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SENATE BILL 1025

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Leonard Tsosie

AN ACT

RELATING TO ALCOHOLIC LOOK-A-LIKE PRODUCTS; REGULATING THE SALE OF CERTAIN FOOD AND DRINK PRODUCTS.

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

Section 1. LEGISLATIVE FINDINGS AND PURPOSE. --

A. The legislature finds that the marketing of certain food and drink products imitating alcoholic beverages poses a threat to the health and well-being of New Mexico's children. The marketing of these products glamorizes the consumption of alcohol and encourages children to purchase look-a-like products and consume food and drinks that imitate alcoholic beverages. These products are harmful in that they encourage the consumption of alcohol and may lead to an increased use of alcohol by New Mexico's children. The purpose of this act is to limit the influence of alcoholic look-a-like

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1 products on New Mexico's children by limiting the sale of those
2 products.

3 B. The legislature finds that children do not have
4 the judgment necessary to protect themselves from harm and that
5 the legislature has the inherent power to control commercial
6 conduct within this state for the protection of minors in a
7 manner that reaches beyond the scope of its authority to
8 protect adults.

9 Section 2. DEFINITION.--As used in Sections 1 through 3
10 of this act, "alcoholic look-a-like product" means a food or
11 drink product that contains no alcohol but is contained or
12 packaged in a container that is substantially similar in
13 design, color, logo or wording to a product that does contain
14 alcohol.

15 Section 3. REGULATION OF SALES.--

16 A. Alcoholic look-a-like products may not be sold
17 to a person under eighteen years of age.

18 B. Alcoholic look-a-like products may not be sold
19 at a location within three hundred feet of a school at or below
20 the secondary school level.

21 C. The restrictions set forth in Subsections A and
22 B of this section also apply to the sale of a food or drink
23 product that has a name substantially similar to that of any
24 recognized alcoholic beverage.