

1 HOUSE BILL 272

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

4 Patricio Ruiloba and Javier Martínez and Jim R. Trujillo

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10 AN ACT

11 RELATING TO LIQUOR CONTROL; SPECIFYING UNLAWFUL INDUCEMENTS FOR
12 CERTAIN LICENSEES.

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

15 SECTION 1. A new section of the Liquor Control Act,
16 Section 60-8A-1.1 NMSA 1978, is enacted to read:

17 "60-8A-1.1. [NEW MATERIAL] UNLAWFUL INDUCEMENTS.--

18 A. No retailer licensee, restaurant licensee, club
19 licensee, governmental licensee or any class or kind of
20 dispenser-type licensee shall directly or indirectly, or
21 through an affiliate, ask for or receive anything of value over
22 three hundred dollars (\$300) from an importer, manufacturer,
23 nonresident licensee or any kind or class of wholesaler.

24 B. It shall be a violation of the Liquor Control
25 Act for a retailer licensee, restaurant licensee, club

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1 licensee, governmental licensee or any class or kind of
2 dispenser-type licensee to directly or indirectly, or through
3 an affiliate, receive or accept anything of value over three
4 hundred dollars (\$300).

5 C. Nothing in this section shall prevent a retailer
6 licensee, restaurant licensee, club licensee, governmental
7 licensee or any class or kind of dispenser-type licensee, or an
8 affiliate, from negotiating the lease of equipment, including
9 keg-lines and coolers, from an importer, manufacturer,
10 nonresident licensee or any kind or class of wholesaler;
11 provided that:

12 (1) the equipment or fixtures are negotiated
13 at fair market value as determined by the alcoholic beverage
14 control division of the regulation and licensing department;
15 and

16 (2) the ability to lease equipment is provided
17 to all other retailer licensees, restaurant licensees, club
18 licensees, governmental licensees or any class or kind of
19 dispenser-type licensees with the same terms.

20 D. As used in this section, "dispenser-type
21 licensee" means dispenser licensee, inter-local dispenser
22 licensee, lottery dispenser licensee, canopy dispenser
23 licensee, rural retailer dispensing licensee or rural dispenser
24 licensee."

25 SECTION 2. EFFECTIVE DATE.--The effective date of the

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1 provisions of this act is July 1, 2020.

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