

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 603

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
CREATING A SMALL GROCER'S LICENSE FOR THE PACKAGE SALE OF BEER
AND WINE.

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

SECTION 1. A new section of the Liquor Control Act is
enacted to read:

"[NEW MATERIAL] SMALL GROCER'S LICENSE.--

A. As used in this section:

(1) "groceries" means staple foodstuffs,
meats, produce, dairy products and household supplies; and

(2) "small grocer" means an establishment
having a New Mexico resident as a proprietor or manager that is
held out as a place where groceries are sold to the public and
that is contained in a structure that will become the licensed

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1 premises that has a floor plan of no more than seven thousand
2 five hundred square feet.

3 B. In a local option district, a person may apply
4 for and be issued, after submitting an application prescribed
5 by the director and meeting all the requirements of the Liquor
6 Control Act, a small grocer's license to permit the sale of
7 beer and wine in unbroken packages for consumption off the
8 licensed premises and not for resale subject to the following
9 conditions:

10 (1) the person shall submit evidence to the
11 director that the person has the necessary licenses or permits
12 to operate as a small grocer;

13 (2) the person shall satisfy the director that
14 the primary source of revenue from the operation as a small
15 grocer will be derived from the sale of groceries and not from
16 the sale of beer and wine;

17 (3) the person may renew the license annually,
18 and the director shall condition renewal upon a requirement
19 that no less than fifty percent of gross receipts from the
20 preceding twelve months' operation of the small grocer was
21 derived from the sale of groceries;

22 (4) upon application for renewal, the person
23 shall submit an annual report to the director indicating the
24 annual gross receipts from the sale of groceries and from the
25 sale of beer and wine;

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1 (5) the sale of beer and wine shall end at the
2 time the sale of groceries ends or at 11:00 p.m., whichever
3 time is earlier;

4 (6) if Sunday sales have been approved in the
5 local option district, the license shall permit, subject to
6 Section 60-7A-1 NMSA 1978, the sale of beer and wine on Sundays
7 until the time the sale of groceries ends or at 11:00 p.m.,
8 whichever time is earlier;

9 (7) the license shall not be transferable from
10 person to person or from one location to another, and whenever
11 a licensee ceases to operate as a small grocer at the licensed
12 premises, the director shall cancel the license;

13 (8) the provisions of Section 60-6A-18 NMSA
14 1978 shall not apply to a small grocer's license; and

15 (9) except as otherwise specifically provided
16 in this section for a small grocer's license, a small grocer's
17 license is subject to the Liquor Control Act in the same manner
18 as a retailer's license.

19 C. Nothing in this section shall prevent a small
20 grocer licensee from receiving other licenses pursuant to the
21 Liquor Control Act."

22 SECTION 2. Section 60-6A-15 NMSA 1978 (being Laws 1981,
23 Chapter 39, Section 32, as amended) is amended to read:

24 "60-6A-15. LICENSE FEES.--Every application for the
25 issuance or renewal of the following licenses shall be

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1 accompanied by a license fee in the following specified
2 amounts:

3 A. manufacturer's license as a distiller, except a
4 brandy manufacturer, three thousand dollars (\$3,000);

5 B. manufacturer's license as a brewer, three
6 thousand dollars (\$3,000);

7 C. manufacturer's license as a rectifier, one
8 thousand fifty dollars (\$1,050);

9 D. wholesaler's license to sell all alcoholic
10 beverages for resale only, two thousand five hundred dollars
11 (\$2,500);

12 E. wholesaler's license to sell spirituous liquors
13 and wine for resale only, one thousand seven hundred fifty
14 dollars (\$1,750);

15 F. wholesaler's license to sell spirituous liquors
16 for resale only, one thousand five hundred dollars (\$1,500);

17 G. wholesaler's license to sell beer and wine for
18 resale only, one thousand five hundred dollars (\$1,500);

19 H. wholesaler's license to sell beer for resale
20 only, one thousand dollars (\$1,000);

21 I. wholesaler's license to sell wine for resale
22 only, seven hundred fifty dollars (\$750);

23 J. retailer's license, one thousand three hundred
24 dollars (\$1,300);

25 K. small grocer's license, seven hundred fifty

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1 dollars (\$750);

2 ~~[K.]~~ L. dispenser's license, one thousand three
3 hundred dollars (\$1,300);

4 ~~[H.]~~ M. canopy license, one thousand three hundred
5 dollars (\$1,300);

6 ~~[M.]~~ N. restaurant license, one thousand fifty
7 dollars (\$1,050);

8 ~~[N.]~~ O. club license, for clubs with more than two
9 hundred fifty members, one thousand two hundred fifty dollars
10 (\$1,250), and for clubs with two hundred fifty members or
11 fewer, two hundred fifty dollars (\$250);

12 ~~[O.]~~ P. wine bottler's license to sell to
13 wholesalers only, five hundred dollars (\$500);

14 ~~[P.]~~ Q. public service license, one thousand two
15 hundred fifty dollars (\$1,250);

16 ~~[Q.]~~ R. nonresident licenses, for a total billing
17 to New Mexico wholesalers:

- 18 (1) in excess of:
- 19 \$3,000,000 annually \$10,500;
- 20 1,000,000 annually 5,250;
- 21 500,000 annually 3,750;
- 22 200,000 annually 2,700;
- 23 100,000 annually 1,800;

24 and

25 50,000 annually 900;

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1 and

2 (2) of \$50,000 or less \$300;

3 [~~R-~~] S. wine wholesaler's license, for persons with
4 sales of five thousand gallons of wine per year or less,
5 twenty-five dollars (\$25.00), and for persons with sales in
6 excess of five thousand gallons of wine per year, one hundred
7 dollars (\$100); and

8 [~~S-~~] T. beer bottler's license, two hundred dollars
9 (\$200)."

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