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## FISCAL IMPACT REPORT

SPONSOR Gallegos, DY ORIGINAL DATE 02/27/17  
LAST UPDATED \_\_\_\_\_ HB 409

SHORT TITLE Removal Of Partially Consumed Wine SB \_\_\_\_\_

ANALYST Amacher

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI	NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to: SB 37, SB 57, SB 58, SB 124, SB 201, SB 211 and HB 39, HB 51, HB 56, HB 162, HB 262, HB 296

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Office of the Attorney General (OAG)

Regulation and Licensing Department (RLD)

### SUMMARY

#### Synopsis of Bill

House Bill 409 amends a section of the Liquor Control Act to provide for a partially consumed bottle of wine to be removed from a winery. If enacted, HB 409 becomes effective June 16, 2017.

### FISCAL IMPLICATIONS

There are no known fiscal impacts.

### SIGNIFICANT ISSUES

House Bill 409 amends a section of the Liquor Control Act (Chapter 60-3A-12 NMSA 1978) to provide for a partially consumed bottle of wine to be removed from a winery. As proposed, a licensed winery may permit only one opened bottle of partially consumed wine with the customer receipt attached and resealed by reinserting a cork and sealing the bottle in a tamper-proof bag.

**OTHER SUBSTANTIVE ISSUES**

The Office of the Attorney General points out that currently there is legislation being considered that would allow for a customer to bring a bottle of wine to a restaurant for consumption; and the patron may leave with any remaining wine so long as a receipt of meal purchase and corkage fee is attached to the resealed tamper-proof bagged bottle of wine (Senate Bill 58).

The Regulation and Licensing Department notes that as tourists and locals visit New Mexico wineries to sample various wines, winery staff is placed in the unusual position of a *waste not want not* situation with the patron. The staff cannot encourage the client to finish the bottle nor cause the patron to order glasses of the same wine since the patron is not currently permitted to take the remaining wine with them. This is neither economical nor necessarily popular with the patrons.

JMA/jle