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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2020-__

INTRODUCED BY:

Councilor Chris Rivera

AN ORDINANCE

AMENDING SECTION 16-15.2 SFCC 1987 TO REMOVE THE POSSIBILITY OF IMPRISONMENT FOR THE CONVICTION OF A VIOLATION OF THE SECTION.

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

Section 1. Section 16-15.2 of SFCC 1987 (being Ord. No. 2005-7, § 3, as amended) is amended to read:

16-15.2 Possession, delivery or manufacture of drug paraphernalia prohibited; exceptions.

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

1 B. It is unlawful for a person to deliver, possess with intent to deliver or
2 manufacture with the intent to deliver drug paraphernalia with knowledge, or under
3 circumstances where one reasonably should know, that it will be used to plant, propagate,
4 cultivate, grow, harm, manufacture, compound, convert, produce, process, prepare, test,
5 analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce in
6 the human body a controlled substance in violation of the Controlled Substances Act. The
7 provisions of this subsection do not apply to:

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

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

13 C. A person who violates this section with respect to paragraph A of this
14 subsection ~~[is guilty of a petty misdemeanor and upon conviction]~~ shall be punished by a fine
15 of ~~[not less than]~~ fifty dollars (\$50.00) ~~[nor more than one hundred dollars (\$100.00) or by~~
16 ~~imprisonment for a definite term of ninety (90) days, or both]~~. A person who violates this
17 section with respect to paragraph B of this subsection is guilty of a petty misdemeanor.

18 APPROVED AS TO FORM:

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20 _____
21 ERIN K. McSHERRY, CITY ATTORNEY
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25 *Legislation/2020/Bills/Drug Paraphernalia Amendments*