

April 4, 2019

SENATE EXECUTIVE MESSAGE NO. 45

The Honorable Mary Kay Papen, President Pro Tempore and  
Members of the New Mexico State Senate  
State Capitol Building  
Santa Fe, NM 87501

Honorable President Pro Tempore Papen and Members of the Senate:

Pursuant to my authority under Article IV, Section 22 of the New Mexico Constitution, I have vetoed SENATE BILL 494, as amended (“SB 494”), enacted by the Fifty-Fourth Legislature, First Session, 2019.

I am open to the idea of implementing a responsible and workable regime that would allow for deliveries of limited amounts of beer and wine with the input of local option districts. However, SB 494 contains several significant issues which compel me to veto it.

SB 494 violates several fundamental tenets of the Liquor Control Act (“LCA”) by, in effect, creating a fourth tier of the alcohol industry consisting of mobile package liquor stores with an “inventory” purchased from existing stores. First, this would eliminate the distinction between off-premises and on-premises sales by allowing licensees with on-premises licenses to also sell packages by delivery. Second, it would undermine the requirement that on-premises licenses are approved for a specific location. Third, it would violate the prohibition against the resale of alcohol at the retail level by licensees who have not traditionally been permitted to engage in package sales.

I encourage the Legislature to work together with the Regulation and Licensing Department and other affected agencies to address the concerns noted in this Message and to create a clean and workable regulatory framework for beer and wine deliveries for consideration during a future legislative session.

Respectfully yours,

Michelle Lujan Grisham  
Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: \_\_\_\_\_ a.m. p.m.

Date: \_\_\_\_\_ 2019

By \_\_\_\_\_  
Secretary of State

Time: \_\_\_\_\_ a.m. p.m.

Date: \_\_\_\_\_ 2019

By \_\_\_\_\_  
Chief Clerk of the Senate