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HOUSE BILL 386

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Bill McCamley

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; ELIMINATING THE SUNDAY AND
CHRISTMAS DAY RESTRICTIONS ON THE SALE OF ALCOHOLIC BEVERAGES;
PROVIDING CONSISTENT HOURS OF OPERATION FOR LICENSES THAT SELL
ALCOHOLIC BEVERAGES BY THE DRINK OR IN UNBROKEN PACKAGES;
RECONCILING CONFLICTING AMENDMENTS TO THE SAME SECTION OF LAW
BY REPEALING LAWS 2001, CHAPTER 248, SECTION 2.

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

SECTION 1. Section 60-6A-4 NMSA 1978 (being Laws 1981,
Chapter 39, Section 21, as amended) is amended to read:

"60-6A-4. RESTAURANT LICENSE.--

A. At any time after the effective date of the
Liquor Control Act, a local option district may approve the
issuance of restaurant licenses for the sale of beer and wine
by holding an election on that question pursuant to the

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1 procedures set out in Section 60-5A-1 NMSA 1978. The election
2 also may be initiated by a resolution adopted by the governing
3 body of the local option district without a petition from
4 registered qualified electors having been submitted.

5 B. After the approval of restaurant licenses by the
6 registered qualified electors of the local option district and
7 upon completion of all requirements in the Liquor Control Act
8 for the issuance of licenses, a restaurant located or to be
9 located within the local option district may receive a
10 restaurant license to sell, serve or allow the consumption of
11 beer and wine subject to the following requirements and
12 restrictions:

13 (1) the applicant shall submit evidence to the
14 department that ~~he~~ the applicant has a current valid food
15 service establishment permit;

16 (2) the applicant shall satisfy the director
17 that the primary source of revenue from the operation of the
18 restaurant will be derived from meals and not from the sale of
19 beer and wine;

20 (3) the director shall condition renewal upon
21 a requirement that no less than sixty percent of gross receipts
22 from the preceding twelve months' operation of the licensed
23 restaurant was derived from the sale of meals;

24 (4) upon application for renewal, the licensee
25 shall submit an annual report to the director indicating the

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1 annual gross receipts from the sale of meals and from beer and
2 wine sales;

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

5 ~~[(6) all sales, services and consumption of~~
6 ~~beer and wine authorized by a restaurant license shall cease at~~
7 ~~the time meals sales and services cease or at 11:00 p.m.,~~
8 ~~whichever time is earlier;~~

9 ~~(7) if Sunday sales have been approved in the~~
10 ~~local option district, a restaurant licensee may serve beer and~~
11 ~~wine on Sundays until the time meals sales and services cease~~
12 ~~or 11:00 p.m., whichever time is earlier; and~~

13 ~~(8)]~~ (6) a restaurant license shall not be
14 transferable from person to person or from one location to
15 another.

16 C. The provisions of Section 60-6A-18 NMSA 1978
17 shall not apply to restaurant licenses.

18 D. Nothing in this section shall prevent a
19 restaurant licensee from receiving other licenses pursuant to
20 the Liquor Control Act."

21 SECTION 2. Section 60-6A-6.1 NMSA 1978 (being Laws 2011,
22 Chapter 110, Section 3) is amended to read:

23 "60-6A-6.1. CRAFT DISTILLER'S LICENSE.--

24 A. In any local option district, a person qualified
25 under the provisions of the Liquor Control Act, except as

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1 otherwise provided in the Domestic Winery, Small Brewery and
2 Craft Distillery Act, may apply for and be issued a craft
3 distiller's license subject to the following conditions:

4 (1) the applicant submits evidence to the
5 department that the applicant has a valid and appropriate
6 permit issued by the federal government to be a craft
7 distiller;

8 (2) renewal of the license shall be
9 conditioned upon:

10 (a) no less than sixty percent of the
11 gross receipts from the sale of spirituous liquors for the
12 preceding twelve months of the licensee's operation being
13 derived from the sale of spirituous liquors produced by the
14 licensee;

15 (b) the manufacture of no less than one
16 thousand proof gallons of spirituous liquors per license year
17 at the licensee's premises; and

18 (c) submission to the department by the
19 licensee of a report showing the number of proof gallons of
20 spirituous liquors manufactured by the licensee at the
21 licensee's premises and the annual gross receipts from the sale
22 of spirituous liquors produced by the licensee and from the
23 licensee's sale of distilled spirituous liquors produced by
24 other New Mexico licensed craft distillers;

25 (3) a craft distiller's license shall not be

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1 transferred from person to person or from one location to
2 another;

3 (4) the provisions of Section 60-6A-18 NMSA
4 1978 shall not apply to a craft distiller's license; and

5 (5) nothing in this section shall prevent a
6 craft distiller from receiving other licenses pursuant to the
7 Liquor Control Act.

8 B. A person to whom a craft distiller's license is
9 issued pursuant to this section may do any of the following:

10 (1) manufacture or produce spirituous liquors,
11 including aging, filtering, blending, mixing, flavoring,
12 coloring, bottling and labeling;

13 (2) store, transport, import or export
14 spirituous liquors;

15 (3) sell only spirituous liquors that are
16 packaged by or for the craft distiller to a person holding a
17 wholesaler's license, a craft distiller's license or a
18 manufacturer's license;

19 (4) deal in warehouse receipts for spirituous
20 liquors;

21 (5) buy spirituous liquors from other persons,
22 including licensees and permittees under the Liquor Control
23 Act, for use in blending, flavoring, mixing or bottling of
24 spirituous liquors;

25 (6) be deemed a manufacturer for purposes of

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1 the Gross Receipts and Compensating Tax Act;

2 (7) conduct spirituous liquor tastings and
3 sell, by the glass or by the bottle, or in unbroken packages
4 for consumption off the premises but not for resale, spirituous
5 liquors of the craft distiller's own production or spirituous
6 liquors produced by another New Mexico craft distiller or New
7 Mexico manufacturer on the craft distiller's premises; and

8 (8) at no more than two other locations off
9 the craft distiller's premises, after the craft distiller has
10 paid the applicable fee for a craft distiller's off-premises
11 permit, after the director has determined that the off-premises
12 locations meet the requirements of the Liquor Control Act and
13 department rules for new liquor license locations and after the
14 director has issued a craft distiller's off-premises permit for
15 each off-premises location, conduct spirituous liquor tastings
16 and sell by the glass, or in unbroken packages for consumption
17 and not for resale, spirituous liquors produced and bottled by
18 or for the craft distiller or spirituous liquors produced and
19 bottled by or for another New Mexico craft distiller or
20 manufacturer.

21 C. For a public celebration off the craft
22 distiller's premises in any local option district permitting
23 the sale of alcoholic beverages, a craft distiller shall pay
24 ten dollars (\$10.00) to the department for a "craft distiller's
25 public celebration permit" to be issued under rules adopted by

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1 the director. Upon request, the department may issue to a
2 craft distiller a public celebration permit for a location at
3 the public celebration that is to be shared with other craft
4 distillers, small brewers and winegrowers. As used in this
5 subsection, "public celebration" includes any state or county
6 fair, community fiesta, cultural or artistic event, sporting
7 competition of a seasonal nature or other activity held on an
8 intermittent basis.

9 ~~[D. Sales and tastings of spirituous liquors~~
10 ~~authorized in this section shall be permitted during the hours~~
11 ~~set forth in Subsection A of Section 60-7A-1 NMSA 1978 and~~
12 ~~between the hours of noon and midnight on Sunday and shall~~
13 ~~conform to the limitations regarding Christmas day sales and~~
14 ~~the expansion of Sunday sales hours to 2:00 a.m. on January 1,~~
15 ~~when December 31 falls on a Sunday as set forth in Section~~
16 ~~60-7A-1 NMSA 1978.]"~~

17 SECTION 3. Section 60-6A-11 NMSA 1978 (being Laws 1981,
18 Chapter 39, Section 28, as amended) is amended to read:

19 "60-6A-11. WINEGROWER'S LICENSE.--

20 A. Exempt from the procurement of any other license
21 pursuant to the terms of the Liquor Control Act, but not from
22 the procurement of a winegrower's license, is a person in this
23 state who produces wine. Except during periods of shortage or
24 reduced availability, at least fifty percent of a winegrower's
25 overall annual production of wine shall be produced from grapes

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1 or other agricultural products grown in this state pursuant to
2 rules adopted by the director; provided, however, that, for
3 purposes of determining annual production and compliance with
4 the fifty percent New Mexico grown provision of this
5 subsection, the calculation of a winegrower's overall annual
6 production of wine shall not include the winegrower's
7 production of wine for out-of-state wine producer license
8 holders.

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

11 (1) manufacture or produce wine, including
12 blending, mixing, flavoring, coloring, bottling and labeling,
13 whether the wine is manufactured or produced for a winegrower
14 or an out-of-state wine producer holding a permit issued by the
15 federal alcohol tax unit of the internal revenue service and a
16 valid license in a state that authorizes the wine producer to
17 manufacture, produce, store or sell wine;

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

19 (3) sell wines to a holder of a New Mexico
20 winegrower's, wine wholesaler's, wholesaler's or wine
21 exporter's license or to a winegrower's agent;

22 (4) transport not more than two hundred cases
23 of wine in a calendar year to another location within New
24 Mexico by common carrier;

25 (5) deal in warehouse receipts for wine;

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1 (6) sell wines in other states or foreign
2 jurisdictions to the holders of a license issued under the
3 authority of that state or foreign jurisdiction authorizing
4 the purchase of wine;

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

9 (8) conduct wine tastings and sell, by the
10 glass or by the bottle or sell in unbroken packages for
11 consumption off the premises but not for resale, wine of the
12 winegrower's own production or wine produced by another New
13 Mexico winegrower on the winegrower's premises;

14 (9) at no more than three off-premises
15 locations, conduct wine tastings, sell by the glass and sell in
16 unbroken packages for consumption off premises, but not for
17 resale, wine of the winegrower's own production or wine
18 produced by another New Mexico winegrower after the director
19 has determined that the off-premises locations meet the
20 requirements of the Liquor Control Act and the department rules
21 for new liquor license locations;

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

24 (11) at public celebrations on or off the
25 winegrower's premises, after the winegrower has paid the

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1 applicable fees and been issued the appropriate permit, to
2 conduct wine tastings, sell by the glass or the bottle or sell
3 in unbroken packages, for consumption off premises but not for
4 resale, wine produced by or for the winegrower.

5 ~~[G. Sales of wine as provided for in this section~~
6 ~~shall be permitted between the hours of 7:00 a.m. and midnight~~
7 ~~Monday through Saturday, and the holder of a winegrower's~~
8 ~~license or public celebration permit may conduct wine tastings~~
9 ~~and sell, by the glass or bottle or in unbroken packages for~~
10 ~~consumption off premises but not for resale, wine of the~~
11 ~~winegrower's own production on the winegrower's premises~~
12 ~~between the hours of 12:00 noon and midnight on Sunday.~~

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

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1 competition of a seasonal nature or activities held on an
2 intermittent basis.

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

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

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

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

15 SECTION 4. Section 60-6A-12 NMSA 1978 (being Laws 1981,
16 Chapter 39, Section 29, as amended) is amended to read:

17 "60-6A-12. SPECIAL DISPENSER'S PERMITS--STATE AND LOCAL
18 FEES.--

19 A. ~~[Any]~~ A person holding a dispenser's license in
20 ~~[any]~~ a local option district where a public celebration is to
21 be held may dispense alcoholic beverages at the public
22 celebration upon receiving written approval from the governing
23 body in charge of the public celebration and upon the payment
24 of fifty dollars (\$50.00) to the department for a special
25 dispenser's permit.

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1 B. As used in this section, "public celebration"
2 includes any state fair, county fair, community fiesta,
3 cultural or artistic performance or professional athletic
4 competition of a seasonal nature or activities held on an
5 intermittent basis.

6 C. In addition to the state fee and if previously
7 provided for by ordinance, the governing body of the local
8 option district in which the public celebration is held may
9 charge an additional fee not to exceed twenty-five dollars
10 (\$25.00) per day for each day the permittee dispenses alcoholic
11 beverages. The permittee shall be subject to all state laws
12 and regulations and all local regulations regulating
13 dispenser's privileges and disabilities. All fees collected by
14 the governing body of the local option district may be used to
15 fund free ride home programs.

16 D. ~~Any~~ A person holding a dispenser's license may
17 be issued a special dispenser's permit by the director allowing
18 the dispensing of alcoholic beverages at a function catered by
19 that business, provided the governing body of the local option
20 district has given the person seeking the permit written
21 approval to dispense alcoholic beverages at the catered
22 function. The permit shall be valid for no more than twelve
23 hours. To apply for the permit, the holder of a dispenser's
24 license shall submit a fee of twenty-five dollars (\$25.00)
25 together with such information as the director may require.

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1 The permittee shall be subject to all state laws and
2 regulations and all local regulations except that the permittee
3 shall not be required to suspend the dispensing of alcoholic
4 beverages at the licensed premises solely because of the
5 issuance of the special dispenser's permit.

6 E. The person holding a dispenser's license and
7 ~~[his]~~ the person's employees shall be the only persons
8 permitted to dispense alcohol during the function for which the
9 permit was sought. Issuance of the special dispenser's permit
10 is within the director's discretion and is subject to any
11 reasonable requirements imposed by the director.

12 ~~[F. Any person holding a dispenser's license in a~~
13 ~~local option district in which Sunday sales of alcoholic~~
14 ~~beverages are not otherwise permitted pursuant to the Liquor~~
15 ~~Control Act may dispense beer and wine on Sunday at any public~~
16 ~~celebration for which it has received a concession from the~~
17 ~~governing body in charge of the public celebration, provided~~
18 ~~the governing body of that local option district has by~~
19 ~~resolution expressly permitted such beer and wine sales on~~
20 ~~Sunday at that public celebration in accordance with the~~
21 ~~provisions of this section.~~

22 ~~G. Any]~~ F. A person holding a dispenser's license
23 who dispenses alcoholic beverages at a church's public
24 celebration under a special dispenser's permit pursuant to this
25 section may donate to the church holding the public celebration

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1 any portion of the profits from the sale of alcoholic beverages
2 at that public celebration. Employees of that dispenser or
3 other individuals who have completed a certified alcohol server
4 training program may donate to the church holding a public
5 celebration their services as servers of alcoholic beverages at
6 that public celebration."

7 SECTION 5. Section 60-6A-26.1 NMSA 1978 (being Laws 1985,
8 Chapter 217, Section 5, as amended by Laws 2001, Chapter 248,
9 Section 2 and by Laws 2001, Chapter 260, Section 2) is amended
10 to read:

11 "60-6A-26.1. SMALL BREWER'S LICENSE.--

12 A. In ~~any~~ a local option district, a person
13 qualified under the provisions of the Liquor Control Act,
14 except as otherwise provided in the Domestic Winery and Small
15 Brewery Act, may apply for and be issued a small brewer's
16 license.

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

- 19 (1) become a manufacturer or producer of beer;
20 (2) package, label and export beer, whether
21 manufactured, bottled or produced by ~~him~~ the licensee or any
22 other person;
23 (3) sell only beer that is packaged by or for
24 ~~him~~ the licensee to a person holding a wholesaler's license
25 or a small brewer's license;

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1 (4) deal in warehouse receipts for beer;

2 (5) conduct beer tastings and sell for
3 consumption on or off premises, but not for resale, beer
4 produced and bottled by, or produced and packaged for, the
5 licensee or produced and bottled by or for another New Mexico
6 small brewer on the small brewer's premises;

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

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

15 (8) at no more than two other locations off
16 the small brewer's premises, after the small brewer has paid
17 the applicable fee for a small brewer's off-premises permit,
18 after the director has determined that the off-premises
19 locations meet the requirements of the Liquor Control Act and
20 department rules for new liquor license locations and after the
21 director has issued a small brewer's off-premises permit for
22 each off-premises location, conduct beer tastings and sell by
23 the glass or in unbroken packages for consumption off the small
24 brewer's off-premises location, but not for resale, beer
25 produced and bottled by or for the small brewer or beer

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1 produced and bottled by or for another New Mexico small brewer;
2 and

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

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

22 ~~[D. Sales and tastings of beer authorized in this~~
23 ~~section shall be permitted during the hours set forth in~~
24 ~~Subsection A of Section 60-7A-1 NMSA 1978 and between the hours~~
25 ~~of noon and midnight on Sunday and shall conform to the~~

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1 ~~limitations regarding Christmas and voting day sales found in~~
2 ~~Section 60-7A-1 NMSA 1978 and the expansion of Sunday sales~~
3 ~~hours to 2:00 a.m. on January 1, when December 31 falls on a~~
4 ~~Sunday.]"~~

5 SECTION 6. Section 60-7A-1 NMSA 1978 (being Laws 1981,
6 Chapter 39, Section 47, as amended) is amended to read:

7 "60-7A-1. HOURS AND DAYS OF BUSINESS [~~SUNDAY SALES--~~
8 ~~CHRISTMAS DAY SALES--SUNDAY SALES FOR CONSUMPTION OFF THE~~
9 ~~LICENSED PREMISES--ELECTIONS]~~.--

10 [~~A. Alcoholic beverages shall be sold, served and~~
11 ~~consumed on licensed premises only during the following hours~~
12 ~~and days:~~

13 ~~(1) on Mondays from 7:00 a.m. until midnight;~~

14 ~~(2) on other weekdays from after midnight of~~
15 ~~the previous day until 2:00 a.m., then from 7:00 a.m. until~~
16 ~~midnight, except as provided in Subsections D and F of this~~
17 ~~section; and~~

18 ~~(3) on Sundays only after midnight of the~~
19 ~~previous day until 2:00 a.m., except as provided in Subsections~~
20 ~~G and E of this section and Section 60-7A-2 NMSA 1978;~~
21 ~~provided, however, nothing in this section shall prohibit the~~
22 ~~consumption at any time of alcoholic beverages in guest rooms~~
23 ~~of hotels.~~

24 ~~B. Alcoholic beverages shall be sold by a dispenser~~
25 ~~or a retailer in unbroken packages, for consumption off the~~

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1 ~~licensed premises and not for resale, on Mondays through~~
2 ~~Saturdays from 7:00 a.m. until 12:00 a.m. on the following day,~~
3 ~~except as provided in Subsections D and F of this section.~~

4 ~~G. A dispenser, restaurant licensee or club may,~~
5 ~~upon payment of an additional fee of one hundred dollars~~
6 ~~(\$100), obtain a permit to sell, serve or permit the~~
7 ~~consumption of alcoholic beverages by the drink on the licensed~~
8 ~~premises on Sundays from 12:00 noon until midnight and in those~~
9 ~~years when December 31 falls on a Sunday from 12:00 noon until~~
10 ~~2:00 a.m. of the following day, except as otherwise provided in~~
11 ~~Subsection E of this section. The permit shall expire on June~~
12 ~~30 of each year and may be renewed from year to year upon~~
13 ~~application for renewal and payment of the required fee. The~~
14 ~~permit fee shall not be prorated. Sales made pursuant to this~~
15 ~~subsection or Subsection G of this section shall be called~~
16 ~~"Sunday sales".~~

17 ~~D. Retailers, dispensers, canopy licensees that~~
18 ~~were replaced by dispenser's licensees pursuant to Section~~
19 ~~60-6B-16 NMSA 1978, restaurant licensees, club licensees and~~
20 ~~governmental licensees or their lessees shall not sell, serve,~~
21 ~~deliver or allow the consumption of alcoholic beverages on the~~
22 ~~licensed premises from 2:00 a.m. on Christmas day until 7:00~~
23 ~~a.m. on the day after Christmas, except as permitted pursuant~~
24 ~~to Subsection F of this section.~~

25 ~~E. Sunday sales pursuant to the provisions of~~

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1 ~~Subsection C of this section are permitted in a local option~~
2 ~~district that voted to permit them. If in that election a~~
3 ~~majority of the voters in a local option district voted "no" on~~
4 ~~the question "Shall Sunday sales of alcoholic beverages by the~~
5 ~~drink for consumption on the licensed premises of licensees be~~
6 ~~allowed in this local option district?", Sunday sales are~~
7 ~~unlawful in that local option district upon certification of~~
8 ~~the election returns unless the provisions of Subsection J of~~
9 ~~this section apply. The question shall not again be placed on~~
10 ~~the ballot in that local option district until:~~

11 ~~(1) at least one year has passed; and~~

12 ~~(2) a petition is filed with the local~~
13 ~~governing body bearing the signatures of registered qualified~~
14 ~~electors of the local option district equal in number to ten~~
15 ~~percent of the number of votes cast and counted in the local~~
16 ~~option district for governor in the last preceding general~~
17 ~~election in which a governor was elected. The signatures on~~
18 ~~the petition shall be verified by the clerk of the county in~~
19 ~~which the local option district is situated.~~

20 ~~F. On and after July 1, 2002, dispensers, canopy~~
21 ~~licensees that were replaced by dispenser's licensees pursuant~~
22 ~~to Section 60-6B-16 NMSA 1978, restaurant licensees, club~~
23 ~~licensees and governmental licensees or lessees of these~~
24 ~~licensees; provided that the licensees have current, valid food~~
25 ~~service establishment permits, may sell, serve or allow the~~

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1 ~~consumption of alcoholic beverages by the drink on licensed~~
2 ~~premises from noon until 10:00 p.m. on Christmas day, except in~~
3 ~~a local option district in which, pursuant to petition and~~
4 ~~election under this subsection, a majority of the voters voting~~
5 ~~on the question votes against continuing such sales or~~
6 ~~consumption on Christmas day. An election shall be held on the~~
7 ~~question of whether to continue to allow the sale, service or~~
8 ~~consumption of alcoholic beverages by the drink on licensed~~
9 ~~premises from noon until 10:00 p.m. on Christmas day in a local~~
10 ~~option district, if a petition requesting the governing body of~~
11 ~~that district to call the election is signed by at least ten~~
12 ~~percent of the registered voters of the district and is filed~~
13 ~~with the clerk of the governing body of the district. Upon~~
14 ~~verification by the clerk that the petition contains the~~
15 ~~required number of signatures of registered voters, the~~
16 ~~governing body shall adopt a resolution calling an election on~~
17 ~~the question of allowing the sale, service or consumption of~~
18 ~~alcoholic beverages by the drink on licensed premises from noon~~
19 ~~until 10:00 p.m. on Christmas day. The election shall be held~~
20 ~~within sixty days after the date the petition is verified, or~~
21 ~~it may be held in conjunction with a regular election of the~~
22 ~~governing body if that election occurs within sixty days of~~
23 ~~such verification. The election shall be called, conducted,~~
24 ~~counted and canvassed in substantially the same manner as~~
25 ~~provided for general elections in the county under the Election~~

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1 ~~Code or for special municipal elections in a municipality under~~
2 ~~the Municipal Election Code. If a majority of the voters~~
3 ~~voting on the question votes against continuing the sale,~~
4 ~~service or consumption of alcoholic beverages by the drink on~~
5 ~~licensed premises from noon until 10:00 p.m. on Christmas day,~~
6 ~~then such sales and consumption shall be prohibited. If a~~
7 ~~majority of the voters voting on the question votes to allow~~
8 ~~continued sale, service and consumption of alcoholic beverages~~
9 ~~by the drink on licensed premises from noon until 10:00 p.m. on~~
10 ~~Christmas day, then such sales and consumption shall be allowed~~
11 ~~to continue. The question then shall not be submitted again to~~
12 ~~the voters within two years of the date of the last election on~~
13 ~~the question.~~

14 ~~G. Notwithstanding the provisions of Subsection E~~
15 ~~of this section, any Indian tribe or pueblo whose lands are~~
16 ~~wholly situated within the state that has, by statute,~~
17 ~~ordinance or resolution, elected to permit the sale, possession~~
18 ~~or consumption of alcoholic beverages on lands within the~~
19 ~~territorial boundaries of the tribe or pueblo may, by statute,~~
20 ~~ordinance or resolution of the governing body of the Indian~~
21 ~~tribe or pueblo, permit Sunday sales by the drink on the~~
22 ~~licensed premises of licensees on lands within the territorial~~
23 ~~boundaries of the tribe or pueblo; provided that a certified~~
24 ~~copy of such enactment is filed with the office of the director~~
25 ~~and of the secretary of state.~~

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1 H. ~~Subject to the provisions of Subsection I of~~
2 ~~this section, a dispenser or retailer, upon payment of an~~
3 ~~additional fee of one hundred dollars (\$100), may obtain a~~
4 ~~permit to sell alcoholic beverages in unbroken packages for~~
5 ~~consumption off the licensed premises on Sundays from 12:00~~
6 ~~noon until midnight, and in those years when December 31 falls~~
7 ~~on a Sunday, from 12:00 noon on December 31 until 2:00 a.m. of~~
8 ~~the following day. The permit shall expire on June 30 of each~~
9 ~~year and may be renewed from year to year upon application for~~
10 ~~renewal and payment of the required fee. The permit fee shall~~
11 ~~not be prorated. Sales made pursuant to the provisions of this~~
12 ~~subsection shall be called "Sunday package sales".~~

13 I. ~~If a petition requesting the governing body of a~~
14 ~~local option district to call an election on the question of~~
15 ~~continuing to allow sales of alcoholic beverages in unbroken~~
16 ~~packages for consumption off the licensed premises on Sundays~~
17 ~~is filed with the clerk of the governing body and that petition~~
18 ~~is signed by at least ten percent of the number of registered~~
19 ~~voters of the local option district and the clerk of the~~
20 ~~governing body verifies the petition signatures, the governing~~
21 ~~body shall adopt a resolution calling an election on the~~
22 ~~question. The election shall be held within sixty days of the~~
23 ~~date the petition is verified, or it may be held in conjunction~~
24 ~~with a regular election of the governing body, if the regular~~
25 ~~election occurs within sixty days of the petition verification.~~

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1 ~~The election shall be called, conducted, counted and canvassed~~
2 ~~substantially in the manner provided by law for general~~
3 ~~elections within a county or special municipal elections within~~
4 ~~a municipality. If a majority of the voters of the local~~
5 ~~option district voting in the election votes to allow the sale~~
6 ~~of alcoholic beverages in unbroken packages for consumption off~~
7 ~~the licensed premises, then those sales shall continue to be~~
8 ~~allowed. If a majority of the voters of the local option~~
9 ~~district voting in the election votes not to allow the Sunday~~
10 ~~package sales, then those Sunday package sales shall be~~
11 ~~prohibited commencing the first Sunday after the results of the~~
12 ~~election are certified. Following the election, the question~~
13 ~~of allowing the Sunday package sales shall not be submitted~~
14 ~~again to the voters within two years of the date of the last~~
15 ~~election on the question.~~

16 J. ~~Sunday sales of alcoholic beverages shall be~~
17 ~~permitted at resorts and at horse racetracks statewide pursuant~~
18 ~~to the provisions of Section 60-7A-2 NMSA 1978.] Beginning July~~

19 1, 2013, and subject to the provisions of the license,

20 alcoholic beverages may be sold, served or consumed by the

21 drink or sold in unbroken packages from 7:00 a.m. each day

22 until 2:00 a.m. the following day; provided that in the case of

23 a restaurant license, alcoholic beverages may be sold, served

24 or consumed each day until the cessation of meal service or

25 11:00 p.m., whichever time is earlier."

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SECTION 7. REPEAL.--Laws 2001, Chapter 248, Section 2 is repealed.

SECTION 8. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2013.