

HOUSE BILL 478

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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AN ACT

RELATING TO ALCOHOLIC BEVERAGES; REVISING CRITERIA FOR THE
TRANSFER OF CERTAIN LIQUOR LICENSES.

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

SECTION 1. Section 60-6B-12 NMSA 1978 (being Laws 1981,
Chapter 39, Section 113, as amended) is amended to read:

"60-6B-12. INTER-LOCAL OPTION DISTRICT AND INTER-COUNTY
TRANSFERS.--

A. Dispenser's and retailer's licenses originally
issued before July 1, 1981, except rural dispenser's and rural
retailer's licenses that were replaced by dispenser's licenses
pursuant to Section 60-6B-16 NMSA 1978, and except canopy
licenses replaced by dispenser's licenses pursuant to Section
60-6B-16 NMSA 1978 before calendar year 2017 or after calendar
year 2020, may be transferred to any location within the state,

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1 except class B counties having a population of between fifty-
2 six thousand and fifty-seven thousand according to the 1980
3 federal decennial census and the municipalities located within
4 those class B counties, [~~and any municipality or county that~~
5 ~~prohibits by election the transfer of a license from another~~
6 ~~local option district~~] without regard to the limitations on the
7 maximum number of licenses provided in Section 60-6A-18 NMSA
8 1978, not otherwise contrary to law, subject to the approval of
9 transferring locations of those liquor licenses by the
10 governing body for that location; provided that the
11 requirements of the Liquor Control Act and department
12 regulations for the transfer of licenses are fulfilled; and
13 provided further that:

14 (1) beginning in calendar year 1997, no more
15 than ten dispenser's or retailer's licenses shall be
16 transferred to any local option district in any calendar year;
17 and

18 (2) the dispenser's or retailer's licenses
19 transferred under this section shall count in the computation
20 of the limitation of the maximum number of licenses that may be
21 issued in the future in any local option district as provided
22 in Section 60-6A-18 NMSA 1978 for the purpose of determining
23 whether additional licenses may be issued in the local option
24 district under the provisions of Subsection H of Section
25 60-6B-2 NMSA 1978.

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1 ~~[B. Transfer of location of a liquor license~~
2 ~~pursuant to Subsection A of this section shall become effective~~
3 ~~upon approval of the local governing body, unless within one~~
4 ~~hundred twenty days after the effective date of the Liquor~~
5 ~~Control Act a petition requesting an election on the question~~
6 ~~of approval of statewide transfers of liquor licenses into that~~
7 ~~local option district is filed with the clerk of the local~~
8 ~~option district and the petition is signed by at least five~~
9 ~~percent of the number of registered voters of the district.~~
10 ~~The clerk of the district shall verify the petition signatures.~~
11 ~~If the petition is verified as containing the required number~~
12 ~~of signatures of registered voters, the governing body shall~~
13 ~~adopt a resolution calling an election on the question of~~
14 ~~approving or disapproving statewide transfers of liquor~~
15 ~~licenses into that district. Notice of such election shall be~~
16 ~~published as provided in the Local Election Act, and the~~
17 ~~election shall be held within sixty days after the date the~~
18 ~~petition is verified or it may be held in conjunction with a~~
19 ~~regular election of the governing body if such election occurs~~
20 ~~within sixty days after the date of verification. If a~~
21 ~~majority of the registered voters of the district voting in~~
22 ~~such election votes to approve statewide transfers of liquor~~
23 ~~licenses into the local option district, each license proposing~~
24 ~~to be transferred shall be subject to the approval of the~~
25 ~~governing body. If the voters of the district voting in the~~

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1 ~~election vote against the approval, then all statewide~~
2 ~~transfers of liquor licenses pursuant to Subsection A of this~~
3 ~~section shall be prohibited in that district, unless a petition~~
4 ~~is filed requesting the question be again submitted to the~~
5 ~~voters as provided in this subsection. The question of~~
6 ~~approving or disapproving statewide transfers of liquor~~
7 ~~licenses into the local option district shall not be submitted~~
8 ~~again within two years from the date of the last election on~~
9 ~~the question.~~

10 ~~G.]~~ B. Any dispenser's license transferred pursuant
11 to this section outside its local option district shall ~~[only]~~
12 entitle the licensee to sell, serve or permit the consumption
13 of alcoholic beverages by the drink on the licensed premises;
14 provided that when the local option district to which a license
15 is transferred has fewer than or equal to the maximum number of
16 licenses allowed pursuant to Section 60-6A-18 NMSA 1978, the
17 license shall entitle the licensee to sell, serve or permit the
18 consumption of alcoholic beverages by the drink on the licensed
19 premises and in unbroken packages, including locally produced
20 growlers, for consumption and not for resale off the licensed
21 premises. This subsection shall not apply to any license
22 transferred out of a class B county having a population of
23 between fifty-six thousand and fifty-seven thousand according
24 to the 1980 federal decennial census.

25 ~~[D.]~~ C. Rural dispenser's, rural retailer's and

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1 rural club licenses issued under any former act may be
2 transferred to any ~~[location, subject to the restrictions as to~~
3 ~~location contained in the Liquor Control Act, within the~~
4 ~~unincorporated area of the county in which they are currently~~
5 ~~located; provided that they shall not be transferred to any~~
6 ~~location within ten miles of another licensed premises; and]~~
7 local option district within a county that has fewer than or
8 equal to the maximum number of licenses allowed pursuant to
9 Section 60-6A-18 NMSA 1978; provided [further] that all
10 requirements of the Liquor Control Act and department
11 regulations for the transfer of licenses are fulfilled."

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