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SENATE BILL 72

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Ben D. Altamirano

AN ACT

**RELATING TO LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES;
EXPANDING THE AVAILABILITY OF PUBLIC CELEBRATION PERMITS FOR
SMALL BREWERS AND WINEGROWERS; AMENDING SECTIONS OF THE LIQUOR
CONTROL ACT.**

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) is amended to read:**

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

**A. 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, is any
person in this state who produces wine. Except during periods
of shortage or reduced availability, at least fifty percent of
a winegrower's overall annual production of wine shall be**

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1 produced from grapes or other agricultural products grown in
2 this state pursuant to [~~regulations~~] rules adopted by the
3 director.

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

6 (1) manufacture or produce wine, including
7 blending, mixing, flavoring, coloring, bottling and labeling,
8 whether the wine is manufactured or produced by or for the
9 winegrower;

10 (2) store, transport, import or export wines;

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

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

17 (5) deal in warehouse receipts for wine;

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

22 (7) buy wine or distilled wine products from
23 other persons, including licensees and permittees under the
24 Liquor Control Act, for use in blending, mixing or bottling of
25 wines;

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1 (8) conduct wine tastings and sell, by the
2 glass or by the bottle or sell in unbroken packages for
3 consumption off the premises but not for resale, wine of his
4 own production on the winegrower's premises;

5 (9) at no more than three off-premises
6 locations, conduct wine tastings and sell in unbroken packages
7 for consumption off premises, but not for resale, wine of his
8 own production after the director has determined that the off-
9 premises locations meet the requirements of the Liquor Control
10 Act and the department [~~regulations~~] rules for new liquor
11 license locations;

12 (10) be deemed a manufacturer for purposes of
13 the Gross Receipts and Compensating Tax Act;

14 (11) at public celebrations on or off the
15 winegrower's premises, after the winegrower has paid the
16 applicable fees and been issued the appropriate permit, to
17 conduct wine tastings, sell by the glass or the bottle or sell
18 in unbroken packages, for consumption off premises but not for
19 resale, wine produced by or for the winegrower; and

20 (12) apply to the department for a permit to
21 join with other licensed winegrowers to sell wine produced by
22 or for winegrowers at a common facility at which there may be
23 products of two or more licensed winegrowers offered for
24 tasting and sale by the glass or bottle or for sale in
25 unbroken packages for consumption off premises but not for

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1 resale.

2 C. Except as limited by Subsection D of Section
3 60-7A-1 NMSA 1978, sales of wine as provided for in this
4 section shall be permitted between the hours of 7:00 a.m. and
5 midnight Monday through Saturday, and the holder of a
6 winegrower's license or public celebration permit may conduct
7 wine tastings and sell, by the glass or bottle or in unbroken
8 packages for consumption off premises but not for resale, wine
9 of his own production on the winegrower's premises between the
10 hours of 12:00 noon and midnight on Sunday.

11 D. At public celebrations off the winegrower's
12 premises in any local option district permitting the sale of
13 alcoholic beverages, the holder of a winegrower's license
14 shall pay ten dollars (\$10.00) to the alcohol and gaming
15 division of the regulation and licensing department for a
16 "winegrower's public celebration permit" to be issued under
17 rules adopted by the director. Upon request, the alcohol and
18 gaming division of the regulation and licensing department may
19 issue to a holder of a winegrower's license a public
20 celebration permit for a location at the public celebration
21 that is to be shared with other [~~permi-ttees~~] winegrowers and
22 small brewers. As used in this subsection, "public
23 celebration" includes any state or county fair, community
24 fiesta, cultural or artistic event, [~~or~~] sporting competition
25 of a seasonal nature or activities held on an intermittent

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1 basis.

2 E. Every application for the issuance or annual
3 renewal of a winegrower's license shall be on a form
4 prescribed by the director and accompanied by a license fee to
5 be computed as follows on the basis of total annual wine
6 produced or blended:

7 (1) less than five thousand gallons per year,
8 twenty-five dollars (\$25.00) per year;

9 (2) between five thousand and one hundred
10 thousand gallons per year, one hundred dollars (\$100) per
11 year; and

12 (3) over one hundred thousand gallons per
13 year, two hundred fifty dollars (\$250) per year. "

14 Section 2. Section 60-6A-26.1 NMSA 1978 (being Laws
15 1985, Chapter 217, Section 5, as amended) is amended to read:

16 "60-6A-26.1. SMALL BREWER'S LICENSE. --

17 A. In any local option district, a person
18 qualified under the provisions of the Liquor Control Act,
19 except as otherwise provided in the Domestic Winery and Small
20 Brewery Act, may apply for and be issued a small brewer's
21 license.

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

24 (1) become a manufacturer or producer of
25 beer;

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1 (2) package, label and export beer, whether
2 manufactured, bottled or produced by him or any other person;

3 (3) sell only beer that is packaged by or for
4 him to a person holding a wholesaler's license or a small
5 brewer's license;

6 (4) deal in warehouse receipts for beer;

7 (5) conduct beer tastings and sell for
8 consumption on or off premises, but not for resale, beer
9 produced and bottled by, or produced and packaged for, the
10 licensee on the small brewer's premises;

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

13 (7) at public celebrations off the small
14 brewer's premises, after the small brewer has paid the
15 applicable fee for a small brewer's public celebration permit,
16 conduct tastings and sell by the glass or in unbroken
17 packages, but not for resale, beer produced and bottled by or
18 for the small brewer;

19 (8) at no more than two other locations off
20 the small brewer's premises, after the small brewer has paid
21 the applicable fee for a small brewer's off-premises permit,
22 after the director has determined that the off-premises
23 locations meet the requirements of the Liquor Control Act and
24 department ~~[regulations]~~ rules for new liquor license
25 locations and after the director has issued a small brewer's

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1 off-premises permit for each off-premises location, conduct
2 beer tastings and sell by the glass or in unbroken packages
3 for consumption off the small brewer's off-premises location,
4 but not for resale, beer produced and bottled by or for the
5 small brewer;

6 (9) allow members of the public, on the
7 licensed premises and under the direct supervision of the
8 licensee, to manufacture beer for personal consumption and not
9 for resale using the licensee's equipment and ingredients; and

10 (10) apply to the department for a permit to
11 join with other licensed small brewers to sell beer produced
12 by or for small brewers at a common facility at which there
13 may be products of two or more licensed small brewers offered
14 for tasting or sale by the glass or in unbroken packages for
15 consumption off premises but not for resale.

16 C. At public celebrations off the small brewer's
17 premises in any local option district permitting the sale of
18 alcoholic beverages, the holder of a small brewer's license
19 shall pay ten dollars (\$10.00) to the alcohol and gaming
20 division of the regulation and licensing department for a
21 "small brewer's public celebration permit" to be issued under
22 rules adopted by the director. Upon request, the alcohol and
23 gaming division of the regulation and licensing department may
24 issue to a holder of a small brewer's license a public
25 celebration permit for a location at the public celebration

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1 that is to be shared with other small brewers and winegrowers.
2 As used in this subsection, "public celebration" includes any
3 state or county fair, community fiesta, cultural or artistic
4 event, sporting competition of a seasonal nature or activities
5 held on an intermittent basis.

6 [~~C-~~] D. Sales and tastings of beer authorized in
7 this section shall be permitted during the hours set forth in
8 Subsection A of Section 60-7A-1 NMSA 1978 and between the
9 hours of noon and midnight on Sunday and shall conform to the
10 limitations regarding Christmas and voting-day sales found in
11 Section 60-7A-1 NMSA 1978 and the expansion of Sunday sales
12 hours to 2:00 a.m. on January 1, when December 31 falls on a
13 Sunday. "

14 Section 3. EFFECTIVE DATE. --The effective date of the
15 provisions of this act is July 1, 2001.