

underscoring material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 262

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Jim R. Trujillo

AN ACT

RELATING TO ALCOHOL SALES; AMENDING A SECTION OF THE LIQUOR CONTROL ACT TO PROVIDE FOR HOURS OF SALES WHEN DECEMBER 31 FALLS ON A SUNDAY.

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

SECTION 1. Section 60-7A-1 NMSA 1978 (being Laws 1981, Chapter 39, Section 47, as amended) is amended to read:

"60-7A-1. HOURS AND DAYS OF BUSINESS--SUNDAY SALES--CHRISTMAS DAY SALES--SUNDAY SALES FOR CONSUMPTION OFF THE LICENSED PREMISES--ELECTIONS.--

A. Provided that nothing in this section shall prohibit the consumption at any time of alcoholic beverages in guest rooms of hotels, alcoholic beverages shall be sold, served and consumed on licensed premises only during the following hours and days:

.206306.1

underscored material = new
[bracketed material] = delete

1 (1) on Mondays from 7:00 a.m. until midnight;

2 (2) on Tuesdays through Saturdays from after
3 midnight of the previous day until 2:00 a.m., then from 7:00
4 a.m. until midnight, except as provided in Subsections D and F
5 of this section; and

6 (3) on Sundays only after midnight of the
7 previous day until 2:00 a.m., except as provided in Subsections
8 C and E of this section and Section 60-7A-2 NMSA 1978.

9 B. Alcoholic beverages shall be sold by a dispenser
10 or a retailer in unbroken packages, for consumption off the
11 licensed premises and not for resale, on Mondays through
12 Saturdays from 7:00 a.m. until midnight, except as provided in
13 Subsections D and F of this section.

14 C. A dispenser, restaurant licensee or club may,
15 upon payment of an additional fee of one hundred dollars
16 (\$100), obtain a permit to sell, serve or permit the
17 consumption of alcoholic beverages by the drink on the licensed
18 premises on Sundays, subject to approval obtained pursuant to
19 the process set forth in Subsection E of this section.
20 Alcoholic beverages may be sold, served and consumed from 11:00
21 a.m. until midnight as set forth in the licensee's Sunday sales
22 permit, and in those years when December 31 falls on a Sunday,
23 from 11:00 a.m. until 2:00 a.m. of the following day, except as
24 otherwise provided for a restaurant licensee in Section 60-6A-4
25 NMSA 1978. The Sunday sales permit shall expire on June 30 of

.206306.1

underscoring material = new
~~[bracketed material] = delete~~

1 each year and may be renewed from year to year upon application
2 for renewal and payment of the required fee. The permit fee
3 shall not be prorated. Sales made pursuant to this subsection
4 or Subsection G of this section shall be called "Sunday sales".

5 D. Retailers, dispensers, canopy licensees that
6 were replaced by dispenser's licensees pursuant to Section
7 60-6B-16 NMSA 1978, restaurant licensees, club licensees and
8 governmental licensees or their lessees shall not sell, serve,
9 deliver or allow the consumption of alcoholic beverages on the
10 licensed premises from 2:00 a.m. on Christmas day until 7:00
11 a.m. on the day after Christmas, except as permitted pursuant
12 to Subsection F of this section.

13 E. Sunday sales pursuant to the provisions of
14 Subsection C of this section are permitted in a local option
15 district that voted to permit them. If in that election a
16 majority of the voters in a local option district voted "no" on
17 the question "Shall Sunday sales of alcoholic beverages by the
18 drink for consumption on the licensed premises of licensees be
19 allowed in this local option district?", Sunday sales are
20 unlawful in that local option district upon certification of
21 the election returns unless the provisions of Subsection J of
22 this section apply. The question shall not again be placed on
23 the ballot in that local option district until:

- 24 (1) at least one year has passed; and
25 (2) a petition is filed with the local

.206306.1

underscoring material = new
~~[bracketed material]~~ = delete

1 governing body bearing the signatures of registered qualified
2 electors of the local option district equal in number to ten
3 percent of the number of votes cast and counted in the local
4 option district for governor in the last preceding general
5 election in which a governor was elected. The signatures on
6 the petition shall be verified by the clerk of the county in
7 which the local option district is situated.

8 F. On and after July 1, 2002, dispensers, canopy
9 licensees that were replaced by dispenser's licensees pursuant
10 to Section 60-6B-16 NMSA 1978, restaurant licensees, club
11 licensees and governmental licensees or lessees of these
12 licensees, provided that the licensees have current, valid food
13 service establishment permits, may sell, serve or allow the
14 consumption of alcoholic beverages by the drink on licensed
15 premises from noon until 10:00 p.m. on Christmas day, except in
16 a local option district in which, pursuant to petition and
17 election under this subsection, a majority of the voters voting
18 on the question votes against continuing such sales or
19 consumption on Christmas day. An election shall be held on the
20 question of whether to continue to allow the sale, service or
21 consumption of alcoholic beverages by the drink on licensed
22 premises from noon until 10:00 p.m. on Christmas day in a local
23 option district, if a petition requesting the governing body of
24 that district to call the election is signed by at least ten
25 percent of the registered voters of the district and is filed

.206306.1

underscored material = new
~~[bracketed material]~~ = delete

1 with the clerk of the governing body of the district. Upon
2 verification by the clerk that the petition contains the
3 required number of signatures of registered voters, the
4 governing body shall adopt a resolution calling an election on
5 the question of allowing the sale, service or consumption of
6 alcoholic beverages by the drink on licensed premises from noon
7 until 10:00 p.m. on Christmas day. The election shall be held
8 within sixty days after the date the petition is verified, or
9 it may be held in conjunction with a regular election of the
10 governing body if that election occurs within sixty days of
11 such verification. The election shall be called, conducted,
12 counted and canvassed in substantially the same manner as
13 provided for general elections in the county under the Election
14 Code or for special municipal elections in a municipality under
15 the Municipal Election Code. If a majority of the voters
16 voting on the question votes against continuing the sale,
17 service or consumption of alcoholic beverages by the drink on
18 licensed premises from noon until 10:00 p.m. on Christmas day,
19 then such sales and consumption shall be prohibited. If a
20 majority of the voters voting on the question votes to allow
21 continued sale, service and consumption of alcoholic beverages
22 by the drink on licensed premises from noon until 10:00 p.m. on
23 Christmas day, then such sales and consumption shall be allowed
24 to continue. The question then shall not be submitted again to
25 the voters within two years of the date of the last election on

.206306.1

underscored material = new
~~[bracketed material] = delete~~

1 the question.

2 G. Notwithstanding the provisions of Subsection E
3 of this section, any Indian nation, tribe or pueblo whose lands
4 are wholly situated within the state that has, by statute,
5 ordinance or resolution, elected to permit the sale, possession
6 or consumption of alcoholic beverages on lands within the
7 territorial boundaries of the Indian nation, tribe or pueblo
8 may, by statute, ordinance or resolution of the governing body
9 of the Indian nation, tribe or pueblo, permit Sunday sales by
10 the drink on the licensed premises of licensees on lands within
11 the territorial boundaries of the Indian nation, tribe or
12 pueblo; provided that a certified copy of such enactment is
13 filed with the office of the director and with the secretary of
14 state.

15 H. Subject to the provisions of Subsection I of
16 this section, a dispenser or retailer, upon payment of an
17 additional fee of one hundred dollars (\$100), may obtain a
18 permit to sell alcoholic beverages in unbroken packages for
19 consumption off the licensed premises on Sundays from noon
20 until midnight, and in those years when December 31 falls on a
21 Sunday, from noon on December 31 until 2:00 a.m. of the
22 following day. The permit shall expire on June 30 of each year
23 and may be renewed from year to year upon application for
24 renewal and payment of the required fee. The permit fee shall
25 not be prorated. Sales made pursuant to the provisions of this

.206306.1

underscored material = new
~~[bracketed material] = delete~~

1 subsection shall be called "Sunday package sales".

2 I. If a petition requesting the governing body of a
3 local option district to call an election on the question of
4 continuing to allow sales of alcoholic beverages in unbroken
5 packages for consumption off the licensed premises on Sundays
6 is filed with the clerk of the governing body and that petition
7 is signed by at least ten percent of the number of registered
8 voters of the local option district and the clerk of the
9 governing body verifies the petition signatures, the governing
10 body shall adopt a resolution calling an election on the
11 question. The election shall be held within sixty days of the
12 date that the petition is verified, or it may be held in
13 conjunction with a regular election of the governing body, if
14 the regular election occurs within sixty days of the petition
15 verification. The election shall be called, conducted, counted
16 and canvassed substantially in the manner provided by law for
17 general elections within a county or for special municipal
18 elections within a municipality. If a majority of the voters
19 of the local option district voting in the election votes to
20 allow the sale of alcoholic beverages in unbroken packages for
21 consumption off the licensed premises, then those sales shall
22 continue to be allowed. If a majority of the voters of the
23 local option district voting in the election votes not to allow
24 the Sunday package sales, then those Sunday package sales shall
25 be prohibited commencing the first Sunday after the results of

.206306.1

underscored material = new
~~[bracketed material] = delete~~

1 the election are certified. Following the election, the
2 question of allowing the Sunday package sales shall not be
3 submitted again to the voters within two years of the date of
4 the last election on the question.

5 J. Sunday sales of alcoholic beverages shall be
6 permitted at resorts and at horse racetracks statewide pursuant
7 to the provisions of Section 60-7A-2 NMSA 1978."

8 - 8 -

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25