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HOUSE BILL 489

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

INTRODUCED BY

Dona G. Irwin

AN ACT

RELATING TO LIQUOR CONTROL; REVISING THE LIQUOR CONTROL ACT TO
PROVIDE THAT WINEGROWERS MAY MAKE SALES OF WINE VIA INTERNET
WEB SITES.

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) 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 a person in this
state who produces wine. Except during periods of shortage or
reduced availability, at least fifty percent of a winegrower's
overall annual production of wine shall be produced from grapes
or other agricultural products grown in this state pursuant to

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1 rules adopted by the director; provided, however, that, for
2 purposes of determining annual production and compliance with
3 the fifty percent New Mexico grown provision of this
4 subsection, the calculation of a winegrower's overall annual
5 production of wine shall not include the winegrower's
6 production of wine for out-of-state wine producer license
7 holders.

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

10 (1) manufacture or produce wine, including
11 blending, mixing, flavoring, coloring, bottling and labeling,
12 whether the wine is manufactured or produced for a winegrower
13 or an out-of-state wine producer holding a permit issued by the
14 federal alcohol tax unit of the internal revenue service and a
15 valid license in a state that authorizes the wine producer to
16 manufacture, produce, store or sell wine;

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

18 (3) sell wines to a holder of a New Mexico
19 winegrower's, wine wholesaler's, wholesaler's or wine
20 exporter's license or to a winegrower's agent;

21 (4) transport not more than two hundred cases
22 of wine in a calendar year to another location within New
23 Mexico by common carrier;

24 (5) deal in warehouse receipts for wine;

25 (6) sell wines in other states or foreign

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1 jurisdictions to the holders of a license issued under the
2 authority of that state or foreign jurisdiction authorizing
3 the purchase of wine;

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

8 (8) conduct wine tastings and sell, by the
9 glass or by the bottle or sell in unbroken packages for
10 consumption off the premises but not for resale, wine of the
11 winegrower's own production or wine produced by another New
12 Mexico winegrower on the winegrower's premises;

13 (9) at no more than three off-premises
14 locations, conduct wine tastings, sell by the glass and sell in
15 unbroken packages for consumption off premises, but not for
16 resale, wine of the winegrower's own production or wine
17 produced by another New Mexico winegrower after the director
18 has determined that the off-premises locations meet the
19 requirements of the Liquor Control Act and the department rules
20 for new liquor license locations;

21 (10) be deemed a manufacturer for purposes of
22 the Gross Receipts and Compensating Tax Act; ~~[and]~~

23 (11) at public celebrations on or off the
24 winegrower's premises, after the winegrower has paid the
25 applicable fees and been issued the appropriate permit, to

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1 conduct wine tastings, sell by the glass or the bottle or sell
2 in unbroken packages, for consumption off premises but not for
3 resale, wine produced by or for the winegrower; and

4 (12) in accordance with the provisions of this
5 section that relate to the sale of wine, accept and fulfill an
6 order for wine that is placed via an internet web site, whether
7 the financial transaction related to the order is administered
8 by the licensee or the licensee's agent.

9 C. Sales of wine as provided for in this section
10 shall be permitted between the hours of 7:00 a.m. and midnight
11 Monday through Saturday, and the holder of a winegrower's
12 license or public celebration permit may conduct wine tastings
13 and sell, by the glass or bottle or in unbroken packages for
14 consumption off premises but not for resale, wine of the
15 winegrower's own production on the winegrower's premises
16 between the hours of 12:00 noon and midnight on Sunday.

17 D. At public celebrations off the winegrower's
18 premises in any local option district permitting the sale of
19 alcoholic beverages, the holder of a winegrower's license shall
20 pay ten dollars (\$10.00) to the alcohol and gaming division of
21 the regulation and licensing department for a "winegrower's
22 public celebration permit" to be issued under rules adopted by
23 the director. Upon request, the alcohol and gaming division of
24 the regulation and licensing department may issue to a holder
25 of a winegrower's license a public celebration permit for a

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1 location at the public celebration that is to be shared with
2 other winegrowers and small brewers. As used in this
3 subsection, "public celebration" includes any state or county
4 fair, community fiesta, cultural or artistic event, sporting
5 competition of a seasonal nature or activities held on an
6 intermittent basis.

7 E. Every application for the issuance or annual
8 renewal of a winegrower's license shall be on a form prescribed
9 by the director and accompanied by a license fee to be computed
10 as follows on the basis of total annual wine produced or
11 blended:

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

14 (2) between five thousand and one hundred
15 thousand gallons per year, one hundred dollars (\$100) per year;
16 and

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

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

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