

HOUSE BILL 409

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

INTRODUCED BY

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AN ACT

RELATING TO ALCOHOL; AMENDING A SECTION OF THE LIQUOR CONTROL ACT TO PROVIDE FOR A PARTIALLY CONSUMED BOTTLE OF WINE TO BE REMOVED FROM A WINERY.

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

**SECTION 1.** Section 60-3A-12 NMSA 1978 (being Laws 2007, Chapter 78, Section 1) is amended to read:

"60-3A-12. PARTIALLY CONSUMED BOTTLE OF WINE--LICENSED PREMISES.--

A. Notwithstanding any other provision of law, a dispenser, canopy licensee or restaurant licensee may permit a customer of the licensee to remove from the licensed premises one opened bottle of partially consumed wine; provided that:

(1) the customer has purchased a full-course meal and a bottle of wine and consumed a portion of the bottle

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1 of wine with the meal on the licensed premises; and

2 (2) the dispenser, canopy licensee or  
3 restaurant licensee or an agent or employee of the dispenser,  
4 canopy licensee or restaurant licensee attaches the customer  
5 receipt issued for the bottle of wine and reseals the bottle of  
6 partially consumed wine by reinserting a cork and sealing the  
7 bottle in a tamper-proof bag.

8 B. Notwithstanding any other provision of law, a  
9 winery licensee may permit a customer of the licensee to remove  
10 from the licensed premises one opened bottle of partially  
11 consumed wine; provided that the winery licensee or an agent or  
12 employee of the winery licensee attaches the customer receipt  
13 issued for the bottle of wine and reseals the bottle of  
14 partially consumed wine by reinserting a cork and sealing the  
15 bottle in a tamper-proof bag.

16 [~~B.~~] C. When operating a motor vehicle, the  
17 customer shall possess and transport the partially consumed  
18 bottle of wine in accordance with Section 66-8-138 NMSA 1978."