



## Why Legalizing Cannabis Is Good for New Mexico

**Summary:** Legislation would legalize recreational marijuana for people 21 or older in New Mexico, and the state could tax marijuana sold in licensed stores, mostly small businesses. If this year's legislation is similar to the bill introduced in 2019, it would set a 9% excise tax and allow a municipal cannabis tax and a county cannabis tax of up to 4% each, plus GRT on non-medical cannabis purchases. It would automatically seal certain cannabis-related criminal records and allow for the possible recall or dismissal of the sentence for a person currently incarcerated for cannabis offenses that would no longer be violations under the new law. It would create a tightly regulated system of approved licensees with strict rules and regulations, similar to those governing the production and sale of tobacco or alcohol.

**History:** Legislation to legalize recreational cannabis in New Mexico has been introduced every year since 2015 in some form. In 2016, a constitutional amendment passed two Senate committees but was defeated on the Senate floor by a 24-17 margin. In 2019, the Cannabis Regulation Act passed the House 36:34, passed Senate Public Affairs, and died in Senate Finance without a hearing. In 2020, the House bill was never heard in committee and died; the Senate bill was passed in Senate Public Affairs and then died in Senate Judicial without a hearing.

### Why This Legislation Is Good for NM

- Seventy percent of New Mexicans support the legalization of marijuana.
- In just the first year, it is expected to create 11,000 new jobs and increase the General Fund by about \$58 million; an additional \$7.6 million would go to the Community Reinvestment Grants Fund, \$2.2 million to the Health and Safety Fund, \$2.2 million to the Local DWI Grant Fund, and \$760K to the Cannabis Research Fund.
- The legislation would end policies that scar low-level marijuana users with a serious criminal history that can prevent them from obtaining scholarships, future job placement, and a prosperous future.
- It will end marijuana arrests and citations, freeing up law enforcement for more serious offenses.
- It protects the state's Medical Cannabis Program by requiring licensees to hold 33% of their product for medical patients and creating a subsidy program to support low-income patients.
- New Mexico can learn from the pitfalls other states have encountered when they've legalized cannabis, and precautions are written into the bill: ban public use but make provisions for tourists to have a place to use; require warning labels, childproof packaging, and limit advertising; include provisions that are designed to limit supply so that we do not have surpluses; make sure the medical marijuana program is not adversely affected.
- Opponents fear legalized marijuana would lead to a spike in crime. But marijuana is already one of the lowest priorities in the criminal justice system. Bernalillo County's top law enforcement officer, 2nd Judicial District Attorney Raúl Torrez, says that marijuana does not substantially affect public safety. "It is just not something we see a lot of here," Torrez said. "In my experience, since being in this office, marijuana is not a driver of serious crimes. Methamphetamine, heroin, and opioids are much more of a contributing factor."

**Supporting Organizations:** Drug Policy Alliance; ACLU New Mexico; El Centro de Igualdad & Derechos; My Destiny; NM Criminal Defense Lawyers Association; NM Public Health Association

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