates that a business may have one or more of these uses on the same site. For example a site may include both cultivation and manufacturing. Or manufacturing and retail. The IDO limits these three uses to the following zone districts:

- Cannabis Retail:
 - Permissive: MX-L, MX-M, MX-H, NR-C, NR-BP
 - Accessory: NR-LM, and NR-GM
- Cannabis Cultivation
 - Permissive: NR-C, NR-BP, NR-LM, and NR-GM
- Cannabis-derived Product Manufacturing
 - Permissive: NR-C, NR-BP, NR-LM, and NR-GM

NOTE: text in **GREEN** adds Cannabis Cultivation and Cannabis Manufacturing uses to the grandfathering. This text was added after the amendment was made available to the public on June 4th.

This amendment was drafted and sponsored at the request of the Mayor and the Administration.