

AN ACT

RELATING TO LIQUOR LICENSE FEES; IMPOSING A FEE FOR A SMALL BREWER'S OFF-PREMISES PERMIT; CREATING AN OFF-PREMISES PERMIT; DECLARING AN EMERGENCY.

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

Section 1. Section 60-6A-26.1 NMSA 1978 (being Laws 1985, Chapter 217, Section 5, as amended) is amended to read:

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

A. In any local option district, a person qualified under the provisions of the Liquor Control Act, except as otherwise provided in the Domestic Winery and Small Brewery Act, may apply for and be issued a small brewer's license.

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

(1) become a manufacturer or producer of beer;

(2) package, label and export beer, whether manufactured, bottled or produced by him or any other person;

(3) sell only beer that is packaged by or for him to a person holding a wholesaler's license or a small brewer's license;

(4) deal in warehouse receipts for beer;

(5) conduct beer tastings and sell for consumption on or off premises, but not for resale, beer produced and bottled by, or produced and packaged for, the licensee on the small brewer's premises;

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

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

(8) at no more than two other locations off the small brewer's premises, after the small brewer has paid the applicable fee for a small brewer's off-premises permit, after the director has determined that the off-premises locations meet the requirements of the Liquor Control Act and department regulations for new liquor license locations and after the director has issued a small brewer's off-premises permit for each off-premises location, conduct beer tastings and sell by the glass or in unbroken packages for consumption off the small brewer's off-premises location, but not for resale, beer produced and bottled by or for the small brewer; and

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

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

Section 2. Section 60-6A-27 NMSA 1978 (being Laws 1983, Chapter 280, Section 8, as amended) is amended to read:

"60-6A-27. LICENSE FEES. -- Every application for the issuance or annual renewal of the following licenses and permits shall be accompanied by a license fee or permit fee in the following specified amounts:

A. brandy manufacturer's license, seven hundred fifty dollars (\$750);

B. small brewer's license, seven hundred fifty dollars (\$750);

C. winer's license, seven hundred fifty dollars

(\$750);

D. wine blender's license, seven hundred fifty dollars (\$750);

E. wine exporter's license, five hundred dollars (\$500);

F. winer's off-premises permit, two hundred dollars (\$200) for each off-premises location;

G. winer's public celebrations permit, ten dollars (\$10.00) for each public celebration;

H. small brewer's public celebrations permit, ten dollars (\$10.00) for each public celebration; and

I. small brewer's off-premises permit, two hundred dollars (\$200) for each off-premises location."

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect

immediately. \_\_\_\_\_