

1 HOUSE BILL 315

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Andy Nuñez

5
6
7
8
9
10 AN ACT

11 RELATING TO LICENSING; CLARIFYING THAT FACILITIES OF A
12 WINEGROWER MAY BE USED TO PRODUCE WINE FOR OTHER WINEGROWERS.

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 60-6A-11 NMSA 1978 (being Laws 1981,
16 Chapter 39, Section 28, as amended) is amended to read:

17 "60-6A-11. WINEGROWER'S LICENSE.--

18 A. Exempt from the procurement of any other license
19 pursuant to the terms of the Liquor Control Act, but not from
20 the procurement of a winegrower's license, is ~~[any]~~ a person in
21 this state who produces wine. Except during periods of
22 shortage or reduced availability, at least fifty percent of a
23 winegrower's overall annual production of wine shall be
24 produced from grapes or other agricultural products grown in
25 this state pursuant to rules adopted by the director.

.183371.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 B. A person issued a winegrower's license pursuant
2 to this section may do any of the following:

3 (1) manufacture or produce wine on a
4 winegrower's premises, including blending, mixing, flavoring,
5 coloring, bottling and labeling, whether the wine is
6 manufactured or produced [~~by or~~] for [~~the~~] a winegrower in this
7 or another state;

8 (2) store, transport, import or export wines;

9 (3) sell wines to a holder of a New Mexico
10 winegrower's, wine wholesaler's, wholesaler's or wine
11 exporter's license or to a winegrower's agent;

12 (4) transport not more than two hundred cases
13 of wine in a calendar year to another location within New
14 Mexico by common carrier;

15 (5) deal in warehouse receipts for wine;

16 (6) sell wines in other states or foreign
17 jurisdictions to the holders of [~~any~~] a license issued under
18 the authority of that state or foreign jurisdiction authorizing
19 the purchase of wine;

20 (7) buy wine or distilled wine products from
21 other persons, including licensees and permittees under the
22 Liquor Control Act, for use in blending, mixing or bottling of
23 wines;

24 (8) conduct wine tastings and sell, by the glass
25 or by the bottle or sell in unbroken packages for consumption off

underscored material = new
[bracketed material] = delete

1 the premises but not for resale, wine of [~~his~~] the winegrower's
2 own production or wine produced by another New Mexico winegrower
3 on the winegrower's premises;

4 (9) at no more than three off-premises
5 locations, conduct wine tastings, sell by the glass and sell in
6 unbroken packages for consumption off premises, but not for
7 resale, wine of [~~his~~] the winegrower's own production or wine
8 produced by another New Mexico winegrower after the director has
9 determined that the off-premises locations meet the requirements
10 of the Liquor Control Act and the department rules for new liquor
11 license locations;

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

14 (11) at public celebrations on or off the
15 winegrower's premises, after the winegrower has paid the
16 applicable fees and been issued the appropriate permit, to
17 conduct wine tastings, sell by the glass or the bottle or sell in
18 unbroken packages, for consumption off premises but not for
19 resale, wine produced by or for the winegrower.

20 C. Sales of wine as provided for in this section shall
21 be permitted between the hours of 7:00 a.m. and midnight Monday
22 through Saturday, and the holder of a winegrower's license or
23 public celebration permit may conduct wine tastings and sell, by
24 the glass or bottle or in unbroken packages for consumption off
25 premises but not for resale, wine of [~~his~~] the winegrower's own

.183371.1

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

1 production on the winegrower's premises between the hours of
2 12:00 noon and midnight on Sunday.

3 D. At public celebrations off the winegrower's
4 premises in any local option district permitting the sale of
5 alcoholic beverages, the holder of a winegrower's license shall
6 pay ten dollars (\$10.00) to the alcohol and gaming division of
7 the regulation and licensing department for a "winegrower's
8 public celebration permit" to be issued under rules adopted by
9 the director. Upon request, the alcohol and gaming division of
10 the regulation and licensing department may issue to a holder of
11 a winegrower's license a public celebration permit for a location
12 at the public celebration that is to be shared with other
13 winegrowers and small brewers. As used in this subsection,
14 "public celebration" includes any state or county fair, community
15 fiesta, cultural or artistic event, sporting competition of a
16 seasonal nature or activities held on an intermittent basis.

17 E. Every application for the issuance or annual
18 renewal of a winegrower's license shall be on a form prescribed
19 by the director and accompanied by a license fee to be computed
20 as follows on the basis of total annual wine produced or blended:

21 (1) less than five thousand gallons per year,
22 twenty-five dollars (\$25.00) per year;

23 (2) between five thousand and one hundred
24 thousand gallons per year, one hundred dollars (\$100) per year;
25 and

.183371.1

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

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

(3) over one hundred thousand gallons per year,
two hundred fifty dollars (\$250) per year."

- 5 -