

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 238

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

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; PROVIDING FOR SMALL BREWERS
AND WINEGROWERS TO HOLD A RESTAURANT OR DISPENSER'S LICENSE AND
A SMALL BREWER AND WINEGROWER LIMITED WHOLESALE'S LICENSE;
PROVIDING FOR ISSUANCE OF A SMALL BREWER AND WINEGROWER LIMITED
WHOLESALE'S LICENSE.

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

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

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

A. receive any alcoholic beverages for the purpose

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underscored material = new
[bracketed material] = delete

1 [of] or with the intent of reselling the [~~same~~] alcoholic
2 beverages from any person [~~other than one~~] unless the person is
3 duly licensed to sell alcoholic beverages to dispensers for
4 resale;

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

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

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

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

25 D. sell or possess for the purpose of sale any

1 alcoholic beverages at any location or place except [~~his~~] its
 2 licensed premises or the location permitted pursuant to the
 3 provisions of Section 60-6A-12 NMSA 1978;

4 E. employ or engage a person to sell, serve or
 5 dispense alcoholic beverages if the person has not received
 6 alcohol server training within thirty days of employment; or

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

10 SECTION 2. A new section of Chapter 60, Article 6A NMSA
 11 1978 is enacted to read:

12 "[NEW MATERIAL] SMALL BREWER AND WINEGROWER LIMITED
 13 WHOLESALER'S LICENSE.--In any local option district, a small
 14 brewer or a winegrower that is licensed pursuant to the
 15 Domestic Winery, Small Brewery and Craft Distillery Act and
 16 that also holds a restaurant license or a dispenser's license
 17 may apply for and be issued a small brewer and winegrower
 18 limited wholesaler's license. A small brewer that holds a
 19 small brewer and winegrower limited wholesaler's license shall
 20 only sell, offer for sale or ship beer manufactured by the
 21 small brewer. A winegrower that holds a small brewer and
 22 winegrower limited wholesaler's license shall only sell, offer
 23 for sale or ship wine manufactured by the winegrower."

24 SECTION 3. EFFECTIVE DATE.--The effective date of the
 25 provisions of this act is July 1, 2015.

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