

1 read:

2 **16-15.2 Possession, Delivery or Manufacture of Drug Paraphernalia Prohibited;**

3 **Exceptions.**

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

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

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

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

23 C. A person who violates this section with respect to subsection A of this section is
24 guilty of a petty misdemeanor and upon conviction shall be punished by a fine of not less than fifty
25 dollars (\$50.00) nor more than one hundred dollars (\$100.00) or by imprisonment for a definite term

1 of ninety (90) days, or both. A person who violates this section with respect to paragraph B of this
2 subsection is guilty of a petty misdemeanor. (For state law, see Sec. 30-31-25.1)

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

4 **20-6 MARIJUANA AND MARIJUANA PARAPHERNALIA POSSESSION**

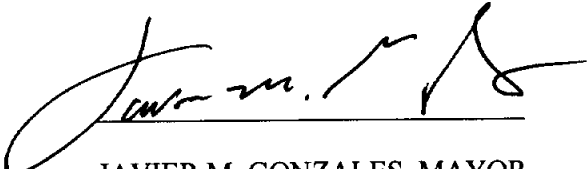
5 **20-6.1 [NEW MATERIAL] Lowest Law Enforcement Priority; Possession Prohibited.**

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

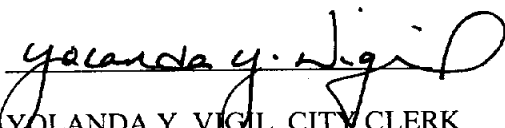
8 B. A person who possesses one ounce or less of marijuana may be fined no more than
9 twenty-five dollars (\$25.00). It is not a violation of this section for a person to possess marijuana
10 obtained pursuant to a valid prescription or order of a practitioner while acting in the course of his
11 professional practice or as authorized by the Controlled Substances Act, Section 30-31-1 NMSA
12 1978.

13 C. A person possessing paraphernalia intended for use, or designed for use in ingesting,
14 inhaling, or otherwise introducing marijuana into the human body may be fined no more than twenty-
15 five dollars (\$25.00).

16 PASSED, APPROVED and ADOPTED this 27th day of August, 2014.

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JAVIER M. GONZALES, MAYOR

21 ATTEST:

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24 YOLANDA Y. VIGIL, CITY CLERK
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APPROVED AS TO FORM:



KELLEY A. BRENNAN, CITY ATTORNEY