

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 558

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

INTRODUCED BY

Joseph Carraro

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; MAKING IT A VIOLATION OF THE LIQUOR CONTROL ACT FOR A RETAILER OR DISPENSER TO SELL OR SUPPLY ALCOHOLIC BEVERAGES IN UNBROKEN PACKAGES THAT HAVE BEEN REFRIGERATED, FOR CONSUMPTION OFF THE LICENSED PREMISES; AMENDING SECTIONS OF THE LIQUOR CONTROL ACT.

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

Section 1. Section 60-7A-11 NMSA 1978 (being Laws 1981, Chapter 39, Section 77, as amended) is amended to read:

"60-7A-11. OFFENSES BY RETAILERS.--It is a violation of the Liquor Control Act for any retailer to:

A. allow or permit any alcoholic beverages to be consumed on his licensed premises;

B. maintain or keep in close proximity to the licensed premises any place for the consumption of alcoholic

underscored material = new  
[bracketed material] = del ete

underscored material = new  
[bracketed material] = delete

1 beverages purchased from him;

2 C. sell any alcoholic beverages at any place other  
3 than his licensed premises;

4 D. sell, possess for the purpose of sale or to  
5 have, possess or keep on his licensed premises alcoholic  
6 beverages not contained in the unopened, original package;

7 E. buy or receive any alcoholic beverages from any  
8 person other than a duly licensed New Mexico wholesaler or  
9 wine wholesaler for the purpose of or with the intent of re-  
10 selling the alcoholic beverages; [~~or~~]

11 F. directly, indirectly or through any subterfuge  
12 own, operate or control any interest in any wholesale liquor  
13 establishment or liquor manufacturing or wine bottling firm;  
14 provided that this subsection shall not prevent a retailer  
15 from owning stock in any corporation which wholesales,  
16 manufactures or bottles alcoholic beverages when he owns the  
17 stock for investment purposes only; or

18 G. sell or supply alcoholic beverages in unbroken  
19 packages that have been refrigerated or otherwise cooled, for  
20 consumption off the licensed premises. "

21 Section 2. Section 60-7A-12 NMSA 1978 (being Laws 1981,  
22 Chapter 39, Section 78, as amended) is amended to read:

23 "60-7A-12. OFFENSES BY DISPENSERS, CANOPY LICENSEES,  
24 RESTAURANT LICENSEES, GOVERNMENTAL LICENSEES OR THEIR LESSEES  
25 AND CLUBS. --

. 125972. 2

underscored material = new  
[bracketed material] = delete

1           A. It is a violation of the Liquor Control Act for  
2 any dispenser, canopy licensee, restaurant licensee,  
3 governmental licensee or its lessee or club to:

4                   [~~A.~~] (1) receive any alcoholic beverages for  
5 the purpose of or with the intent of reselling the same from  
6 any person other than one duly licensed to sell alcoholic  
7 beverages to dispensers for resale;

8                   [~~B.~~] (2) sell, possess for the purpose of  
9 sale or to bottle any bulk wine for sale other than by the  
10 drink for immediate consumption on his licensed premises;

11                   [~~C.~~] (3) directly, indirectly or through any  
12 subterfuge own, operate or control any interest in any  
13 wholesale liquor establishment or liquor manufacturing or wine  
14 bottling firm; provided that this section shall not prevent a  
15 dispenser from owning an interest in any legal entity,  
16 directly or indirectly or through an affiliate, that  
17 wholesales alcoholic beverages and that operates or controls  
18 an interest in an establishment operating under the provisions  
19 of Subsection B of Section 60-7A-10 NMSA 1978; or

20                   [~~D.~~] (4) sell or possess for the purpose of  
21 sale any alcoholic beverages at any location or place except  
22 his licensed premises or the location permitted under Section  
23 60-6A-12 NMSA 1978.

24           B. It is a violation of the Liquor Control Act for  
25 any dispenser to sell or supply alcoholic beverages in

underscored material = new  
~~[bracketed material] = delete~~

1 unbroken packages that have been refrigerated or otherwise  
2 cooled, for consumption off the licensed premises. "

3 - 4 -  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25