



VILLAGE OF CORRALES

ORDINANCE NO. 17-008

AN ORDINANCE RELATING TO CANNABIS AND CANNABIS-DERIVED PRODUCTS; PROHIBITING THE CULTIVATION, POSSESSION OR DISTRIBUTION OF CANNABIS IN ALL ZONES OF THE VILLAGE; PROVIDING AN EXCEPTION FOR QUALIFIED PATIENTS AND PRIMARY CAREGIVERS UNDER THE LYNN AND ERIN COMPASSIONATE USE ACT

WHEREAS, the production and use of “medical marijuana,” that is, cannabis used for medical purposes, has become a significant enterprise in New Mexico, with large production facilities being located in many areas, whether agricultural, commercial, industrial or residential; and

WHEREAS, the Village Council, the governing body of the Village of Corrales (“Governing Body”), recognizes that agricultural activities are a permissive use on lands throughout most of the Village; and

WHEREAS, the Governing Body finds that large facilities for the cultivation and production of cannabis and cannabis-derived products were not contemplated when the designation of agricultural uses was approved throughout the Village, the said cultivation and production being strictly illegal at that time; and

WHEREAS, the cultivation and production of cannabis and cannabis-derived products remain illegal under the laws of the United States, notwithstanding the State of New Mexico’s adoption of the Lynn and Erin Compassionate Use Act permitting the medical use of cannabis within New Mexico; and

WHEREAS, the Governing Body finds that large facilities for the cultivation and production of cannabis are not a desirable use of lands anywhere in the Village; and

WHEREAS, the Governing Body finds that the cultivation and production of cannabis in limited quantities for personal use, under the Lynn and Erin Compassionate Use Act, should be permitted.

NOW, THEREFORE, BE IT ORDAINED by the Village Council, the governing body of the Village of Corrales, that:

Section 1. Definitions.

The definitions of *agricultural activities* and *agricultural products* in Section 18-29 of the Code are amended to read as shown below, and the other defined terms shown below shall be added to Section 18-29 of the Code in appropriate alphabetical order.

Adequate supply, in relation to the possession, cultivation or production of cannabis and cannabis-derived products, means the amount of cannabis that may be possessed by a qualified patient or collectively possessed by a qualified patient and the qualified patient's primary caregiver, as determined by the New Mexico Department of Health to be no more than reasonably necessary to ensure the uninterrupted availability of cannabis for a period of three (3) months or ninety (90) consecutive days.

Agricultural activities means the tilling of the soil, the raising of crops, horticulture, and animal husbandry, but does not include the cultivation, growing or production of cannabis.

Agricultural products means products that are the direct result of agricultural activities and includes added value products made for direct sale by their creators from the products of the creators' own agricultural activities, but does not include cannabis or any cannabis-derived product.

Cannabis means all parts of the plant *Cannabis sativa* or *Cannabis indica*, whether growing or not, and the resin extracted from any part of the plant.

Cannabis-derived product means a product, other than cannabis itself, which contains or is derived from cannabis, not including hemp.

Crops means cultivated plants and agricultural products, including grains, vegetables, fruits, and grasses used for pasturage or other commercial or agricultural purposes, but does not include cannabis.

Legal pharmaceuticals means drugs and medicines sold over the counter or by a licensed pharmacist pursuant to a prescription issued by an authorized medical practitioner, but does not include cannabis or cannabis-derived products.

Lynn and Erin Compassionate Use Act means Sections 26-2B-1 through 26-2B-7, NMSA 1978, as amended and supplemented.

Personal production of cannabis means the cultivation and possession of cannabis plants and an adequate supply of usable cannabis by a qualified patient or the primary caregiver of a qualified patient holding a valid personal production license issued by the New Mexico Department of Health pursuant to the Lynn and Erin Compassionate Use Act and the Department of Health regulations adopted thereunder.

Primary caregiver means a resident of New Mexico who is at least eighteen (18) years of age and who has been designated by a qualified patient and the patient's practitioner as being necessary to take responsibility for managing the well-being of a qualified patient under the Lynn and Erin Compassionate Use Act.

Qualified patient means a resident of New Mexico who has been diagnosed as having a debilitating medical condition and has received a registry identification card from the New Mexico Department of Health permitting the possession of cannabis for personal medical use under the Lynn and Erin Compassionate Use Act.

Section 2. Prohibition of cannabis cultivation, production or distribution; exception.

(a) *General prohibition.* The cultivation, intentional growth, manufacture, possession and distribution of cannabis and cannabis-derived products are prohibited in all zones of the Village, except as specifically permitted in this Section.

(b) *Exception.* Personal production of cannabis by qualified patients or primary caregivers, in amounts no greater than authorized under applicable New Mexico Department of Health regulations, is permitted in all zones of the Village. All cannabis and cannabis-derived products, including live plants, shall be kept secure within a dwelling unit or within a structure that is locked at all times when the qualified patient or primary caregiver is not present.

SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

COMPILING CLAUSE: This Ordinance shall be incorporated in and compiled as a part of the Code of Ordinances of the Village of Corrales, as provided herein.

EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this ___ day of _____, 2017.

APPROVED:

The Honorable Scott Kominiak
Mayor

ATTEST:

Jennifer A. Hise
Village Clerk