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FISCAL IMPACT REPORT

ORIGINAL DATE 2/19/07
 SPONSOR Anderson LAST UPDATED 2/20/07 HB 1230
 SHORT TITLE Prohibit Sale of Alcohol in Certain Packages SB _____
 ANALYST C. Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Regulation and Licensing Department (RLD)
 Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

HB 1230 would create a new section of Chapter 60, Article 7A NMSA 1978, making it a fourth degree felony to sell or provide alcoholic beverages to another person in a flexible pouch package of 50 milliliters or less, or in a flexible pouch package of more than 50 milliliters that does not have a screw-on top.

In addition, the Forfeiture Act applies to the seizure, forfeiture and disposal of any conveyances used for the unlawful act described in this new section, and of any money gained through the unlawful act.

FISCAL IMPLICATIONS

Money seized under the forfeiture provisions of this bill will become property of the state. The amount of revenue that may be collected under this legislation is unknown.

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

HB 1230 appears to reference the type of container similar to that used for a product called “Pocket Shots”. The container is a flexible plastic pouch that can be easily concealed in a purse or pocket. The pouches generally contain spirituous liquors and are intended to replace the current glass “miniature” bottles. This bill would prohibit the sale of the smaller pouches and limit larger pouches to those with re-sealable tops.

ADMINISTRATIVE IMPLICATIONS

Alcohol and Gaming Division staff would need to closely monitor label approval requests submitted for review.

There may be an administrative impact on the courts as the result of an increase in caseload and/or in the amount of time necessary to dispose of cases.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

CS/mt