

1 SENATE BILL 71

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 William P. Soules

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10 AN ACT

11 RELATING TO LIQUOR CONTROL; PROVIDING THAT A LOCAL OPTION
12 DISTRICT MAY HOLD AN ELECTION TO ALLOW THE SALE OF NEW MEXICO-
13 PRODUCED DISTILLED SPIRITS BY RESTAURANT LICENSEES.

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

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

18 "60-6A-4. RESTAURANT LICENSE.--

19 A. [~~At any time after the effective date of the~~
20 ~~Liquor Control Act~~] On and after July 1, 2015, a local option
21 district may approve the issuance of restaurant licenses for
22 the sale of beer and wine or for the sale of beer and wine and
23 distilled spirits produced in New Mexico by holding an election
24 on [~~that~~] either question pursuant to the procedures set out in
25 Section 60-5A-1 NMSA 1978. The election also may be initiated

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1 by a resolution adopted by the governing body of the local
2 option district without a petition from registered qualified
3 electors having been submitted.

4 B. After the approval of restaurant licenses by the
5 registered qualified electors of the local option district and
6 upon completion of all requirements in the Liquor Control Act
7 for the issuance of licenses, a restaurant located or to be
8 located within the local option district may receive a
9 restaurant license to sell, serve or allow the consumption of
10 beer and wine, and distilled spirits produced in New Mexico, if
11 applicable, 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, and distilled spirits produced in New Mexico, if
20 applicable;

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

25 (4) upon application for renewal, the licensee

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1 shall submit an annual report to the director indicating the
2 annual gross receipts from the sale of meals and from the sale
3 of beer and wine [sales], and distilled spirits produced in New
4 Mexico, if applicable;

5 (5) restaurant licensees shall not sell beer
6 and wine, and distilled spirits produced in New Mexico, if
7 applicable, for consumption off the licensed premises;

8 (6) all sales, services and consumption of
9 beer and wine, and distilled spirits produced in New Mexico, if
10 applicable, authorized by a restaurant license shall cease at
11 the time meals sales and services cease or at 11:00 p.m.,
12 whichever time is earlier;

13 (7) if Sunday sales have been approved in the
14 local option district, a restaurant licensee may serve beer and
15 wine, and distilled spirits produced in New Mexico, if
16 applicable, on Sundays until the time meals sales and services
17 cease or 11:00 p.m., whichever time is earlier; and

18 (8) a restaurant license shall not be
19 transferable from person to person or from one location to
20 another.

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

23 D. Nothing in this section shall prevent a
24 restaurant licensee from receiving other licenses pursuant to
25 the Liquor Control Act.

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