

HOUSE BILL 494

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Ambrose Castellano and Joshua N. Hernandez

AN ACT

RELATING TO LIQUOR CONTROL; AMENDING SECTIONS OF THE LIQUOR CONTROL ACT TO ALLOW PERSONS AT LEAST EIGHTEEN YEARS OF AGE TO DELIVER AND STOCK PACKAGED ALCOHOLIC BEVERAGES.

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

SECTION 1. Section 60-7B-10 NMSA 1978 (being Laws 1981, Chapter 39, Section 90, as amended) is amended to read:

"60-7B-10. MINORS IN LICENSED PREMISES--REGULATIONS.--

A. Any person licensed pursuant to the provisions of the Liquor Control Act or any employee, agent or lessee of that person who permits a minor to enter and remain in any area of a licensed premises that is prohibited to the use of minors is guilty of a violation of the Liquor Control Act.

B. A minor shall not enter or attempt to enter any area of a licensed premises that is posted or otherwise

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1 identified as being prohibited to the use of minors, except as
2 authorized by regulation or as necessitated by an emergency. A
3 person who violates the provisions of this subsection is guilty
4 of a petty misdemeanor and shall be punished pursuant to the
5 provisions of Section 31-19-1 NMSA 1978.

6 C. The director of the [~~alcohol and gaming~~]
7 alcoholic beverage control division of the regulation and
8 licensing department shall adopt regulations classifying the
9 types of licensed premises or areas of licensed premises where
10 minors may be present. The director shall require that signs
11 issued by the division be posted by licensees to inform the
12 public, including minors, of the areas in licensed premises
13 that are open to minors. The regulations may allow minors in
14 those areas of licensed premises where:

15 (1) the consumption of alcoholic beverages is
16 the primary activity, when a minor is accompanied by a parent,
17 adult spouse or legal guardian;

18 (2) there is no consumption of alcoholic
19 beverages; or

20 (3) the minor is at least eighteen years of
21 age [~~and licensed under the New Mexico Commercial Driver's~~
22 ~~License Act~~] and is making a delivery of packaged alcoholic
23 beverages to a holder of a dispenser's, retailer's, restaurant,
24 club, small brewer, winegrower, craft distiller, manufacturer's
25 or rectifier or any other license that allows for the purchase

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1 and delivery of alcoholic beverages or stocking such packaged
2 alcoholic beverages."

3 SECTION 2. Section 60-7B-11 NMSA 1978 (being Laws 1981,
4 Chapter 39, Section 91, as amended) is amended to read:

5 "60-7B-11. EMPLOYMENT OF MINORS.--

6 A. Except as provided in Subsection B or C of this
7 section, it is a violation of the Liquor Control Act for any
8 person licensed pursuant to the provisions of the Liquor
9 Control Act or for any employee, agent or lessee of that person
10 knowingly to employ or use the service of any minor in the sale
11 and service of alcoholic beverages.

12 B. A person holding a dispenser's, restaurant or
13 club license may employ persons eighteen years of age or older
14 to sell or serve alcoholic beverages in an establishment that
15 is held out to the public as a place where meals are prepared
16 and served and the primary source of revenue is food, and where
17 the sale or consumption of alcoholic beverages is not the
18 primary activity, except that a person under twenty-one years
19 of age shall not be employed as a bartender or deliverer.

20 C. A person holding a wholesaler's license may
21 employ persons eighteen years of age or older [~~who are licensed~~
22 ~~pursuant to the New Mexico Commercial Driver's License Act~~] to
23 engage in activities customary to warehouse operations and to
24 handle and deliver alcoholic beverages to licensees holding a
25 dispenser's, retailer's, restaurant, club, small brewer,

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1 winegrower, craft distiller, manufacturer's, rectifier or any
2 other license that allows for the purchase and delivery of
3 alcoholic beverages by a licensed wholesaler, and to stock
4 alcoholic beverages as long as the minor delivers or stocks
5 sealed, unbroken packages, including containers such as
6 bottles, cans and kegs. A person under the age of twenty-one
7 shall not be allowed to sample alcoholic beverages to
8 accounts."

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