

1 SENATE BILL 301

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Clemente Sanchez

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9  
10 AN ACT

11 RELATING TO LIQUOR LICENSES; REQUIRING RESTAURANT SALES,  
12 SERVICE AND CONSUMPTION OF BEER AND WINE TO BE IN CONJUNCTION  
13 WITH A MEAL PURCHASE; DEFINING "MEAL".

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

16 SECTION 1. Section 60-6A-4 NMSA 1978 (being Laws 1981,  
17 Chapter 39, Section 21, as amended) is amended to read:

18 "60-6A-4. RESTAURANT LICENSE.--

19 A. At any time after the effective date of the  
20 Liquor Control Act, a local option district may approve the  
21 issuance of restaurant licenses for the sale of beer and wine  
22 by holding an election on that question pursuant to the  
23 procedures set out in Section 60-5A-1 NMSA 1978. The election  
24 also may be initiated by a resolution adopted by the governing  
25 body of the local option district without a petition from

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1 registered qualified electors having been submitted.

2 B. After the approval of restaurant licenses by the  
3 registered qualified electors of the local option district and  
4 upon completion of all requirements in the Liquor Control Act  
5 for the issuance of licenses, a restaurant located or to be  
6 located within the local option district may receive a  
7 restaurant license to sell, serve or allow the consumption of  
8 beer and wine subject to the following requirements and  
9 restrictions:

10 (1) the applicant shall submit evidence to the  
11 department that ~~[he]~~ the applicant has a current valid food  
12 service establishment permit;

13 (2) the applicant shall satisfy the director  
14 that the primary source of revenue from the operation of the  
15 restaurant will be derived from meals and not from the sale of  
16 beer and wine;

17 (3) the director shall condition renewal upon  
18 a requirement that no less than sixty percent of gross receipts  
19 from the preceding twelve months' operation of the licensed  
20 restaurant was derived from the sale of meals;

21 (4) upon application for renewal, the licensee  
22 shall submit an annual report to the director indicating the  
23 annual gross receipts from the sale of meals and from beer and  
24 wine sales;

25 (5) restaurant licensees shall not sell beer

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1 and wine for consumption off the licensed premises;

2 (6) all sales, services and consumption of  
3 beer and wine authorized by a restaurant license shall cease at  
4 the time [~~meals~~] meal sales and services cease or at 11:00  
5 p.m., whichever time is earlier;

6 (7) if Sunday sales have been approved in the  
7 local option district, a restaurant licensee may serve beer and  
8 wine on Sundays until the time [~~meals~~] meal sales and services  
9 cease or 11:00 p.m., whichever time is earlier; [~~and~~]

10 (8) a restaurant license shall not be  
11 transferable from person to person or from one location to  
12 another; and

13 (9) all sales, service and consumption of beer  
14 and wine authorized by a restaurant license shall only be in  
15 conjunction with a meal purchase.

16 C. The provisions of Section 60-6A-18 NMSA 1978  
17 shall not apply to restaurant licenses.

18 D. Nothing in this section shall prevent a  
19 restaurant licensee from receiving other licenses pursuant to  
20 the Liquor Control Act.

21 E. As used in this section, "meal" means a lunch or  
22 dinner entree and does not include only an appetizer, snack or  
23 dessert."