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FISCAL IMPACT REPORT

ORIGINAL DATE 3/1/15

SPONSOR Griggs LAST UPDATED _____ HB _____

SHORT TITLE Allow Customer Wine In Restaurants SB 673

ANALYST Elkins

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)
 Administrative Office of the Courts (AOC)
 Attorney General's Office (AGO)
 Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

Senate Bill 673 amends the Liquor Control Act to permit a dispenser, canopy licensee, or restaurant licensee to allow customers to bring and consume their own bottle of wine on the licensed premises. The dispenser or licensee may charge a fee for uncorking and serving the wine.

FISCAL IMPLICATIONS

There are no indentified fiscal implications

SIGNIFICANT ISSUES

Dispenser and canopy licenses are used in locations other than restaurants. Hotels, bars, restaurants, grocery stores, and package liquor stores are a few of the venues that operate with a dispenser or canopy license. The bill will allow any dispenser, canopy, or restaurant license holder to allow customers to bring wine onto their premises but it would be up to the individual businesses to determine whether they wished to allow this in their establishment.

SB 673 permits a dispenser, canopy licensee, or restaurant licensee to allow a customer to bring onto and consume on the licensed premises the customer's own bottle of wine. The bill also permits the dispenser or licensee to charge the customer a corkage fee for uncorking and serving the wine. According to AOC, there is a question as to whether, if the dispenser or licensee does not uncork and serve the wine, and an intoxicated customer brings onto and consumes on the licensed premises the customer's own bottle of wine, the dispenser or licensee will be in violation of or face liability under the Liquor Control Act, for allowing an intoxicated person to consume that person's own bottle of wine. Pursuant to Section 60-7A-25 NMSA 1978, a violation of the Liquor Control Act carries with it a misdemeanor penalty, unless the violation is declared by the Liquor Control Act to be a fourth degree penalty.

CE/bb