

IN RESPONSE TO THE RECENTLY
APPROVED CANNABIS
REGULATION ACT

(HOUSE BILL 2)

AN AMENDMENT TO
THE CHAVES
COUNTY ZONING
ORDINANCE NO.7 TO
INCLUDE ARTICLE 23
CANNABIS
ESTABLISHMENTS

CANNABIS REGULATION ACT

- In March 2021 the New Mexico State Legislatures approved the Cannabis Regulation Act (CRA). **The CRA went into effect on June 29, 2021.**
- The CRA created a comprehensive licensing, taxing and enforcement regulatory structure for adult use cannabis in the state that will be administered by the Cannabis Control Division (CCD), which is located in the Regulation and Licensing Department.
- The CCD will administer the CRA and the licensing and regulatory provisions of the Medical Cannabis Program that was created by the Lynn and Erin Compassion Use Act (LECUA).

TIMELINES SET BY THE CRA

- **No later than September 1, 2021** the CCD will accept and begin processing license applications for cannabis producers, cannabis producer microbusiness and properly licensed medical cannabis producers.
- **No later than January 1, 2022** the CCD shall:
 - Begin licensing cannabis training and education programs.
 - Issue cannabis server permits.
 - Accept and process applications for all other license types.
- **No later than April 1, 2022** Retail sale of commercial cannabis will begin.

LOCAL JURISDICTION

- Local jurisdictions cannot:
- Prevent anyone properly licensed from transporting cannabis products on public roads;
- Completely prohibit the operation of a cannabis licensee;
- Prohibit or limit signage identifying a business as a cannabis establishment if it's attached to or located on the business premises;
- Require a cannabis establishment or a cannabis consumption area be located more than 300 feet from a school or daycare center that existed when the cannabis establishment or consumption area was licensed;
- Require an existing cannabis licensee to relocate to a new premises; or
- Prohibit an adult New Mexican from producing homegrown cannabis.

LOCAL JURISDICTION

- Local jurisdiction may:
 - **Adopt reasonable time, place and manner rules** that do not conflict with the CRA or the Dee Johnson Clean Indoor Air Act, including rules that reasonably limit the density of licenses or operating time consistent with neighborhood use.
 - Allow for the smoking, vaping, and ingesting of cannabis products within an indoor or outdoor cannabis consumption area on the licensed premises of a cannabis establishment.
 - Limited to persons 21 years of age or older
 - Being a minimum distance of 300 feet from a school or daycare facility.

ZONING REGULATION NMSA 3-21-1

- NMSA Section 3-21-1 states:
 - For the purpose of promoting the health, safety, morals, and the general welfare of the public, the Chaves County Board of Commissioners, being the Zoning Authority, may regulate and restrict within its jurisdiction the:
 - Height;
 - Percentage of a Lot that may be occupied;
 - Size of yards, courts, and open space;
 - Density of population;
 - **Location and use of buildings, structures and land for trade, industry, residence or other purposes.**

ARTICLE 23

- Is designed to protect the general health, safety, moral, and welfare of the public by utilizing the authority granted to us in the CRA and Section 3-21-1 to 3-21-14 NMSA.
- Provides permissible times of operation for retail and consumption areas.
- Provides a place (Zoning Districts) for Cannabis Establishments to operated within a specific distance from public areas of interest such as schools, public parks, religious institutions, community centers, day cares, adult care, medical, and government facilities.
- Provides a manner for permitting Cannabis Establishment that require detailed information and performance standards from the applicant.