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## FISCAL IMPACT REPORT

SPONSOR HBIC DATE TYPED 03/11/05 HB 948/HBICS

SHORT TITLE Allow the Removal of Partially Consumed Wine SB \_\_\_\_\_

ANALYST McSherry

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
NFi	NFI	NFI	NFI	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Regulations and Licensing Department (RLD)

Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of Substitute Bill

HB-948 as substituted in the House Business and Industry Committee proposes to enact a new section of the liquor control act that would allow customers to remove a partially consumed bottle of wine from a restaurant that is a licensed premises. The wine would have to be re-corked and resealed in the same container and a copy of the customer receipt is attached to the bottle

The proposed committee substitute would also amend the “Consumption or Possession of Alcoholic Beverages in Open Containers in a Motor Vehicle Prohibited- Exceptions” section to include an exception to the provisions should the beverage be a resealed bottle of wine permitted pursuant to the newly proposed section of the Liquor Control Act.

#### Significant Issues

The proposed change would allow customers purchasing a bottle of wine from canopy licensees or restaurants to purchase a bottle of wine for both on-premise and off-premise consumption and would allow the legal transportation of the said beverage in a motor vehicle.

The customer would be required to purchase a full course meal and have consumed a portion of the bottle of wine that is to be removed from the licensed premises.

The proposed bill would provide an exception to current statute:

Section 60-6A-4. Restaurant license.

B. After the approval of restaurant licenses by the registered qualified electors of the local option district and upon completion of all requirements in the Liquor Control Act [60-3A-1 NMSA 1978] for the issuance of licenses, a restaurant located or to be located within the local option district may receive a restaurant license to sell, serve or allow the consumption of beer and wine subject to the following requirements and restrictions:

(5) restaurant licensees shall not sell beer and wine for consumption off the licensed premises;

### **FISCAL IMPLICATIONS**

There may be additional revenue made by liquor sales licensees as a result of the proposed bill.

### **OTHER SUBSTANTIVE ISSUES**

Currently only full dispensers, retailers, winegrowers, and microbrewers can sell for off-premise consumption.

### **ALTERNATIVES**

Additional amendments could be made to the cited statutes regarding alcohol sales.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

Patrons will continue to purchase wine by the glass when a full bottle is too much for one or two patrons.

When a bottle of wine is purchased for on-premise consumption, any wine not consumed on-premise will be discarded.

In the event patrons desire more than a glass of wine they can purchase a sealed bottle from a licensed retailer or dispenser authorized to sell alcoholic beverages for off-premise consumption.

**EM/yr**