

HOUSE BILL 498

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

INTRODUCED BY

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AN ACT

RELATING TO ALCOHOLIC BEVERAGES; REVISING CRITERIA FOR THE  
TRANSFER OF CERTAIN LIQUOR LICENSES.

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

SECTION 1. Section 60-6B-12 NMSA 1978 (being Laws 1981,  
Chapter 39, Section 113, as amended) is amended to read:

"60-6B-12. INTER-LOCAL OPTION DISTRICT AND INTER-COUNTY  
TRANSFERS.--

A. Dispenser's and retailer's licenses originally  
issued before July 1, 1981, except rural dispenser's and rural  
retailer's licenses that were replaced by dispenser's licenses  
pursuant to Section 60-6B-16 NMSA 1978, and except canopy  
licenses replaced by dispenser's licenses pursuant to Section  
60-6B-16 NMSA 1978 before calendar year 2017 or after calendar  
year 2020, may be transferred to any location within the state,

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1 except class B counties having a population of between fifty-  
2 six thousand and fifty-seven thousand according to the 1980  
3 federal decennial census, the municipalities located within  
4 those class B counties and any municipality or county that  
5 prohibits by election the transfer of a license from another  
6 local option district, without regard to the limitations on the  
7 maximum number of licenses provided in Section 60-6A-18 NMSA  
8 1978, not otherwise contrary to law, subject to the approval of  
9 transferring locations of those liquor licenses by the  
10 governing body for that location; provided that the  
11 requirements of the Liquor Control Act and department  
12 regulations for the transfer of licenses are fulfilled; and  
13 provided further that:

14 (1) beginning in calendar year 1997, no more  
15 than ten dispenser's or retailer's licenses shall be  
16 transferred to any local option district in any calendar year;  
17 and

18 (2) the dispenser's or retailer's licenses  
19 transferred under this section shall count in the computation  
20 of the limitation of the maximum number of licenses that may be  
21 issued in the future in any local option district as provided  
22 in Section 60-6A-18 NMSA 1978 for the purpose of determining  
23 whether additional licenses may be issued in the local option  
24 district under the provisions of Subsection H of Section  
25 60-6B-2 NMSA 1978.

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1           B. Transfer of location of a liquor license  
2 pursuant to Subsection A of this section shall become effective  
3 upon approval of the local governing body, unless within one  
4 hundred twenty days after the effective date of the Liquor  
5 Control Act a petition requesting an election on the question  
6 of approval of statewide transfers of liquor licenses into that  
7 local option district is filed with the clerk of the local  
8 option district and the petition is signed by at least five  
9 percent of the number of registered voters of the district.  
10 The clerk of the district shall verify the petition signatures.  
11 If the petition is verified as containing the required number  
12 of signatures of registered voters, the governing body shall  
13 adopt a resolution calling an election on the question of  
14 approving or disapproving statewide transfers of liquor  
15 licenses into that district. Notice of such election shall be  
16 published as provided in the Local Election Act, and the  
17 election shall be held within sixty days after the date the  
18 petition is verified or it may be held in conjunction with a  
19 regular election of the governing body if such election occurs  
20 within sixty days after the date of verification. If a  
21 majority of the registered voters of the district voting in  
22 such election votes to approve statewide transfers of liquor  
23 licenses into the local option district, each license proposing  
24 to be transferred shall be subject to the approval of the  
25 governing body. If the voters of the district voting in the

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1 election vote against the approval, then all statewide  
2 transfers of liquor licenses pursuant to Subsection A of this  
3 section shall be prohibited in that district, unless a petition  
4 is filed requesting the question be again submitted to the  
5 voters as provided in this subsection. The question of  
6 approving or disapproving statewide transfers of liquor  
7 licenses into the local option district shall not be submitted  
8 again within two years from the date of the last election on  
9 the question.

10 C. Any dispenser's license transferred pursuant to  
11 this section outside its local option district shall ~~[only]~~  
12 entitle the licensee to sell, serve or permit the consumption  
13 of alcoholic beverages by the drink on the licensed premises;  
14 provided that when the local option district to which a license  
15 is transferred has fewer than the maximum number of licenses  
16 allowed pursuant to Section 60-6A-18 NMSA 1978, the license  
17 shall entitle the licensee to sell, serve or permit the  
18 consumption of alcoholic beverages by the drink on the licensed  
19 premises and in unbroken packages, including locally produced  
20 growlers, for consumption and not for resale off the licensed  
21 premises. This subsection shall not apply to any license  
22 transferred out of a class B county having a population of  
23 between fifty-six thousand and fifty-seven thousand according  
24 to the 1980 federal decennial census.

25 D. Rural dispenser's, rural retailer's and rural

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1 club licenses issued under any former act may be transferred to  
2 any ~~[location, subject to the restrictions as to location~~  
3 ~~contained in the Liquor Control Act, within the unincorporated~~  
4 ~~area of the county in which they are currently located;~~  
5 ~~provided that they shall not be transferred to any location~~  
6 ~~within ten miles of another licensed premises]~~ local option  
7 district within a county that has fewer than the maximum number  
8 of licenses allowed pursuant to Section 60-6A-18 NMSA 1978;  
9 ~~[and]~~ provided ~~[further]~~ that all requirements of the Liquor  
10 Control Act and department regulations for the transfer of  
11 licenses are fulfilled."

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