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AN ACT

RELATING TO ALCOHOLIC BEVERAGES; PROVIDING FOR WINE, CIDER AND BEER SALES AT PRIVATE CELEBRATIONS; DEFINING "PRIVATE CELEBRATIONS"; ALLOWING WINEGROWER AND SMALL BREWER SUNDAY SALES TO BEGIN AT 11:00 A.M.

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

SECTION 1. Section 60-6A-11 NMSA 1978 (being Laws 1981, Chapter 39, Section 28, as amended by Laws 2015, Chapter 102, Section 4 and by Laws 2015, Chapter 105, Section 1 and also by Laws 2015, Chapter 124, Section 1) is amended to read:

"60-6A-11. WINEGROWER'S LICENSE.--

A. A person in this state who produces wine or cider is exempt from the procurement of any other license pursuant to the terms of the Liquor Control Act, but not from the procurement of a winegrower's license. Except during periods of shortage or reduced availability, at least fifty percent of a winegrower's overall annual production of wine shall be produced from grapes or other agricultural products grown in this state pursuant to rules adopted by the director; provided, however, that, for purposes of determining annual production and compliance with the fifty percent New Mexico grown provision of this subsection, the calculation of a winegrower's overall annual production of wine shall not include the winegrower's production of wine

1 for out-of-state wine producer license holders.

2 B. A person issued a winegrower's license pursuant  
3 to this section may do any of the following:

4 (1) manufacture or produce wine, including  
5 blending, mixing, flavoring, coloring, bottling and labeling,  
6 whether the wine is manufactured or produced for a winegrower  
7 or an out-of-state wine producer holding a permit issued  
8 pursuant to the Federal Alcohol Administration Act and a  
9 valid license in a state that authorizes the wine producer to  
10 manufacture, produce, store or sell wine;

11 (2) store, transport, import or export  
12 wines;

13 (3) sell wines to a holder of a New Mexico  
14 winegrower's, wine wholesaler's, wholesaler's or wine  
15 exporter's license or to a winegrower's agent;

16 (4) transport not more than two hundred  
17 cases of wine in a calendar year to another location within  
18 New Mexico by common carrier;

19 (5) deal in warehouse receipts for wine;

20 (6) sell wines in other states or foreign  
21 jurisdictions to the holders of a license issued under the  
22 authority of that state or foreign jurisdiction authorizing  
23 the purchase of wine;

24 (7) buy wine or distilled wine products from  
25 other persons, including licensees and permittees under the

1 Liquor Control Act, for use in blending, mixing or bottling  
2 of wines;

3 (8) buy or otherwise obtain beer from a  
4 small brewer for the purposes described in this subsection;

5 (9) conduct wine or cider tastings and sell,  
6 by the glass or by the bottle, or sell in unbroken packages  
7 for consumption off the premises, but not for resale, wine or  
8 cider of the winegrower's own production, wine produced by  
9 another New Mexico winegrower on the winegrower's premises or  
10 beer produced and bottled by or for a small brewer pursuant  
11 to Section 60-6A-26.1 NMSA 1978;

12 (10) at no more than three off-premises  
13 locations, conduct wine tastings, sell by the glass and sell  
14 in unbroken packages for consumption off premises, but not  
15 for resale, wine of the winegrower's own production, wine  
16 produced by another New Mexico winegrower or beer produced  
17 and bottled by or for a small brewer pursuant to Section  
18 60-6A-26.1 NMSA 1978 after the director has determined that  
19 the off-premises locations meet the requirements of the  
20 Liquor Control Act and the department rules for new liquor  
21 license locations;

22 (11) be deemed a manufacturer for purposes  
23 of the Gross Receipts and Compensating Tax Act;

24 (12) at public celebrations on or off the  
25 winegrower's premises, after the winegrower has paid the

1 applicable fees and been issued the appropriate permit, to  
2 conduct wine tastings, sell by the glass or the bottle, or  
3 sell in unbroken packages, for consumption off premises, but  
4 not for resale, wine or cider produced by or for the  
5 winegrower;

6 (13) at private celebrations on or off the  
7 winegrower's premises after the winegrower has paid the  
8 applicable fees and been issued the appropriate permit, sell:

9 (a) by the glass or bottle, wine or  
10 cider produced by or for the winegrower; or

11 (b) by the glass, beer produced by a  
12 small brewer pursuant to Section 60-6A-26.1 NMSA 1978;

13 (14) sell wine or cider in a growler for  
14 consumption off premises; and

15 (15) in accordance with the provisions of  
16 this section that relate to the sale of wine, accept and  
17 fulfill an order for wine that is placed via an internet  
18 website, whether the financial transaction related to the  
19 order is administered by the licensee or the licensee's  
20 agent.

21 C. Sales of wine, cider or beer as provided for in  
22 this section shall be permitted between the hours of  
23 7:00 a.m. and midnight Monday through Saturday, and the  
24 holder of a winegrower's license or public celebration permit  
25 may conduct wine tastings and sell, by the glass or bottle,

1 or sell in unbroken packages for consumption off premises,  
2 but not for resale, wine of the winegrower's own production  
3 or beer produced and bottled by or for a small brewer  
4 pursuant to Section 60-6A-26.1 NMSA 1978 on the winegrower's  
5 premises between the hours of 11:00 a.m. and midnight on  
6 Sunday.

7 D. At public and private celebrations on or off  
8 the winegrower's premises in any local option district  
9 permitting the sale of alcoholic beverages, the holder of a  
10 winegrower's license shall pay ten dollars (\$10.00) to the  
11 alcohol and gaming division of the regulation and licensing  
12 department for a "winegrower's public celebration permit" or  
13 a "winegrower's private celebration permit" to be issued  
14 under rules adopted by the director. Upon request, the  
15 alcohol and gaming division of the regulation and licensing  
16 department may issue to a holder of a winegrower's license a  
17 public celebration permit for a location at the public  
18 celebration that is to be shared with other winegrowers and  
19 small brewers.

20 E. Every application for the issuance or annual  
21 renewal of a winegrower's license shall be on a form  
22 prescribed by the director and accompanied by a license fee  
23 to be computed as follows on the basis of total annual wine  
24 produced or blended:

25 (1) less than five thousand gallons per

1 year, twenty-five dollars (\$25.00) per year;

2 (2) between five thousand and one hundred  
3 thousand gallons per year, one hundred dollars (\$100) per  
4 year; and

5 (3) over one hundred thousand gallons per  
6 year, two hundred fifty dollars (\$250) per year.

7 F. As used in this section:

8 (1) "private celebration" means any  
9 celebratory activity that is held in a private or public  
10 venue not open to the general public and for which attendance  
11 is subject to private invitation; and

12 (2) "public celebration" includes any state  
13 or county fair, community fiesta, cultural or artistic event,  
14 sporting competition of a seasonal nature or activities held  
15 on an intermittent basis."

16 SECTION 2. Section 60-6A-26.1 NMSA 1978 (being Laws  
17 1985, Chapter 217, Section 5, as amended by Laws 2015,  
18 Chapter 102, Section 5 and by Laws 2015, Chapter 124,  
19 Section 2) is amended to read:

20 "60-6A-26.1. SMALL BREWER'S LICENSE.--

21 A. In a local option district, a person qualified  
22 pursuant to the provisions of the Liquor Control Act, except  
23 as otherwise provided in the Domestic Winery, Small Brewery  
24 and Craft Distillery Act, may apply for and be issued a small  
25 brewer's license.

1           B. A small brewer's license authorizes the person  
2 to whom it is issued to:

3                   (1) manufacture or produce beer;

4                   (2) package, label and export beer, whether  
5 manufactured, bottled or produced by the licensee or any  
6 other person;

7                   (3) sell only beer that is packaged by or  
8 for the licensee to a person holding a wholesaler's license  
9 or a small brewer's license;

10                   (4) deal in warehouse receipts for beer;

11                   (5) conduct beer tastings and sell for  
12 consumption on or off premises, but not for resale, beer  
13 produced and bottled by, or produced and packaged for, the  
14 licensee, beer produced and bottled by or for another  
15 New Mexico small brewer on the small brewer's premises or  
16 wine produced by a winegrower pursuant to Section 60-6A-11  
17 NMSA 1978;

18                   (6) be deemed a manufacturer for purposes of  
19 the Gross Receipts and Compensating Tax Act;

20                   (7) at public celebrations off the small  
21 brewer's premises, after the small brewer has paid the  
22 applicable fee for a small brewer's public celebration  
23 permit, conduct tastings and sell by the glass or in unbroken  
24 packages, but not for resale, beer produced and bottled by or  
25 for the small brewer or wine or cider produced by a

1 winegrower pursuant to Section 60-6A-11 NMSA 1978;

2 (8) at private celebrations on or off the  
3 small brewer's premises after the small brewer has paid the  
4 applicable fees for a private celebration permit, sell by the  
5 glass, beer produced and bottled by or for the small brewer  
6 or wine or cider produced by a winegrower pursuant to Section  
7 60-6A-11 NMSA 1978;

8 (9) buy or otherwise obtain wine from a  
9 winegrower;

10 (10) for the purposes described in this  
11 subsection, at no more than three other locations off the  
12 small brewer's premises, after the small brewer has paid the  
13 applicable fee for a small brewer's off-premises permit,  
14 after the director has determined that the off-premises  
15 locations meet the requirements of the Liquor Control Act and  
16 department rules for new liquor license locations and after  
17 the director has issued a small brewer's off-premises permit  
18 for each off-premises location, conduct beer tastings and  
19 sell by the glass or in unbroken packages for consumption off  
20 the small brewer's off-premises location, but not for resale,  
21 beer produced and bottled by or for the small brewer, beer  
22 produced and bottled by or for another New Mexico small  
23 brewer or wine produced by a winegrower pursuant to Section  
24 60-6A-11 NMSA 1978;

25 (11) allow members of the public, on the



1 licensed premises and under the direct supervision of the  
2 licensee, to manufacture beer for personal consumption and  
3 not for resale using the licensee's equipment and  
4 ingredients; and

5 (12) sell beer in a growler for consumption  
6 off premises.

7 C. At public and private celebrations on or off  
8 the small brewer's premises in a local option district  
9 permitting the sale of alcoholic beverages, the holder of a  
10 small brewer's license shall pay ten dollars (\$10.00) to the  
11 alcohol and gaming division of the regulation and licensing  
12 department for a "small brewer's public celebration permit"  
13 or a "small brewer's private celebration permit" to be issued  
14 under rules adopted by the director. Upon request, the  
15 alcohol and gaming division of the regulation and licensing  
16 department may issue to a holder of a small brewer's license  
17 a public celebration permit for a location at the public  
18 celebration that is to be shared with other small brewers and  
19 winegrowers.

20 D. Sales and tastings of beer or wine or cider  
21 authorized in this section shall be permitted during the  
22 hours set forth in Subsection A of Section 60-7A-1 NMSA 1978  
23 and between the hours of 11:00 a.m. and midnight on Sunday  
24 and shall conform to the limitations regarding Christmas and  
25 voting-day sales found in Section 60-7A-1 NMSA 1978 and the

1 expansion of Sunday sales hours to 2:00 a.m. on January 1,  
2 when December 31 falls on a Sunday.

3 E. As used in this section:

4 (1) "private celebration" means any  
5 celebratory activity that is held in a private or public  
6 venue not open to the general public and for which attendance  
7 is subject to private invitation; and

8 (2) "public celebration" includes any state  
9 or county fair, community fiesta, cultural or artistic event,  
10 sporting competition of a seasonal nature or activities held  
11 on an intermittent basis." \_\_\_\_\_

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