

1 SENATE BILL 454

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Joseph Cervantes

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9  
10 AN ACT

11 RELATING TO LIQUOR CONTROL; ALLOWING SMALL BREWER'S LICENSEES  
12 TO CONDUCT BEER TASTINGS AND SALES AT THREE OFF-PREMISES  
13 LOCATIONS; RECONCILING CONFLICTING AMENDMENTS TO THE SAME  
14 SECTION OF LAW BY REPEALING LAWS 2001, CHAPTER 248, SECTION 2.

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

17 SECTION 1. Section 60-6A-26.1 NMSA 1978 (being Laws 1985,  
18 Chapter 217, Section 5, as amended by Laws 2001, Chapter 248,  
19 Section 2 and by Laws 2001, Chapter 260, Section 2) is amended  
20 to read:

21 "60-6A-26.1. SMALL BREWER'S LICENSE.--

22 A. In ~~[any]~~ a local option district, a person  
23 qualified ~~[under]~~ pursuant to the provisions of the Liquor  
24 Control Act, except as otherwise provided in the Domestic  
25 Winery, ~~[and]~~ Small Brewery and Craft Distillery Act, may apply

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1 for and be issued a small brewer's license.

2 B. A small brewer's license authorizes the person  
3 to whom it is issued to:

4 (1) [~~become a manufacturer or producer of~~]  
5 manufacture or produce beer;

6 (2) package, label and export beer, whether  
7 manufactured, bottled or produced by [~~him~~] the licensee or any  
8 other person;

9 (3) sell only beer that is packaged by or for  
10 [~~him~~] the licensee to a person holding a wholesaler's license  
11 or a small brewer's license;

12 (4) deal in warehouse receipts for beer;

13 (5) conduct beer tastings and sell for  
14 consumption on or off premises, but not for resale, beer  
15 produced and bottled by, or produced and packaged for, the  
16 licensee or produced and bottled by or for another New Mexico  
17 small brewer on the small brewer's premises;

18 (6) be deemed a manufacturer for purposes of  
19 the Gross Receipts and Compensating Tax Act;

20 (7) at public celebrations off the small  
21 brewer's premises, after the small brewer has paid the  
22 applicable fee for a small brewer's public celebration permit,  
23 conduct tastings and sell by the glass or in unbroken packages,  
24 but not for resale, beer produced and bottled by or for the  
25 small brewer;

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1 (8) at no more than [~~two~~] three other  
2 locations off the small brewer's premises, after the small  
3 brewer has paid the applicable fee for a small brewer's off-  
4 premises permit, after the director has determined that the  
5 off-premises locations meet the requirements of the Liquor  
6 Control Act and department rules for new liquor license  
7 locations and after the director has issued a small brewer's  
8 off-premises permit for each off-premises location, conduct  
9 beer tastings and sell by the glass or in unbroken packages for  
10 consumption off the small brewer's off-premises location, but  
11 not for resale, beer produced and bottled by or for the small  
12 brewer or beer produced and bottled by or for another New  
13 Mexico small brewer; and

14 (9) allow members of the public, on the  
15 licensed premises and under the direct supervision of the  
16 licensee, to manufacture beer for personal consumption and not  
17 for resale using the licensee's equipment and ingredients.

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

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

8 D. Sales and tastings of beer authorized in this  
9 section shall be permitted during the hours set forth in  
10 Subsection A of Section 60-7A-1 NMSA 1978 and between the hours  
11 of noon and midnight on Sunday and shall conform to the  
12 limitations regarding Christmas ~~and voting~~ day sales found in  
13 Section 60-7A-1 NMSA 1978 and the expansion of Sunday sales  
14 hours to 2:00 a.m. on January 1, when December 31 falls on a  
15 Sunday."

16 SECTION 2. REPEAL.--Laws 2001, Chapter 248, Section 2 is  
17 repealed.

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