

1 CITY OF SANTA FE NEW MEXICO

2 BILL NO. 2014-24

3 INTRODUCED BY:

4  
5 Referendum & Initiative Petition

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8  
9 AN ORDINANCE

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11 AMENDING SECTION 16-15 SFCC 1987 TO REDUCE THE PENALTIES FOR  
12 POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA AND POSSESSION OF  
13 MARIJUANA PARAPHERNALIA; AND CREATING A NEW SECTION 20-6 SFCC 1987 TO  
14 ESTABLISH THAT POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA AND  
15 POSSESSION OF MARIJUANA PARAPHERNALIA ARE CIVIL INFRACTIONS.

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17 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

18 Section 1. Subsection 16-15.1 SFCC 1987 (being Ord. # 2005-7, §3, as amended) is  
19 amended to read:

20 16-15.1 Intent; [Marijuana;] Synthetic Cannabinoids; Possession Prohibited.

21 [A. ~~It is unlawful for a person intentionally to possess one (1) ounce or less of marijuana.~~  
22 ~~It is not a violation of this section for a person to possess marijuana obtained pursuant to a valid~~  
23 ~~prescription or order of a practitioner while acting in the course of his professional practice or as~~  
24 ~~authorized by the Controlled Substances Act, Section 30-31-1 NMSA 1978.]~~

25 [B]A. It is unlawful for a person intentionally to possess one (1) ounce or less of synthetic

1 | cannabinoids for the purpose of causing a condition of or inducing symptoms of intoxication, elation,  
2 | euphoria, dizziness, excitement, irrational behavior, exhilaration, stupefaction or dulling of the senses,  
3 | or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental  
4 | processes.

5 |       [~~E~~]B. A person who violates this section shall, for the first offense, be guilty of a petty  
6 | misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) or more than one  
7 | hundred dollars (\$100.) and by imprisonment for not more than fifteen (15) days.

8 |       [~~D~~]C. The municipal court does not have jurisdiction over subsequent offenses.

9 |       **Section 2.       Subsection 16-15.2 SFCC 1987 (being Ord. # 2005-7, §3) is amended to**  
10 | **read:**

11 |       **16-15.2       Possession, Delivery or Manufacture of Drug Paraphernalia Prohibited;**

12 | **Exceptions.**

13 |       A.       It is unlawful for a person to use or possess with intent to use drug paraphernalia to  
14 | plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process,  
15 | prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise  
16 | introduce into the human body a controlled substance in violation of the Controlled Substances Act.  
17 | The provisions of this subsection do not apply to a person who is in possession of hypodermic  
18 | syringes or needles at the time he is directly and immediately engaged in a harm reduction program,  
19 | as provided in the Harm Reduction Act or to a person who is in possession of drug paraphernalia  
20 | intended for marijuana use.

21 |       B.       It is unlawful for a person to deliver, possess with intent to deliver or manufacture  
22 | with the intent to deliver drug paraphernalia with knowledge, or under circumstances where one  
23 | reasonably should know, that it will be used to plant, propagate, cultivate, grow, harm, manufacture,  
24 | compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal,

1 inject, ingest, inhale or otherwise introduce in the human body a controlled substance in violation of  
2 the Controlled Substances Act. The provisions of this subsection do not apply to:

3 (1) Department of health employees or their designees while they are directly  
4 and immediately engaged in activities related to the harm reduction program authorized by  
5 the Harm Reduction Act; or

6 (2) The sale or distribution of hypodermic syringes and needles by pharmacists  
7 licensed pursuant to the Pharmacy Act.

8 C. A person who violates this section with respect to subsection A of this section is  
9 guilty of a petty misdemeanor and upon conviction shall be punished by a fine of not less than fifty  
10 dollars (\$50.00) nor more than one hundred dollars (\$100.) or by imprisonment for a definite term of  
11 ninety (90) days, or both. A person who violates this section with respect to paragraph B of this  
12 subsection is guilty of a petty misdemeanor. (For state law, see Sec. 30-31-25.1)

13 **Section 3. A new Section 20-6 SFCC 1987 is ordained to read:**

14 **20-6 [NEW MATERIAL] MARIJUANA AND MARIJUANA PARAPHERNALIA**  
15 **POSSESSION**

16 **20-6.1 Lowest Law Enforcement Priority; Possession Prohibited.**


17 A. It is the duty of the police department to make possession of one ounce or less of  
18 marijuana the lowest law enforcement priority.

19 B. A person who possesses one ounce or less of marijuana may be fined no more than  
20 twenty-five dollars (\$25.00). It is not a violation of this section for a person to possess marijuana  
21 obtained pursuant to a valid prescription or order of a practitioner while acting in the course of his  
22 professional practice or as authorized by the Controlled Substances Act, Section 30-31-1 NMSA  
23 1978.

24 C. A person possessing paraphernalia intended for use, or designed for use in ingesting,  
25 inhaling, or otherwise introducing marijuana into the human body may be fined no more than twenty-

1 five dollars (\$25.00).

2 APPROVED AS TO FORM:

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5 KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Melissa/Bills 2014/2014-24 Marijuana Initiative*