

State of New Mexico
Senate

FIFTY-FIFTH LEGISLATURE
FIRST SESSION

March 9, 2021

SENATE FLOOR AMENDMENT number / to HOUSE TAXATION AND REVENUE
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 255, as amended

Amendment sponsored by Senator Daniel A. Ivey-Soto

1. On page 9, strike lines 3 through 10 in their entirety and insert in lieu thereof the following new subsection:

"A. A person otherwise qualified pursuant to the provisions of the Liquor Control Act may apply for and the department may issue an alcoholic beverage delivery permit authorizing the person to deliver alcoholic beverages if the applicant holds a valid retailer's, dispenser's, craft distiller's, winegrower's, small brewer's or restaurant license; provided, however, that if the licensed premises has indoor retail space greater than ten thousand square feet in size and is located within a class A county, the department may issue an alcoholic beverage delivery permit if:

(1) the license holder uses an identification verification system that meets the department's requirements to establish that the identification of the purchaser was checked, scanned and stored for each delivery transaction;

(2) no spirituous liquors are included in deliveries of alcoholic beverages;

(3) the liquor liability endorsement required pursuant to Paragraph (2) of Subsection H of this section is in an amount of not less than five million dollars (\$5,000,000); and

(4) deliveries of alcoholic beverages are not made using a third-party alcohol delivery service pursuant to Subsection G of this section."

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2. On page 26, between lines 8 and 9, insert the following new paragraphs:

"(5) all sales, service and consumption of beer, wine and spirituous liquors authorized by a restaurant B license shall cease at the time food sales and services cease or at 11:00 p.m., whichever time is earlier;

(6) a restaurant B licensee shall serve a single patron no more than three drinks containing not more than one and one-half ounces of spirituous liquor during any one visit to the restaurant;"

3. Renumber the succeeding paragraphs accordingly.

4. On page 65, line 22, strike "It" and insert in lieu thereof "Except for deliveries of alcoholic beverages pursuant to Section 4 of this 2021 act, it".

5. On page 66, line 13, strike "It" and insert in lieu thereof "Except for deliveries of alcoholic beverages pursuant to Section 4 of this 2021 act, it".

6. On page 68, between lines 9 and 10, insert the following new section:

"SECTION 34. Section 60-6B-10 NMSA 1978 (being Laws 1981, Chapter 39, Section 45, as amended) is amended to read:

"60-6B-10. LOCATIONS NEAR CHURCH OR SCHOOL--RESTRICTIONS ON LICENSING.--No license shall be issued by the director for the sale of alcoholic beverages at a licensed premises where alcoholic beverages were not sold prior to July 1, 1981 that is within three hundred feet of ~~any~~ a church or school. A license may be granted for a proposed licensed premises if the owner or lessee has, prior to establishment of a church or school located within three hundred

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feet of the proposed licensed premises, applied for, been granted and maintained a valid building permit for the construction or renovation of the proposed licensed premises and has filed on a form prescribed by the director a notice of intention to apply for transfer of a license to the proposed licensed premises. A license may be granted for a proposed licensed premises if a person has obtained a waiver from a local option district governing body for the proposed licensed premises. A license may be granted for a proposed licensed premises if a person has obtained a restaurant A license or a restaurant B license pursuant to Section 60-6A-4 NMSA 1978. For the purposes of this section, all measurements taken in order to determine the location of licensed premises in relation to churches or schools shall be the straight line distance from the property line of the licensed premises to the property line of the church or school. This provision shall not apply to ~~[any]~~ a church that has been designated as ~~[an]~~ a historical site by the cultural properties review committee and ~~[which]~~ that does not have a regular congregation."".

7. Renumber the succeeding sections accordingly.
8. On page 68, line 11, strike "60-6B-10,".
9. On page 68, line 13, strike "Sections 45 and" and insert in lieu thereof "Section".

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Daniel A. Ivey-Soto

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____