

1 SENATE BILL 306

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 John Arthur Smith

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10 AN ACT

11 RELATING TO ALCOHOLIC BEVERAGES; PROVIDING FOR WINE AND BEER
12 SALES AT PRIVATE CELEBRATIONS; DEFINING "PRIVATE CELEBRATIONS";
13 ALLOWING WINEGROWER AND SMALL BREWER SUNDAY SALES TO BEGIN AT
14 11:00 A.M.

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

17 SECTION 1. Section 60-6A-11 NMSA 1978 (being Laws 1981,
18 Chapter 39, Section 28, as amended by Laws 2015, Chapter 102,
19 Section 4 and by Laws 2015, Chapter 105, Section 1 and also by
20 Laws 2015, Chapter 124, Section 1) is amended to read:

21 "60-6A-11. WINEGROWER'S LICENSE.--

22 A. A person in this state who produces wine is
23 exempt from the procurement of any other license pursuant to
24 the terms of the Liquor Control Act, but not from the
25 procurement of a winegrower's license. Except during periods

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1 of shortage or reduced availability, at least fifty percent of
2 a winegrower's overall annual production of wine shall be
3 produced from grapes or other agricultural products grown in
4 this state pursuant to rules adopted by the director; provided,
5 however, that, for purposes of determining annual production
6 and compliance with the fifty percent New Mexico grown
7 provision of this subsection, the calculation of a winegrower's
8 overall annual production of wine shall not include the
9 winegrower's production of wine for out-of-state wine producer
10 license holders.

11 B. A person issued a winegrower's license pursuant
12 to this section may do any of the following:

13 (1) manufacture or produce wine, including
14 blending, mixing, flavoring, coloring, bottling and labeling,
15 whether the wine is manufactured or produced for a winegrower
16 or an out-of-state wine producer holding a permit issued
17 pursuant to the Federal Alcohol Administration Act and a valid
18 license in a state that authorizes the wine producer to
19 manufacture, produce, store or sell wine;

20 (2) store, transport, import or export wines;

21 (3) sell wines to a holder of a New Mexico
22 winegrower's, wine wholesaler's, wholesaler's or wine
23 exporter's license or to a winegrower's agent;

24 (4) transport not more than two hundred cases
25 of wine in a calendar year to another location within New

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1 Mexico by common carrier;

2 (5) deal in warehouse receipts for wine;

3 (6) sell wines in other states or foreign
4 jurisdictions to the holders of a license issued under the
5 authority of that state or foreign jurisdiction authorizing
6 the purchase of wine;

7 (7) buy wine or distilled wine products from
8 other persons, including licensees and permittees under the
9 Liquor Control Act, for use in blending, mixing or bottling of
10 wines;

11 (8) buy or otherwise obtain beer from a small
12 brewer for the purposes described in this subsection;

13 (9) conduct wine tastings and sell, by the
14 glass or by the bottle, or sell in unbroken packages for
15 consumption off the premises, but not for resale, wine of the
16 winegrower's own production, wine produced by another New
17 Mexico winegrower on the winegrower's premises or beer produced
18 and bottled by or for a small brewer pursuant to Section
19 [~~60-2A-26.1~~] 60-6A-26.1 NMSA 1978;

20 (10) at no more than three off-premises
21 locations, conduct wine tastings, sell by the glass and sell in
22 unbroken packages for consumption off premises, but not for
23 resale, wine of the winegrower's own production, wine produced
24 by another New Mexico winegrower or beer produced and bottled
25 by or for a small brewer pursuant to Section 60-6A-26.1 NMSA

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1 1978 after the director has determined that the off-premises
2 locations meet the requirements of the Liquor Control Act and
3 the department rules for new liquor license locations;

4 (11) be deemed a manufacturer for purposes of
5 the Gross Receipts and Compensating Tax Act;

6 (12) at public celebrations on or off the
7 winegrower's premises, after the winegrower has paid the
8 applicable fees and been issued the appropriate permit, to
9 conduct wine tastings, sell by the glass or the bottle, or sell
10 in unbroken packages, for consumption off premises, but not for
11 resale, wine produced by or for the winegrower;

12 (13) at private celebrations on or off the
13 winegrower's premises after the winegrower has paid the
14 applicable fees and been issued the appropriate permit, sell:

15 (a) by the glass or bottle, wine
16 produced by or for the winegrower; or

17 (b) by the glass, beer produced by a
18 small brewer pursuant to Section 60-6A-26.1 NMSA 1978;

19 [~~(13)~~] (14) sell wine or cider in a growler
20 for consumption off premises; and

21 [~~(14)~~] (15) in accordance with the provisions
22 of this section that relate to the sale of wine, accept and
23 fulfill an order for wine that is placed via an internet [~~web~~
24 ~~site~~] website, whether the financial transaction related to the
25 order is administered by the licensee or the licensee's agent.

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1 C. Sales of wine or beer as provided for in this
2 section shall be permitted between the hours of 7:00 a.m. and
3 midnight Monday through Saturday, and the holder of a
4 winegrower's license or public celebration permit may conduct
5 wine tastings and sell, by the glass or bottle, or sell in
6 unbroken packages for consumption off premises, but not for
7 resale, wine of the winegrower's own production or beer
8 produced and bottled by or for a small brewer pursuant to
9 Section 60-6A-26.1 NMSA 1978 on the winegrower's premises
10 between the hours of [~~12:00 noon~~] 11:00 a.m. and midnight on
11 Sunday.

12 D. At public and private celebrations on or off the
13 winegrower's premises in any local option district permitting
14 the sale of alcoholic beverages, the holder of a winegrower's
15 license shall pay ten dollars (\$10.00) to the alcohol and
16 gaming division of the regulation and licensing department for
17 a "winegrower's public celebration permit" or a "winegrower's
18 private celebration permit" to be issued under rules adopted by
19 the director. Upon request, the alcohol and gaming division of
20 the regulation and licensing department may issue to a holder
21 of a winegrower's license a public celebration permit for a
22 location at the public celebration that is to be shared with
23 other winegrowers and small brewers. [~~As used in this~~
24 ~~subsection, "public celebration" includes any state or county~~
25 ~~fair, community fiesta, cultural or artistic event, sporting~~

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1 ~~competition of a seasonal nature or activities held on an~~
2 ~~intermittent basis.]~~

3 E. Every application for the issuance or annual
4 renewal of a winegrower's license shall be on a form prescribed
5 by the director and accompanied by a license fee to be computed
6 as follows on the basis of total annual wine produced or
7 blended:

8 (1) less than five thousand gallons per year,
9 twenty-five dollars (\$25.00) per year;

10 (2) between five thousand and one hundred
11 thousand gallons per year, one hundred dollars (\$100) per year;
12 and

13 (3) over one hundred thousand gallons per
14 year, two hundred fifty dollars (\$250) per year.

15 F. As used in this section:

16 (1) "private celebration" means any
17 celebratory activity that is held in a private or public venue
18 not open to the general public and for which attendance is
19 subject to private invitation; and

20 (2) "public celebration" includes any state or
21 county fair, community fiesta, cultural or artistic event,
22 sporting competition of a seasonal nature or activities held on
23 an intermittent basis."

24 SECTION 2. Section 60-6A-26.1 NMSA 1978 (being Laws 1985,
25 Chapter 217, Section 5, as amended by Laws 2015, Chapter 102,

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1 Section 5 and by Laws 2015, Chapter 124, Section 2) is amended
2 to read:

3 "60-6A-26.1. SMALL BREWER'S LICENSE.--

4 A. In a local option district, a person qualified
5 pursuant to the provisions of the Liquor Control Act, except as
6 otherwise provided in the Domestic Winery, Small Brewery and
7 Craft Distillery Act, may apply for and be issued a small
8 brewer's license.

9 B. A small brewer's license authorizes the person
10 to whom it is issued to:

11 (1) manufacture or produce beer;

12 (2) package, label and export beer, whether
13 manufactured, bottled or produced by the licensee or any other
14 person;

15 (3) sell only beer that is packaged by or for
16 the licensee to a person holding a wholesaler's license or a
17 small brewer's license;

18 (4) deal in warehouse receipts for beer;

19 (5) conduct beer tastings and sell for
20 consumption on or off premises, but not for resale, beer
21 produced and bottled by, or produced and packaged for, the
22 licensee, beer produced and bottled by or for another New
23 Mexico small brewer on the small brewer's premises or wine
24 produced by a winegrower pursuant to Section 60-6A-11 NMSA
25 1978;

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1 (6) be deemed a manufacturer for purposes of
2 the Gross Receipts and Compensating Tax Act;

3 (7) at public celebrations off the small
4 brewer's premises, after the small brewer has paid the
5 applicable fee for a small brewer's public celebration permit,
6 conduct tastings and sell by the glass or in unbroken packages,
7 but not for resale, beer produced and bottled by or for the
8 small brewer or wine produced by a winegrower pursuant to
9 Section 60-6A-11 NMSA 1978;

10 (8) at private celebrations on or off the
11 small brewer's premises after the small brewer has paid the
12 applicable fees for a private celebration permit, sell by the
13 glass, beer produced and bottled by or for the small brewer or
14 wine produced by a winegrower pursuant to Section 60-6A-11 NMSA
15 1978;

16 [~~8~~] (9) buy or otherwise obtain wine from a
17 winegrower;

18 [~~9~~] (10) for the purposes described in this
19 subsection, at no more than three other locations off the small
20 brewer's premises, after the small brewer has paid the
21 applicable fee for a small brewer's off-premises permit, after
22 the director has determined that the off-premises locations
23 meet the requirements of the Liquor Control Act and department
24 rules for new liquor license locations and after the director
25 has issued a small brewer's off-premises permit for each off-

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1 premises location, conduct beer tastings and sell by the glass
2 or in unbroken packages for consumption off the small brewer's
3 off-premises location, but not for resale, beer produced and
4 bottled by or for the small brewer, beer produced and bottled
5 by or for another New Mexico small brewer or wine produced by a
6 winegrower pursuant to Section 60-6A-11 NMSA 1978;

7 [~~(10)~~] (11) allow members of the public, on
8 the licensed premises and under the direct supervision of the
9 licensee, to manufacture beer for personal consumption and not
10 for resale using the licensee's equipment and ingredients; and

11 [~~(11)~~] (12) sell beer in a growler for
12 consumption off premises.

13 C. At public and private celebrations on or off the
14 small brewer's premises in a local option district permitting
15 the sale of alcoholic beverages, the holder of a small brewer's
16 license shall pay ten dollars (\$10.00) to the alcohol and
17 gaming division of the regulation and licensing department for
18 a "small brewer's public celebration permit" or a "small
19 brewer's private celebration permit" to be issued under rules
20 adopted by the director. Upon request, the alcohol and gaming
21 division of the regulation and licensing department may issue
22 to a holder of a small brewer's license a public celebration
23 permit for a location at the public celebration that is to be
24 shared with other small brewers and winegrowers. [~~As used in~~
25 ~~this subsection, "public celebration" includes a state or~~

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1 ~~county fair, community fiesta, cultural or artistic event,~~
2 ~~sporting competition of a seasonal nature or activities held on~~
3 ~~an intermittent basis.]~~

4 D. Sales and tastings of beer or wine authorized in
5 this section shall be permitted during the hours set forth in
6 Subsection A of Section 60-7A-1 NMSA 1978 and between the hours
7 of [~~noon~~] 11:00 a.m. and midnight on Sunday and shall conform
8 to the limitations regarding Christmas and voting-day sales
9 found in Section 60-7A-1 NMSA 1978 and the expansion of Sunday
10 sales hours to 2:00 a.m. on January 1, when December 31 falls
11 on a Sunday.

12 E. As used in this section:

13 (1) "private celebration" means any
14 celebratory activity that is held in a private or public venue
15 not open to the general public and for which attendance is
16 subject to private invitation; and

17 (2) "public celebration" includes any state or
18 county fair, community fiesta, cultural or artistic event,
19 sporting competition of a seasonal nature or activities held on
20 an intermittent basis."