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HOUSE BILL 273

**47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

INTRODUCED BY

Jim R. Trujillo

AN ACT

RELATING TO LIQUOR; ENACTING A NEW SECTION OF THE LIQUOR CONTROL ACT TO ALLOW CUSTOMERS TO REMOVE A PARTIALLY CONSUMED BOTTLE OF WINE FROM A RESTAURANT THAT IS A LICENSED PREMISES.

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

Section 1. A new section of the Liquor Control Act is enacted to read:

"~~[NEW MATERIAL]~~ PARTIALLY CONSUMED BOTTLE OF WINE-- LICENSED PREMISES.--

A. Notwithstanding any other provision of law, a dispenser, canopy licensee or restaurant licensee may permit a customer of the licensee to remove from the licensed premises one opened bottle of partially consumed wine; provided that:

(1) the customer has purchased a full course meal and a bottle of wine and consumed a portion of the bottle

underscoring material = new  
[bracketed material] = delete

1 of wine with the meal on the licensed premises; and  
2 (2) the dispenser, canopy licensee or  
3 restaurant licensee or an agent or employee of the dispenser,  
4 canopy licensee or restaurant licensee attaches the customer  
5 receipt issued for the bottle of wine and reseals the bottle of  
6 partially consumed wine by reinserting a cork and sealing the  
7 bottle in a tamper-proof bag.

8 B. When operating a motor vehicle, the customer  
9 shall possess and transport the partially consumed bottle of  
10 wine in accordance with Section 66-8-138 NMSA 1978."

11 Section 2. EFFECTIVE DATE.--The effective date of the  
12 provisions of this act is July 1, 2006.

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