

1 SENATE BILL 94

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

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, 2016, 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 New Mexico-produced distilled spirits by holding an election on  
24 [~~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 New Mexico-produced distilled spirits, 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 New Mexico-produced distilled spirits, 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 New Mexico-produced distilled  
4 spirits, if applicable;

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

8 (6) all sales, services and consumption of  
9 beer and wine, and New Mexico-produced distilled spirits, 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 New Mexico-produced distilled spirits, if applicable,  
16 on Sundays until the time meals sales and services cease or  
17 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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E. A local option district's approval of the  
issuance of restaurant licenses that allow the sale of beer and  
wine and New Mexico-produced distilled spirits shall apply to  
all restaurant licenses issued in that local option district."