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HOUSE BILL 534

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

INTRODUCED BY

Roberto "Bobby" J. Gonzales

AN ACT

RELATING TO LIQUOR CONTROL; CREATING A SPECIALTY LICENSE FOR
GIFT SHOPS TO PERMIT SALES OF NEW MEXICO BEER AND WINE IN
UNBROKEN PACKAGES TO INCREASE TOURIST TRADE.

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

SECTION 1. Section 60-3A-1 NMSA 1978 (being Laws 1981,
Chapter 39, Section 1, as amended) is amended to read:

"60-3A-1. SHORT TITLE.--Chapter 60, Articles 3A, 4B, 4C,
5A, 6A, 6B, 6C, 6E, 7A, 7B and 8A [~~of Chapter 60~~] NMSA 1978 may
be cited as the "Liquor Control Act"."

SECTION 2. A new section of Chapter 60, Article 6A NMSA
1978 is enacted to read:

"[NEW MATERIAL] GIFT SHOP LICENSES.--

A. A local option district may approve issuance of
gift shop licenses in that local option district by holding an

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1 election on the question "Shall gift shops be permitted to sell
2 New Mexico beer and wine in unopened containers for consumption
3 off premises in the _____ local option district?",
4 pursuant to the procedures set out in Section 60-5A-1 NMSA
5 1978. The election also may be initiated by a resolution
6 adopted by the governing body of the local option district
7 without a petition from registered qualified electors having
8 been submitted.

9 B. If the majority of electors voting on the
10 question vote to allow gift shop sales of New Mexico wines and
11 beers, the governing body of the local option district shall
12 inform the director that gift shop licenses may be issued in
13 that local option district.

14 C. A gift shop licensee shall be subject to the
15 following requirements and restrictions:

16 (1) a person granted a gift shop license:
17 (a) shall not serve food or beverages,
18 except as permitted by this section;
19 (b) shall not own, lease or manage
20 another license issued pursuant to the Liquor Control Act; and
21 (c) shall not sell gasoline or other
22 fuel that is used to power motorized vehicles from the licensed
23 premises;

24 (2) the premises identified in an application
25 for a gift shop license shall not be the premises identified

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1 for any other license issued pursuant to the Liquor Control
2 Act;

3 (3) a gift shop licensee shall submit reports
4 annually as required by the director, including:

5 (a) gross receipts from the sale of beer
6 and wine, including separate reporting of sales of beer and
7 wine shipped from the gift shop licensee's premises by common
8 carrier; and

9 (b) the total annual gross receipts;

10 (4) gift shop licensees shall only sell beer
11 and wine in unbroken packages produced in New Mexico by a
12 licensed winegrower or small brewer that is for consumption off
13 the licensed premises;

14 (5) a gift shop license shall not be
15 transferable from person to person or from one location to
16 another and shall have a term of one year, expiring each June
17 30 following issuance; and

18 (6) no more than the equivalent of four six-
19 packs of twelve-ounce containers of beer or twelve seven
20 hundred fifty milliliter bottles of wine may be sold to any one
21 customer in one twenty-four-hour period.

22 D. The total annual gross receipts from sales from
23 the licensed premises and the total gross receipts from the
24 sale of beer and wine shall be reported in the annual report.
25 The sales of beer and wine shall not exceed twenty percent of

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1 the total annual gross receipts of the gift shop licensee,
2 except that gross receipts from sales of beer and wine shipped
3 from the gift shop licensee's premises by common carrier shall
4 not be included in the calculation of the twenty percent beer
5 and wine sales from the licensed premises.

6 E. If a gift shop licensee that reports sales of
7 beer and wine in its annual report of greater than twenty
8 percent of the gift shop licensee's gross receipts, the license
9 to sell beer and wine, issued pursuant to the Liquor Control
10 Act, shall be revoked and the gift shop licensee shall not
11 apply for a new gift shop license for twenty-four months.

12 F. The beer and wine sold on the licensed premises
13 shall be held at an appropriate temperature for storage and
14 shall not be chilled, so as not to encourage immediate
15 consumption.

16 G. The provisions of Section 60-6A-18 NMSA 1978 do
17 not apply to a gift shop license and shall not be considered by
18 the director in approving the issuance of a gift shop license.

19 H. Employees of the gift shop licensee shall be
20 twenty-one years of age or older to sell beer and wine on the
21 premises of a gift shop licensee. Employees and licensees
22 shall comply with the provisions of the alcohol server
23 education article of the Liquor Control Act.

24 I. Beer and wine shall not be available for
25 consumption on the premises of a gift shop licensee.

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1 J. The initial application for a gift shop license
2 shall include an application fee of two hundred dollars
3 (\$200)."

4 **SECTION 3.** Section 60-6A-15 NMSA 1978 (being Laws 1981,
5 Chapter 39, Section 32, as amended) is amended to read:

6 "60-6A-15. LICENSE FEES.--Every application for the
7 issuance or renewal of the following licenses shall be
8 accompanied by a license fee in the following specified
9 amounts:

10 A. manufacturer's license as a distiller, except a
11 brandy manufacturer, three thousand dollars (\$3,000);

12 B. manufacturer's license as a brewer, three
13 thousand dollars (\$3,000);

14 C. manufacturer's license as a rectifier, one
15 thousand fifty dollars (\$1,050);

16 D. wholesaler's license to sell all alcoholic
17 beverages for resale only, two thousand five hundred dollars
18 (\$2,500);

19 E. wholesaler's license to sell spirituous liquors
20 and wine for resale only, one thousand seven hundred fifty
21 dollars (\$1,750);

22 F. wholesaler's license to sell spirituous liquors
23 for resale only, one thousand five hundred dollars (\$1,500);

24 G. wholesaler's license to sell beer and wine for
25 resale only, one thousand five hundred dollars (\$1,500);

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1 H. wholesaler's license to sell beer for resale
2 only, one thousand dollars (\$1,000);

3 I. wholesaler's license to sell wine for resale
4 only, seven hundred fifty dollars (\$750);

5 J. retailer's license, one thousand three hundred
6 dollars (\$1,300);

7 K. dispenser's license, one thousand three hundred
8 dollars (\$1,300);

9 L. canopy license, one thousand three hundred
10 dollars (\$1,300);

11 M. restaurant license, one thousand fifty dollars
12 (\$1,050);

13 N. club license, for clubs with more than two
14 hundred fifty members, one thousand two hundred fifty dollars
15 (\$1,250), and for clubs with two hundred fifty members or
16 fewer, two hundred fifty dollars (\$250);

17 O. wine bottler's license to sell to wholesalers
18 only, five hundred dollars (\$500);

19 P. public service license, one thousand two hundred
20 fifty dollars (\$1,250);

21 Q. nonresident licenses, for a total billing to New
22 Mexico wholesalers:

- 23 (1) in excess of:
- 24 \$3,000,000 annually \$10,500;
- 25 1,000,000 annually 5,250;

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1 500,000 annually 3,750;
2 200,000 annually 2,700;
3 100,000 annually 1,800;

4 and

5 50,000 annually 900;

6 and

7 (2) of \$50,000 or less \$300;

8 R. wine wholesaler's license, for persons with
9 sales of five thousand gallons of wine per year or less,
10 twenty-five dollars (\$25.00), and for persons with sales in
11 excess of five thousand gallons of wine per year, one hundred
12 dollars (\$100); ~~and~~

13 S. beer bottler's license, two hundred dollars
14 (\$200); and

15 T. gift shop license, one thousand three hundred
16 dollars (\$1,300)."

17 SECTION 4. A new section of Chapter 60, Article 6B NMSA
18 1978 is enacted to read:

19 "[NEW MATERIAL] SHIPMENT OF DOMESTIC BEER AND WINE BY
20 CERTAIN LICENSEES.--A holder of a current gift shop license is
21 authorized to ship by common carrier from its premises beer
22 produced and bottled in New Mexico by the holder of a small
23 brewer's license and wine produced and bottled in New Mexico by
24 the holder of a winegrower's license to those jurisdictions in
25 the United States that permit the receipt of those shipments by

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1 retail purchasers. A gift shop licensee shall not ship more
2 than the equivalent of four six-packs of twelve-ounce
3 containers of beer or twelve seven hundred fifty milliliter
4 bottles of wine to any address or to any single purchaser in
5 any one twenty-four-hour period."

6 SECTION 5. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is July 1, 2013.

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