

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**CITY OF SANTA FE, NEW MEXICO**

**ORDINANCE NO. 2021-1**

**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.

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


1 human body a controlled substance in violation of the Controlled Substances Act. The  
2 provisions of this subsection do not apply to:

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

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

8 C. A person who violates this section with respect to paragraph A of this  
9 subsection shall be punished by a fine of fifty dollars (\$50.00). A person who violates this  
10 section with respect to paragraph B of this subsection is guilty of a petty misdemeanor.

11 PASSED, APPROVED, and ADOPTED this 13<sup>th</sup> day of January, 2021.

12  
13  
14   
15 ALAN WEBBER, MAYOR

16 ATTEST:

17   
18 

---

19 KRISTINE MIHELIC, CITY CLERK

20 APPROVED AS TO FORM:

21   
22 

---

23 ERIN K. McSHERRY, CITY ATTORNEY

24 *Bill No. 2020-35*

25 *Legislation/2020/Bills/2020-35 Drug Paraphernalia Amendments*