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HOUSE BILL 757

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

INTRODUCED BY

James G. Taylor

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; ESTABLISHING A MINIMUM
PERCENT MARKUP FOR RETAIL PACKAGE SALES; PROVIDING PENALTIES;
ENACTING A NEW SECTION OF THE LIQUOR CONTROL ACT.

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

Section 1. A new section of the Liquor Control Act is
enacted to read:

" [NEW MATERIAL] RETAIL PACKAGE SALES-- MINIMUM PERCENT
MARKUP REQUIRED. --

A. A licensee shall not sell alcoholic beverages
in unbroken packages at retail for less than twenty percent
above the wholesale price listed for the alcoholic beverage in
the calendar month preceding the month of sale in the
nationally circulated alcoholic beverage industry publication
Beverage Analyst or a successor publication.

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 B. A retailer shall retain purchase and sales
2 records of all alcoholic beverages sold in unbroken packages
3 for two years following the sale of the alcoholic beverages.
4 Information adequate to identify the contents, brand, lot and
5 the purchase and sale prices of the alcoholic beverages shall
6 be clearly set forth in the records.

7 C. A wholesaler shall retain sales records for two
8 years following delivery of the alcoholic beverages for retail
9 sale. Information adequate to identify the contents, brand,
10 lot and the purchase and sale prices of the alcoholic
11 beverages shall be clearly set forth in the records.

12 D. The department may audit the records of a
13 retailer or wholesaler upon twenty-four hours' notice during
14 any work day.

15 E. A licensee who violates the provisions of
16 Subsection A of this section is guilty of a misdemeanor and
17 shall be sentenced pursuant to the provisions of Section
18 31-19-1 NMSA 1978. Upon a second or subsequent conviction,
19 the offender is guilty of a fourth degree felony and shall be
20 sentenced pursuant to the provisions of Section 31-18-15 NMSA
21 1978. "

22 Section 2. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2001.