

1 SENATE BILL 378

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 William E. Sharer

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10 AN ACT

11 RELATING TO TAXATION; AMENDING THE LIQUOR EXCISE TAX ACT TO
12 ALTER RATES OF THE LIQUOR EXCISE TAX.

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

15 SECTION 1. Section 7-17-5 NMSA 1978 (being Laws 1993,
16 Chapter 65, Section 8, as amended) is amended to read:

17 "7-17-5. IMPOSITION AND RATE OF LIQUOR EXCISE TAX.--

18 A. There is imposed on a wholesaler who sells
19 alcoholic beverages on which the tax imposed by this section
20 has not been paid an excise tax, to be referred to as the
21 "liquor excise tax", at the following rates on alcoholic
22 beverages sold:

23 (1) on spirituous liquors, except as provided
24 in Paragraph (9) of this subsection, [~~one dollar sixty cents~~
25 ~~(\$1.60)~~] one dollar ninety-two cents (\$1.92) per liter;

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1 (2) on beer, except as provided in
2 Paragraph (5) of this subsection, [~~forty-one cents (\$.41)~~]
3 forty-nine cents (\$.49) per gallon;

4 (3) on wine, except as provided in Paragraphs
5 (4) and (6) of this subsection, [~~forty-five cents (\$.45)~~]
6 fifty-four cents (\$.54) per liter;

7 (4) on fortified wine, [~~one dollar fifty cents~~
8 ~~(\$1.50)~~] one dollar eighty cents (\$1.80) per liter;

9 (5) on beer manufactured or produced by a
10 microbrewer and sold in this state, provided that proof is
11 furnished to the department that the beer was manufactured or
12 produced by a microbrewer, eight cents (\$.08) per gallon on the
13 first thirty thousand barrels sold, twenty-eight cents (\$.28)
14 per gallon for all barrels sold over thirty thousand barrels
15 but less than sixty thousand barrels and forty-one cents (\$.41)
16 per gallon for sixty thousand or more barrels sold;

17 (6) on wine manufactured or produced by a
18 small winegrower and sold in this state, provided that proof is
19 furnished to the department that the wine was manufactured or
20 produced by a small winegrower:

21 (a) ten cents (\$.10) per liter on the
22 first eighty thousand liters sold;

23 (b) twenty cents (\$.20) per liter on
24 each liter sold over eighty thousand liters but not over nine
25 hundred fifty thousand liters; and

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1 (c) thirty cents (\$.30) per liter on
2 each liter sold over nine hundred fifty thousand liters but not
3 over one million five hundred thousand liters;

4 (7) on cider, except as provided in Paragraph
5 (8) of this subsection, [~~forty-one cents (\$.41)~~] forty-nine
6 cents (\$.49) per gallon;

7 (8) on cider manufactured or produced by a
8 small winegrower and sold in this state, provided that proof is
9 furnished to the department that the cider was manufactured or
10 produced by a small winegrower, eight cents (\$.08) per gallon
11 on the first thirty thousand barrels sold, twenty-eight cents
12 (\$.28) per gallon for all barrels sold over thirty thousand
13 barrels but less than sixty thousand barrels and forty-one
14 cents (\$.41) per gallon for sixty thousand or more barrels
15 sold; and

16 (9) on spirituous liquors manufactured or
17 produced by a craft distiller licensed pursuant to Section
18 60-6A-6.1 NMSA 1978, provided that proof is provided to the
19 department that the spirituous liquors were manufactured or
20 produced by a craft distiller, for products up to ten percent
21 alcohol by volume, eight cents (\$.08) per liter for the first
22 two hundred fifty thousand liters sold and twenty-eight cents
23 (\$.28) per liter for the next two hundred fifty thousand liters
24 sold and for products over ten percent alcohol by volume,
25 thirty-two cents (\$.32) per liter on the first one hundred

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1 seventy-five thousand liters sold and sixty-five cents (\$.65)
2 per liter on the next two hundred thousand liters sold.

3 B. The volume of wine transferred from one
4 winegrower to another winegrower for processing, bottling or
5 storage and subsequent return to the transferor shall be
6 excluded pursuant to Section 7-17-6 NMSA 1978 from the taxable
7 volume of wine of the transferee. Wine transferred from an
8 initial winegrower to a second winegrower remains a tax
9 liability of the transferor, provided that if the wine is
10 transferred to the transferee for the transferee's use or for
11 resale, the transferee then assumes the liability for the tax
12 due pursuant to this section.

13 C. A transfer of wine from a winegrower to a
14 wholesaler for distribution of the wine transfers the liability
15 for payment of the liquor excise tax to the wholesaler upon the
16 sale of the wine by the wholesaler."

17 SECTION 2. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is July 1, 2025.