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HOUSE BILL 531

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

James G. Taylor

AN ACT

**RELATING TO LIQUOR; REVISING THE PROVISIONS FOR PUBLIC
CELEBRATION PERMITS FOR WINEGROWERS AND SMALL BREWERS;
CLARIFYING JOINT SALES PROVISIONS; AMENDING SECTIONS OF THE
LIQUOR CONTROL ACT.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. Section 60-6A-11 NMSA 1978 (being Laws 1981,
Chapter 39, Section 28, as amended) is amended to read:**

"60-6A-11. WINEGROWER' S LICENSE. - -

**A. Exempt from the procurement of any other
license pursuant to the terms of the Liquor Control Act, but
not from the procurement of a winegrower's license, is any
person in this state who produces wine. Except during periods
of shortage or reduced availability, at least fifty percent of
a winegrower's overall annual production of wine shall be**

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1 produced from grapes or other agricultural products grown in
2 this state pursuant to [~~regulations~~] rules adopted by the
3 director.

4 B. A person issued a winegrower's license pursuant
5 to this section may do any of the following:

6 (1) manufacture or produce wine, including
7 blending, mixing, flavoring, coloring, bottling and labeling,
8 whether the wine is manufactured or produced by or for the
9 winegrower;

10 (2) store, transport, import or export wines;

11 (3) sell wines to a holder of a New Mexico
12 winegrower's, wine wholesaler's, wholesaler's or wine
13 exporter's license or to a winegrower's agent;

14 (4) transport not more than one hundred cases
15 of wine in a calendar year to another location within New
16 Mexico by common carrier;

17 (5) deal in warehouse receipts for wine;

18 (6) sell wines in other states or foreign
19 jurisdictions to the holders of any license issued under the
20 authority of that state or foreign jurisdiction authorizing
21 the purchase of wine;

22 (7) buy wine or distilled wine products from
23 other persons, including licensees and permittees under the
24 Liquor Control Act, for use in blending, mixing or bottling of
25 wines;

. 135157. 2

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1 (8) conduct wine tastings and sell, by the
2 glass or by the bottle or sell in unbroken packages for
3 consumption off the premises but not for resale, wine of his
4 own production or wine produced by another New Mexico
5 winegrower on the winegrower's premises;

6 (9) at no more than three off-premises
7 locations, conduct wine tastings and sell in unbroken packages
8 for consumption off premises, but not for resale, wine of his
9 own production or wine produced by another New Mexico
10 winegrower after the director has determined that the off-
11 premises locations meet the requirements of the Liquor Control
12 Act and the department [~~regulations~~] rules for new liquor
13 license locations;

14 (10) be deemed a manufacturer for purposes of
15 the Gross Receipts and Compensating Tax Act; and

16 (11) at public celebrations on or off the
17 winegrower's premises, after the winegrower has paid the
18 applicable fees and been issued the appropriate permit, to
19 conduct wine tastings, sell by the glass or the bottle or sell
20 in unbroken packages, for consumption off premises but not for
21 resale, wine produced by or for the winegrower [~~and~~

22 ~~(12) apply to the department for a permit to~~
23 ~~join with other licensed winegrowers to sell wine produced by~~
24 ~~or for winegrowers at a common facility at which there may be~~
25 ~~products of two or more licensed winegrowers offered for~~

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1 ~~tasting and sale by the glass or bottle or for sale in~~
2 ~~unbroken packages for consumption off premises but not for~~
3 ~~resale].~~

4 C. Except as limited by Subsection D of Section
5 60-7A-1 NMSA 1978, sales of wine as provided for in this
6 section shall be permitted between the hours of 7:00 a.m. and
7 midnight Monday through Saturday, and the holder of a
8 winegrower's license or public celebration permit may conduct
9 wine tastings and sell, by the glass or bottle or in unbroken
10 packages for consumption off premises but not for resale, wine
11 of his own production on the winegrower's premises between the
12 hours of 12:00 noon and midnight on Sunday.

13 D. At public celebrations off the winegrower's
14 premises in any local option district permitting the sale of
15 alcoholic beverages, the holder of a winegrower's license
16 shall pay ten dollars (\$10.00) to the alcohol and gaming
17 division of the department for a "winegrower's public
18 celebration permit" to be issued under rules adopted by the
19 director. Upon request, the alcohol and gaming division of
20 the department may issue to a holder of a winegrower's license
21 a public celebration permit for a location at the public
22 celebration that is to be shared with other [permitters]
23 winegrowers and small brewers. As used in this subsection,
24 "public celebration" includes any state or county fair,
25 community fiesta, cultural or artistic event, [or] sporting

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1 competition of a seasonal nature or activities held on an
2 intermittent basis.

3 E. Every application for the issuance or annual
4 renewal of a winegrower's license shall be on a form
5 prescribed by the director and accompanied by a license fee to
6 be computed as follows on the basis of total annual wine
7 produced or blended:

8 (1) less than five thousand gallons per year,
9 twenty-five dollars (\$25.00) per year;

10 (2) between five thousand and one hundred
11 thousand gallons per year, one hundred dollars (\$100) per
12 year; and

13 (3) over one hundred thousand gallons per
14 year, two hundred fifty dollars (\$250) per year. "

15 Section 2. Section 60-6A-26.1 NMSA 1978 (being Laws
16 1985, Chapter 217, Section 5, as amended) is amended to read:

17 "60-6A-26.1. SMALL BREWER'S LICENSE. --

18 A. In any local option district, a person
19 qualified under the provisions of the Liquor Control Act,
20 except as otherwise provided in the Domestic Winery and Small
21 Brewery Act, may apply for and be issued a small brewer's
22 license.

23 B. A small brewer's license authorizes the person
24 to whom it is issued to:

25 (1) become a manufacturer or producer of

. 135157. 2

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1 beer;

2 (2) package, label and export beer, whether
3 manufactured, bottled or produced by him or any other person;

4 (3) sell only beer that is packaged by or for
5 him to a person holding a wholesaler's license or a small
6 brewer's license;

7 (4) deal in warehouse receipts for beer;

8 (5) conduct beer tastings and sell for
9 consumption on or off premises, but not for resale, beer
10 produced and bottled by, or produced and packaged for, the
11 licensee or produced and bottled by or for another New Mexico
12 small brewer on the small brewer's premises;

13 (6) be deemed a manufacturer for purposes of
14 the Gross Receipts and Compensating Tax Act;

15 (7) at public celebrations off the small
16 brewer's premises, after the small brewer has paid the
17 applicable fee for a small brewer's public celebration permit,
18 conduct tastings and sell by the glass or in unbroken
19 packages, but not for resale, beer produced and bottled by or
20 for the small brewer;

21 (8) at no more than two other locations off
22 the small brewer's premises, after the small brewer has paid
23 the applicable fee for a small brewer's off-premises permit,
24 after the director has determined that the off-premises
25 locations meet the requirements of the Liquor Control Act and

. 135157. 2

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1 department ~~[regulations]~~ rules for new liquor license
2 locations and after the director has issued a small brewer's
3 off-premises permit for each off-premises location, conduct
4 beer tastings and sell by the glass or in unbroken packages
5 for consumption off the small brewer's off-premises location,
6 but not for resale, beer produced and bottled by or for the
7 small brewer or beer produced and bottled by or for another
8 New Mexico small brewer; and

9 (9) allow members of the public, on the
10 licensed premises and under the direct supervision of the
11 licensee, to manufacture beer for personal consumption and not
12 for resale using the licensee's equipment and ingredients
13 [~~and~~

14 ~~(10) apply to the department for a permit to~~
15 ~~join with other licensed small brewers to sell beer produced~~
16 ~~by or for small brewers at a common facility at which there~~
17 ~~may be products of two or more licensed small brewers offered~~
18 ~~for tasting or sale by the glass or in unbroken packages for~~
19 ~~consumption off premises but not for resale].~~

20 C. Sales and tastings of beer authorized in this
21 section shall be permitted during the hours set forth in
22 Subsection A of Section 60-7A-1 NMSA 1978 and between the
23 hours of noon and midnight on Sunday and shall conform to the
24 limitations regarding Christmas and voting-day sales found in
25 Section 60-7A-1 NMSA 1978 and the expansion of Sunday sales

. 135157. 2

1 hours to 2:00 a.m. on January 1, when December 31 falls on a
2 Sunday.

3 D. At public celebrations off the small brewer's
4 premises in any local option district permitting the sale of
5 alcoholic beverages, the holder of a small brewer's license
6 shall pay ten dollars (\$10.00) to the alcohol and gaming
7 division of the department for a "small brewer's public
8 celebration permit" to be issued under rules adopted by the
9 director. Upon request, the alcohol and gaming division of
10 the department may issue to a holder of a small brewer's
11 license a public celebration permit for a location at the
12 public celebration that is to be shared with other small
13 brewers and winegrowers. As used in this subsection, "public
14 celebration" includes a state or county fair, community
15 fiesta, cultural or artistic event, sporting competition of a
16 seasonal nature or activities held on an intermittent basis."