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AN ACT

RELATING TO LIQUOR CONTROL; PROVIDING FOR CERTAIN LOCAL
OPTION DISTRICTS TO RESTRICT THE HOURS OF SALE OF ALCOHOLIC
BEVERAGES FOR CONSUMPTION OFF A 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--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 E and
G of this section; and

(3) on Sundays only after midnight of the
previous day until 2:00 a.m., except as provided in

Subsections D and F of this section and Section 60-7A-2 NMSA HB 162
Page 1

1 1978.

2 B. Except as provided in Subsection C of this
3 section, alcoholic beverages may be sold by a dispenser or a
4 retailer in unbroken packages, for consumption off the
5 licensed premises and not for resale, only on Mondays through
6 Saturdays from 7:00 a.m. until midnight, except as provided
7 in Subsections E and G of this section.

8 C. The governing body of a local option district
9 that is a class B county with a population greater than
10 seventy thousand and less than seventy-six thousand according
11 to the most recent federal decennial census or that is a
12 municipality located within a class B county with a
13 population greater than seventy thousand and less than
14 seventy-six thousand according to the most recent federal
15 decennial census may pass an ordinance to place restrictions,
16 in addition to those provided in this section, on the hours
17 during which a dispenser or retailer may sell alcoholic
18 beverages in unbroken packages for consumption off the
19 licensed premises and not for resale. The ordinance may
20 restrict sales between 7:00 a.m. and 10:00 a.m. and shall
21 provide the hours between 7:00 a.m. and 10:00 a.m., if any,
22 during which a dispenser or retailer may sell alcoholic
23 beverages in unbroken packages for consumption off the
24 licensed premises and not for resale.

25 D. A dispenser, restaurant licensee or club may,

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

15 E. Retailers, dispensers, canopy licensees that
16 were replaced by dispenser's licensees pursuant to Section
17 60-6B-16 NMSA 1978, restaurant licensees, club licensees and
18 governmental licensees or their lessees shall not sell,
19 serve, deliver or allow the consumption of alcoholic
20 beverages on the licensed premises from 2:00 a.m. on
21 Christmas day until 7:00 a.m. on the day after Christmas,
22 except as permitted pursuant to Subsection G of this section.

23 F. Sunday sales pursuant to the provisions of
24 Subsection D of this section are permitted in a local option
25 district that voted to permit them. If in that election a

1 majority of the voters in a local option district voted "no"
2 on the question "Shall Sunday sales of alcoholic beverages by
3 the drink for consumption on the licensed premises of
4 licensees be allowed in this local option district?", Sunday
5 sales are unlawful in that local option district upon
6 certification of the election returns unless the provisions
7 of Subsection K of this section apply. The question shall
8 not again be placed on the ballot in that local option
9 district until:

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

11 (2) a petition is filed with the local
12 governing body bearing the signatures of registered qualified
13 electors of the local option district equal in number to ten
14 percent of the number of votes cast and counted in the local
15 option district for governor in the last preceding general
16 election in which a governor was elected. The signatures on
17 the petition shall be verified by the clerk of the county in
18 which the local option district is situated.

19 G. On and after July 1, 2002, dispensers, canopy
20 licensees that were replaced by dispenser's licensees
21 pursuant to Section 60-6B-16 NMSA 1978, restaurant licensees,
22 club licensees and governmental licensees or lessees of these
23 licensees, provided that the licensees have current, valid
24 food service establishment permits, may sell, serve or allow
25 the consumption of alcoholic beverages by the drink on

1 licensed premises from noon until 10:00 p.m. on Christmas
2 day, except in a local option district in which, pursuant to
3 petition and election under this subsection, a majority of
4 the voters voting on the question votes against continuing
5 such sales or consumption on Christmas day. An election
6 shall be held on the question of whether to continue to allow
7 the sale, service or consumption of alcoholic beverages by
8 the drink on licensed premises from noon until 10:00 p.m. on
9 Christmas day in a local option district, if a petition
10 requesting the governing body of that district to call the
11 election is signed by at least ten percent of the registered
12 voters of the district and is filed with the clerk of the
13 governing body of the district. Upon verification by the
14 clerk that the petition contains the required number of
15 signatures of registered voters, the governing body shall
16 adopt a resolution calling an election on the question of
17 allowing the sale, service or consumption of alcoholic
18 beverages by the drink on licensed premises from noon until
19 10:00 p.m. on Christmas day. The election shall be held
20 within sixty days after the date the petition is verified, or
21 it may be held in conjunction with a regular election of the
22 governing body if that election occurs within sixty days of
23 such verification. The election shall be called, conducted,
24 counted and canvassed in substantially the same manner as
25 provided for general elections in the county under the

1 Election Code or for special municipal elections in a
2 municipality under the Municipal Election Code. If a
3 majority of the voters voting on the question votes against
4 continuing the sale, service or consumption of alcoholic
5 beverages by the drink on licensed premises from noon until
6 10:00 p.m. on Christmas day, then such sales and consumption
7 shall be prohibited. If a majority of the voters voting on
8 the question votes to allow continued sale, service and
9 consumption of alcoholic beverages by the drink on licensed
10 premises from noon until 10:00 p.m. on Christmas day, then
11 such sales and consumption shall be allowed to continue. The
12 question then shall not be submitted again to the voters
13 within two years of the date of the last election on the
14 question.

15 H. Notwithstanding the provisions of Subsection F
16 of this section, any Indian nation, tribe or pueblo whose
17 lands are wholly situated within the state that has, by
18 statute, ordinance or resolution, elected to permit the sale,
19 possession or consumption of alcoholic beverages on lands
20 within the territorial boundaries of the Indian nation, tribe
21 or pueblo may, by statute, ordinance or resolution of the
22 governing body of the Indian nation, tribe or pueblo, permit
23 Sunday sales by the drink on the licensed premises of
24 licensees on lands within the territorial boundaries of the
25 Indian nation, tribe or pueblo; provided that a certified

1 copy of such enactment is filed with the office of the
2 director and with the secretary of state.

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

15 J. If a petition requesting the governing body of
16 a local option district to call an election on the question
17 of continuing to allow sales of alcoholic beverages in
18 unbroken packages for consumption off the licensed premises
19 on Sundays is filed with the clerk of the governing body and
20 that petition is signed by at least ten percent of the number
21 of registered voters of the local option district and the
22 clerk of the governing body verifies the petition signatures,
23 the governing body shall adopt a resolution calling an
24 election on the question. The election shall be held within
25 sixty days of the date that the petition is verified, or it

1 may be held in conjunction with a regular election of the
2 governing body, if the regular election occurs within sixty
3 days of the petition verification. The election shall be
4 called, conducted, counted and canvassed substantially in the
5 manner provided by law for general elections within a county
6 or for special municipal elections within a municipality. If
7 a majority of the voters of the local option district voting
8 in the election votes to allow the sale of alcoholic
9 beverages in unbroken packages for consumption off the
10 licensed premises, then those sales shall continue to be
11 allowed. If a majority of the voters of the local option
12 district voting in the election votes not to allow the Sunday
13 package sales, then those Sunday package sales shall be
14 prohibited commencing the first Sunday after the results of
15 the election are certified. Following the election, the
16 question of allowing the Sunday package sales shall not be
17 submitted again to the voters within two years of the date of
18 the last election on the question.

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

22 SECTION 2. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2017. _____