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AN ACT

RELATING TO ALCOHOLIC BEVERAGES; INCREASING THE HOURS OF
CONSUMPTION OF ALCOHOLIC BEVERAGES ON SUNDAYS AT LICENSED
PREMISES.

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

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

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

A. Provided that nothing in this section shall
prohibit the consumption at any time of alcoholic beverages
in guest rooms of hotels, alcoholic beverages shall be sold,
served and consumed on licensed premises only during the
following hours and days:

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

(2) on Tuesdays through Saturdays from after
midnight of the previous day until 2:00 a.m., then from 7:00
a.m. until midnight, except as provided in Subsections D and
F of this section; and

(3) on Sundays only after midnight of the
previous day until 2:00 a.m., except as provided in
Subsections C and E of this section and Section 60-7A-2

1 NMSA 1978.

2 B. Alcoholic beverages shall be sold by a
3 dispenser or a retailer in unbroken packages, for consumption
4 off the licensed premises and not for resale, on Mondays
5 through Saturdays from 7:00 a.m. until midnight, except as
6 provided in Subsections D and F of this section.

7 C. A dispenser, restaurant licensee or club may,
8 upon payment of an additional fee of one hundred dollars
9 (\$100), obtain a permit to sell, serve or permit the
10 consumption of alcoholic beverages by the drink on the
11 licensed premises on Sundays, subject to approval obtained
12 pursuant to the process set forth in Subsection E of this
13 section. Alcoholic beverages may be sold, served and
14 consumed from 11:00 a.m. until midnight as set forth in the
15 licensee's Sunday sales permit, except as otherwise provided
16 for a restaurant licensee in Section 60-6A-4 NMSA 1978. The
17 Sunday sales permit shall expire on June 30 of each year and
18 may be renewed from year to year upon application for renewal
19 and payment of the required fee. The permit fee shall not be
20 prorated. Sales made pursuant to this subsection or
21 Subsection G of this section shall be called "Sunday sales".

22 D. Retailers, dispensers, canopy licensees that
23 were replaced by dispenser's licensees pursuant to Section
24 60-6B-16 NMSA 1978, restaurant licensees, club licensees and
25 governmental licensees or their lessees shall not sell,

1 serve, deliver or allow the consumption of alcoholic
2 beverages on the licensed premises from 2:00 a.m. on
3 Christmas day until 7:00 a.m. on the day after Christmas,
4 except as permitted pursuant to Subsection F of this section.

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

17 (1) at least one year has passed; and

18 (2) a petition is filed with the local
19 governing body bearing the signatures of registered qualified
20 electors of the local option district equal in number to ten
21 percent of the number of votes cast and counted in the local
22 option district for governor in the last preceding general
23 election in which a governor was elected. The signatures on
24 the petition shall be verified by the clerk of the county in
25 which the local option district is situated.

1 F. On and after July 1, 2002, dispensers, canopy
2 licensees that were replaced by dispenser's licensees
3 pursuant to Section 60-6B-16 NMSA 1978, restaurant licensees,
4 club licensees and governmental licensees or lessees of these
5 licensees; provided that the licensees have current, valid
6 food service establishment permits, may sell, serve or allow
7 the consumption of alcoholic beverages by the drink on
8 licensed premises from noon until 10:00 p.m. on Christmas
9 day, except in a local option district in which, pursuant to
10 petition and election under this subsection, a majority of
11 the voters voting on the question votes against continuing
12 such sales or consumption on Christmas day. An election
13 shall be held on the question of whether to continue to allow
14 the sale, service or consumption of alcoholic beverages by
15 the drink on licensed premises from noon until 10:00 p.m. on
16 Christmas day in a local option district, if a petition
17 requesting the governing body of that district to call the
18 election is signed by at least ten percent of the registered
19 voters of the district and is filed with the clerk of the
20 governing body of the district. Upon verification by the
21 clerk that the petition contains the required number of
22 signatures of registered voters, the governing body shall
23 adopt a resolution calling an election on the question of
24 allowing the sale, service or consumption of alcoholic
25 beverages by the drink on licensed premises from noon until

1 10:00 p.m. on Christmas day. The election shall be held
2 within sixty days after the date the petition is verified, or
3 it may be held in conjunction with a regular election of the
4 governing body if that election occurs within sixty days of
5 such verification. The election shall be called, conducted,
6 counted and canvassed in substantially the same manner as
7 provided for general elections in the county under the
8 Election Code or for special municipal elections in a
9 municipality under the Municipal Election Code. If a
10 majority of the voters voting on the question votes against
11 continuing the sale, service or consumption of alcoholic
12 beverages by the drink on licensed premises from noon until
13 10:00 p.m. on Christmas day, then such sales and consumption
14 shall be prohibited. If a majority of the voters voting on
15 the question votes to allow continued sale, service and
16 consumption of alcoholic beverages by the drink on licensed
17 premises from noon until 10:00 p.m. on Christmas day, then
18 such sales and consumption shall be allowed to continue. The
19 question then shall not be submitted again to the voters
20 within two years of the date of the last election on the
21 question.

22 G. Notwithstanding the provisions of Subsection E
23 of this section, any Indian nation, tribe or pueblo whose
24 lands are wholly situated within the state that has, by
25 statute, ordinance or resolution, elected to permit the sale,

1 possession or consumption of alcoholic beverages on lands
2 within the territorial boundaries of the Indian nation, tribe
3 or pueblo may, by statute, ordinance or resolution of the
4 governing body of the Indian nation, tribe or pueblo, permit
5 Sunday sales by the drink on the licensed premises of
6 licensees on lands within the territorial boundaries of the
7 Indian nation, tribe or pueblo; provided that a certified
8 copy of such enactment is filed with the office of the
9 director and with the secretary of state.

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

22 I. If a petition requesting the governing body of
23 a local option district to call an election on the question
24 of continuing to allow sales of alcoholic beverages in
25 unbroken packages for consumption off the licensed premises

1 on Sundays is filed with the clerk of the governing body and
2 that petition is signed by at least ten percent of the number
3 of registered voters of the local option district and the
4 clerk of the governing body verifies the petition signatures,
5 the governing body shall adopt a resolution calling an
6 election on the question. The election shall be held within
7 sixty days of the date that the petition is verified, or it
8 may be held in conjunction with a regular election of the
9 governing body, if the regular election occurs within sixty
10 days of the petition verification. The election shall be
11 called, conducted, counted and canvassed substantially in the
12 manner provided by law for general elections within a county
13 or for special municipal elections within a municipality. If
14 a majority of the voters of the local option district voting
15 in the election votes to allow the sale of alcoholic
16 beverages in unbroken packages for consumption off the
17 licensed premises, then those sales shall continue to be
18 allowed. If a majority of the voters of the local option
19 district voting in the election votes not to allow the Sunday
20 package sales, then those Sunday package sales shall be
21 prohibited commencing the first Sunday after the results of
22 the election are certified. Following the election, the
23 question of allowing the Sunday package sales shall not be
24 submitted again to the voters within two years of the date of
25 the last election on the question.

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J. Sunday sales of alcoholic beverages shall be permitted at resorts and at horse racetracks statewide pursuant to the provisions of Section 60-7A-2 NMSA 1978."