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HOUSE BILL 151

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Patricio Ruiloba

AN ACT

RELATING TO LIQUOR CONTROL; AMENDING SECTIONS OF THE LIQUOR CONTROL ACT TO ALLOW MINORS WHO ARE LICENSED UNDER THE NEW MEXICO COMMERCIAL DRIVERS LICENSE ACT TO DELIVER PACKAGED ALCOHOLIC BEVERAGES.

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

SECTION 1. Section 60-7B-10 NMSA 1978 (being Laws 1981, Chapter 39, Section 90, as amended) is amended to read:

"60-7B-10. MINORS IN LICENSED PREMISES--REGULATIONS.--

A. Any person licensed pursuant to the provisions of the Liquor Control Act or any employee, agent or lessee of that person who permits a minor to enter and remain in any area of a licensed premises that is prohibited to the use of minors is guilty of a violation of the Liquor Control Act.

B. A minor shall not enter or attempt to enter any

underscoring material = new
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1 area of a licensed premises that is posted or otherwise
2 identified as being prohibited to the use of minors, except as
3 authorized by regulation or as necessitated by an emergency. A
4 person who violates the provisions of this subsection is guilty
5 of a petty misdemeanor and shall be punished pursuant to the
6 provisions of Section 31-19-1 NMSA 1978.

7 C. The director of the alcohol and gaming division
8 of the regulation and licensing department shall adopt
9 regulations classifying the types of licensed premises or areas
10 of licensed premises where minors may be present. The director
11 shall require that signs issued by the division be posted by
12 licensees to inform the public, including minors, of the areas
13 in licensed premises that are open to minors. The regulations
14 may allow minors in those areas of licensed premises where:

15 (1) the consumption of alcoholic beverages is
16 the primary activity, when a minor is accompanied by a parent,
17 adult spouse or legal guardian; [~~or~~]

18 (2) there is no consumption of alcoholic
19 beverages; or

20 (3) the minor is at least eighteen years of
21 age and licensed under the New Mexico Commercial Driver's
22 License Act and is making a delivery of packaged alcoholic
23 beverages to a holder of a dispenser's, restaurant or club
24 license."

25 SECTION 2. Section 60-7B-11 NMSA 1978 (being Laws 1981,

.211246.2

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1 Chapter 39, Section 91, as amended) is amended to read:

2 "60-7B-11. EMPLOYMENT OF MINORS.--

3 A. Except as provided in Subsection B or C of this
4 section, it is a violation of the Liquor Control Act for any
5 person licensed pursuant to the provisions of the Liquor
6 Control Act or for any employee, agent or lessee of that person
7 knowingly to employ or use the service of any minor in the sale
8 and service of alcoholic beverages.

9 B. A person holding a dispenser's, restaurant or
10 club license may employ persons nineteen years of age or older
11 to sell or serve alcoholic beverages in an establishment that
12 is held out to the public as a place where meals are prepared
13 and served and the primary source of revenue is food, and where
14 the sale or consumption of alcoholic beverages is not the
15 primary activity, except that a person under [~~the age of 21~~]
16 twenty-one years of age shall not be employed as a bartender.

17 C. A person holding a wholesaler's license may
18 employ persons eighteen years of age or older who are licensed
19 pursuant to the New Mexico Commercial Driver's License Act to
20 engage in activities customary to warehouse operations and to
21 handle and deliver alcoholic beverages to licensees holding a
22 dispenser's, retailer's, restaurant, club, small brewer,
23 winegrower, craft distiller, manufacturer's, rectifier or any
24 other license that allows for the purchase and delivery of
25 alcoholic beverages by a licensed wholesaler, as long as the

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1 minor delivers sealed, unbroken packages, including containers
2 such as bottles, cans and kegs. A person under the age of
3 twenty-one shall not be allowed to sample alcoholic beverages
4 to accounts."

5 SECTION 3. EFFECTIVE DATE.--The effective date of the
6 provisions of this act is July 1, 2019.

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