

1 SENATE BILL 238

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Sue Wilson Beffort

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10 AN ACT

11 RELATING TO ALCOHOLIC BEVERAGES; PROVIDING FOR CRAFT BREWERS TO
12 HOLD RESTAURANT OR DISPENSER'S AND WHOLESALER'S LICENSES.

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

15 SECTION 1. Section 60-7A-12 NMSA 1978 (being Laws 1981,
16 Chapter 39, Section 78, as amended) is amended to read:

17 "60-7A-12. OFFENSES BY DISPENSERS, CANOPY LICENSEES,
18 RESTAURANT LICENSEES, GOVERNMENTAL LICENSEES OR THEIR LESSEES
19 AND CLUBS.--It is a violation of the Liquor Control Act for any
20 dispenser, canopy licensee, restaurant licensee, governmental
21 licensee or its lessee or club to:

22 A. receive any alcoholic beverages for the purpose
23 [~~of~~] or with the intent of reselling the [~~same~~] alcoholic
24 beverages from any person [~~other than one~~] unless the person is
25 duly licensed to sell alcoholic beverages to dispensers for

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underscored material = new
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1 resale;

2 B. sell; possess for the purpose of sale; or bottle
3 [~~any~~] bulk wine for sale other than by the drink for immediate
4 consumption on [~~his~~] its licensed premises;

5 C. directly, indirectly or through [~~any~~]
6 subterfuge, own, operate or control any interest in [~~any~~] a
7 wholesale liquor establishment or liquor manufacturing or wine
8 bottling firm; provided that this section shall not prevent:

9 (1) a dispenser from owning an interest in
10 [~~any~~] a legal entity, directly or indirectly or through an
11 affiliate, that wholesales alcoholic beverages and that
12 operates or controls an interest in an establishment operating
13 pursuant to the provisions of Subsection B of Section 60-7A-10
14 NMSA 1978; or

15 (2) a small brewer licensed pursuant to the
16 Domestic Winery, Small Brewery and Craft Distillery Act from
17 holding an interest in a legal entity, directly or indirectly
18 or through an affiliate, that holds a restaurant or a
19 dispenser's license and a wholesaler's license issued pursuant
20 to the Liquor Control Act;

21 D. sell or possess for the purpose of sale any
22 alcoholic beverages at any location or place except [~~his~~] its
23 licensed premises or the location permitted pursuant to the
24 provisions of Section 60-6A-12 NMSA 1978;

25 E. employ or engage a person to sell, serve or

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underscored material = new
~~[bracketed material] = delete~~

1 dispense alcoholic beverages if the person has not received
2 alcohol server training within thirty days of employment; or

3 F. employ or engage a person to sell, serve or
4 dispense alcoholic beverages during a period when the server
5 permit of that person is suspended or revoked."

6 SECTION 2. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is July 1, 2015.