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HOUSE BILL 722

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

James G. Taylor

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; ALLOWING CERTAIN SALES OF WINE  
AT WINERY OFF-PREMISES LOCATIONS; PROVIDING FOR IN-STATE  
TRANSPORTATION OF WINE; DECLARING AN EMERGENCY.

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

Section 1. Section 60-6A-11 NMSA 1978 (being Laws 1981,  
Chapter 39, Section 28, as amended by Laws 2001, Chapter 248,  
Section 1 and by Laws 2001, Chapter 260, Section 1) is amended  
to read:

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

A. Exempt from the procurement of any other license  
pursuant to the terms of the Liquor Control Act, but not from  
the procurement of a winegrower's license, is any person in  
this state who produces wine. Except during periods of  
shortage or reduced availability, at least fifty percent of a

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1 winegrower's overall annual production of wine shall be  
2 produced from grapes or other agricultural products grown in  
3 this state pursuant to rules adopted by the director.

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

6 (1) manufacture or produce wine, including  
7 blending, mixing, flavoring, coloring, bottling and labeling,  
8 whether the wine is manufactured or produced by or for the  
9 winegrower;

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

11 (3) sell wines to a holder of a New Mexico  
12 winegrower's, wine wholesaler's, wholesaler's or wine  
13 exporter's license or to a winegrower's agent;

14 (4) transport [~~not more than one hundred cases~~  
15 ~~of~~] wine [~~in a calendar year~~] to another location within New  
16 Mexico by common carrier;

17 (5) deal in warehouse receipts for wine;

18 (6) sell wines in other states or foreign  
19 jurisdictions to the holders of any license issued under the  
20 authority of that state or foreign jurisdiction authorizing  
21 the purchase of wine;

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

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1 (8) conduct wine tastings and sell, by the  
2 glass or by the bottle or sell in unbroken packages for  
3 consumption off the premises but not for resale, wine of his  
4 own production or wine produced by another New Mexico  
5 winegrower on the winegrower's premises;

6 (9) at no more than three off-premises  
7 locations, conduct wine tastings and sell by the glass or sell  
8 in unbroken packages for consumption off the premises, but not  
9 for resale, wine of his own production or wine produced by  
10 another New Mexico winegrower after the director has determined  
11 that the off-premises locations meet the requirements of the  
12 Liquor Control Act and the department rules for new liquor  
13 license locations;

14 (10) be deemed a manufacturer for purposes of  
15 the Gross Receipts and Compensating Tax Act; and

16 (11) at public celebrations on or off the  
17 winegrower's premises, after the winegrower has paid the  
18 applicable fees and been issued the appropriate permit, [~~to~~]  
19 conduct wine tastings, sell by the glass or the bottle or sell  
20 in unbroken packages, for consumption off the premises but not  
21 for resale, wine produced by or for the winegrower.

22 C. Except as limited by Subsection D of Section  
23 60-7A-1 NMSA 1978, sales of wine as provided for in this  
24 section shall be permitted between the hours of 7:00 a.m. and  
25 midnight Monday through Saturday, and the holder of a

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1 winegrower's license or public celebration permit may conduct  
2 wine tastings and sell, by the glass or bottle or in unbroken  
3 packages for consumption off the premises but not for resale,  
4 wine of his own production on the winegrower's premises between  
5 the hours of 12:00 noon and midnight on Sunday.

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

21 E. Every application for the issuance or annual  
22 renewal of a winegrower's license shall be on a form prescribed  
23 by the director and accompanied by a license fee to be computed  
24 as follows on the basis of total annual wine produced or  
25 blended:

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

3 (2) between five thousand and one hundred  
4 thousand gallons per year, one hundred dollars (\$100) per year;  
5 and

6 (3) over one hundred thousand gallons per  
7 year, two hundred fifty dollars (\$250) per year. "

8 Section 2. EMERGENCY.--It is necessary for the public  
9 peace, health and safety that this act take effect immediately.

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