

AN ACT

RELATING TO LIQUOR; ENACTING A NEW SECTION OF THE LIQUOR CONTROL ACT TO ALLOW CUSTOMERS TO REMOVE A PARTIALLY CONSUMED BOTTLE OF WINE FROM A RESTAURANT THAT IS A LICENSED PREMISES.

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

Section 1. A new section of the Liquor Control Act is enacted to read:

"PARTIALLY CONSUMED BOTTLE OF WINE--LICENSED PREMISES.--

A. Notwithstanding any other provision of law, a dispenser, canopy licensee or restaurant licensee may permit a customer of the licensee to remove from the licensed premises one opened bottle of partially consumed wine; provided that:

(1) the customer has purchased a full-course meal and a bottle of wine and consumed a portion of the bottle of wine with the meal on the licensed premises; and

(2) the dispenser, canopy licensee or restaurant licensee or an agent or employee of the dispenser, canopy licensee or restaurant licensee attaches the customer receipt issued for the bottle of wine and reseals the bottle of partially consumed wine by reinserting a cork and sealing the bottle in a tamper-proof bag.

B. When operating a motor vehicle, the customer shall possess and transport the partially consumed bottle of wine in accordance with Section 66-8-138 NMSA 1978."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2007. _____

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