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SENATE BILL 368

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Carlos R. Cisneros

AN ACT

RELATING TO LIQUOR CONTROL; CREATING A SPECIALTY LICENSE FOR  
GIFT SHOPS TO PERMIT SALES OF NEW MEXICO BEER AND WINE IN  
UNBROKEN PACKAGES TO INCREASE TOURIST TRADE.

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

SECTION 1. A new section of Chapter 60, Article 6A NMSA  
1978 is enacted to read:

"~~[NEW MATERIAL]~~ GIFT SHOP LICENSES.--

A. A local option district may approve issuance of  
gift shop licenses in that local option district by holding an  
election on the question "Shall gift shops be permitted to sell  
New Mexico beer and wine in unopened containers for consumption  
off premises in the \_\_\_\_\_ local option district?",  
pursuant to the procedures set out in Section 60-5A-1 NMSA  
1978. The election also may be initiated by a resolution

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1 adopted by the governing body of the local option district  
2 without a petition from registered qualified electors having  
3 been submitted.

4 B. If the majority of electors voting on the  
5 question vote to allow gift shop sales of New Mexico wines and  
6 beers, the governing body of the local option district shall  
7 inform the director that gift shop licenses may be issued in  
8 that local option district.

9 C. A gift shop licensee shall be subject to the  
10 following requirements and restrictions:

11 (1) a person granted a gift shop license:  
12 (a) shall not serve food or beverages,  
13 except as permitted by this section;  
14 (b) shall not own, lease or manage  
15 another license issued pursuant to the Liquor Control Act; and  
16 (c) shall not sell gasoline or other  
17 fuel that is used to power motorized vehicles from the licensed  
18 premises;

19 (2) the premises identified in an application  
20 for a gift shop license shall not be the premises identified  
21 for any other license issued pursuant to the Liquor Control  
22 Act;

23 (3) a gift shop licensee shall submit reports  
24 annually as required by the director, including:

25 (a) gross receipts from the sale of beer

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1 and wine, including separate reporting of sales of beer and  
2 wine shipped from the gift shop licensee's premises by common  
3 carrier; and

4 (b) the total annual gross receipts;

5 (4) gift shop licensees shall only sell beer  
6 and wine in unbroken packages produced in New Mexico by a  
7 licensed winegrower or small brewer that is for consumption off  
8 the licensed premises;

9 (5) a gift shop license shall not be  
10 transferable from person to person or from one location to  
11 another and shall have a term of one year, expiring each June  
12 30 following issuance; and

13 (6) no more than the equivalent of four six-  
14 packs of twelve-ounce containers of beer or twelve seven  
15 hundred fifty milliliter bottles of wine may be sold to any one  
16 customer in one twenty-four-hour period.

17 D. The total annual gross receipts from sales from  
18 the licensed premises and the total gross receipts from the  
19 sale of beer and wine shall be reported in the annual report.  
20 The sales of beer and wine shall not exceed twenty percent of  
21 the total annual gross receipts of the gift shop licensee,  
22 except that gross receipts from sales of beer and wine shipped  
23 from the gift shop licensee's premises by common carrier shall  
24 not be included in the calculation of the twenty percent beer  
25 and wine sales from the licensed premises.

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1           E. If a gift shop licensee that reports sales of  
2 beer and wine in its annual report of greater than twenty  
3 percent of the gift shop licensee's gross receipts, the license  
4 to sell beer and wine, issued pursuant to the Liquor Control  
5 Act, shall be revoked and the gift shop licensee shall not  
6 apply for a new gift shop license for twenty-four months.

7           F. The beer and wine sold on the licensed premises  
8 shall be held at an appropriate temperature for storage and  
9 shall not be chilled, so as not to encourage immediate  
10 consumption.

11           G. The provisions of Section 60-6A-18 NMSA 1978 do  
12 not apply to a gift shop license and shall not be considered by  
13 the director in approving the issuance of a gift shop license.

14           H. Employees of the gift shop licensee shall be  
15 twenty-one years of age or older to sell beer and wine on the  
16 premises of a gift shop licensee.

17           I. Beer and wine shall not be available for  
18 consumption on the premises of a gift shop licensee.

19           J. The initial application for a gift shop license  
20 shall include an application fee of two hundred dollars  
21 (\$200)."

22           **SECTION 2.** Section 60-6A-15 NMSA 1978 (being Laws 1981,  
23 Chapter 39, Section 32, as amended) is amended to read:

24           "60-6A-15. LICENSE FEES.--Every application for the  
25 issuance or renewal of the following licenses shall be

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1 accompanied by a license fee in the following specified  
2 amounts:

3 A. manufacturer's license as a distiller, except a  
4 brandy manufacturer, three thousand dollars (\$3,000);

5 B. manufacturer's license as a brewer, three  
6 thousand dollars (\$3,000);

7 C. manufacturer's license as a rectifier, one  
8 thousand fifty dollars (\$1,050);

9 D. wholesaler's license to sell all alcoholic  
10 beverages for resale only, two thousand five hundred dollars  
11 (\$2,500);

12 E. wholesaler's license to sell spirituous liquors  
13 and wine for resale only, one thousand seven hundred fifty  
14 dollars (\$1,750);

15 F. wholesaler's license to sell spirituous liquors  
16 for resale only, one thousand five hundred dollars (\$1,500);

17 G. wholesaler's license to sell beer and wine for  
18 resale only, one thousand five hundred dollars (\$1,500);

19 H. wholesaler's license to sell beer for resale  
20 only, one thousand dollars (\$1,000);

21 I. wholesaler's license to sell wine for resale  
22 only, seven hundred fifty dollars (\$750);

23 J. retailer's license, one thousand three hundred  
24 dollars (\$1,300);

25 K. dispenser's license, one thousand three hundred

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1 dollars (\$1,300);

2 L. canopy license, one thousand three hundred  
3 dollars (\$1,300);

4 M. restaurant license, one thousand fifty dollars  
5 (\$1,050);

6 N. club license, for clubs with more than two  
7 hundred fifty members, one thousand two hundred fifty dollars  
8 (\$1,250), and for clubs with two hundred fifty members or  
9 fewer, two hundred fifty dollars (\$250);

10 O. wine bottler's license to sell to wholesalers  
11 only, five hundred dollars (\$500);

12 P. public service license, one thousand two hundred  
13 fifty dollars (\$1,250);

14 Q. nonresident licenses, for a total billing to New  
15 Mexico wholesalers:

- 16 (1) in excess of:
- |    |                                   |           |
|----|-----------------------------------|-----------|
| 17 | \$3,000,000 annually . . . . .    | \$10,500; |
| 18 | 1,000,000 annually . . . . .      | 5,250;    |
| 19 | 500,000 annually . . . . .        | 3,750;    |
| 20 | 200,000 annually . . . . .        | 2,700;    |
| 21 | 100,000 annually . . . . .        | 1,800;    |
| 22 | and                               |           |
| 23 | 50,000 annually . . . . .         | 900;      |
| 24 | and                               |           |
| 25 | (2) of \$50,000 or less . . . . . | \$300;    |

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1           R. wine wholesaler's license, for persons with sales  
2 of five thousand gallons of wine per year or less, twenty-five  
3 dollars (\$25.00), and for persons with sales in excess of five  
4 thousand gallons of wine per year, one hundred dollars (\$100);  
5 [~~and~~]

6           S. beer bottler's license, two hundred dollars  
7 (\$200); and

8           T. gift shop license, one thousand three hundred  
9 dollars (\$1,300)."

10           SECTION 3. A new section of Chapter 60, Article 6B NMSA  
11 1978 is enacted to read:

12           "[NEW MATERIAL] SHIPMENT OF DOMESTIC BEER AND WINE BY  
13 CERTAIN LICENSEES.--A holder of a current small brewer's,  
14 retailer's or gift shop license is authorized to ship by common  
15 carrier from its premises beer produced and bottled in New  
16 Mexico by the holder of a small brewer's license and wine  
17 produced and bottled in New Mexico by the holder of a  
18 winegrower's license to those jurisdictions in the United  
19 States that permit the receipt of those shipments by retail  
20 purchasers. A gift shop licensee shall not ship more than the  
21 equivalent of four six-packs of twelve-ounce containers of beer  
22 or twelve seven hundred fifty milliliter bottles of wine to any  
23 address or to any single purchaser in any one twenty-four-hour  
24 period."

25           SECTION 4. EFFECTIVE DATE.--The effective date of the

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1 provisions of this act is July 1, 2011.

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