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AN ACT

RELATING TO ALCOHOLIC BEVERAGES; REVISING THE LIQUOR CONTROL ACT TO CREATE RETAIL RECIPROCITY BETWEEN SMALL BREWERS AND WINEGROWERS; RECONCILING CONFLICTING AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2001 BY REPEALING LAWS 2001, CHAPTER 248, SECTION 2.

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

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

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

A. A person in this state who produces wine is exempt from the procurement of any other license pursuant to the terms of the Liquor Control Act, but not from the procurement of a winegrower's license. Except during periods of shortage or reduced availability, at least fifty percent of a winegrower's overall annual production of wine shall be produced from grapes or other agricultural products grown in this state pursuant to rules adopted by the director; provided, however, that, for purposes of determining annual production and compliance with the fifty percent New Mexico grown provision of this subsection, the calculation of a winegrower's overall annual production of wine shall not include the winegrower's production of wine for out-of-state wine producer license holders.

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, including  
4 blending, mixing, flavoring, coloring, bottling and labeling,  
5 whether the wine is manufactured or produced for a winegrower  
6 or an out-of-state wine producer holding a permit issued  
7 pursuant to the Federal Alcohol Administration Act and a  
8 valid license in a state that authorizes the wine producer to  
9 manufacture, produce, store or sell wine;

10                   (2) store, transport, import or export  
11 wines;

12                   (3) sell wines to a holder of a New Mexico  
13 winegrower's, wine wholesaler's, wholesaler's or wine  
14 exporter's license or to a winegrower's agent;

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

18                   (5) deal in warehouse receipts for wine;

19                   (6) sell wines in other states or foreign  
20 jurisdictions to the holders of a license issued under the  
21 authority of that state or foreign jurisdiction authorizing  
22 the purchase of wine;

23                   (7) buy wine or distilled wine products from  
24 other persons, including licensees and permittees under the  
25 Liquor Control Act, for use in blending, mixing or bottling

1 of wines;

2 (8) buy or otherwise obtain beer from a  
3 small brewer for the purposes described in this subsection;

4 (9) conduct wine tastings and sell, by the  
5 glass or by the bottle, or sell in unbroken packages for  
6 consumption off the premises, but not for resale, wine of the  
7 winegrower's own production, wine produced by another New  
8 Mexico winegrower on the winegrower's premises or beer  
9 produced and bottled by or for a small brewer pursuant to  
10 Section 60-2A-26.1 NMSA 1978;

11 (10) at no more than three off-premises  
12 locations, conduct wine tastings, sell by the glass and sell  
13 in unbroken packages for consumption off premises, but not  
14 for resale, wine of the winegrower's own production, wine  
15 produced by another New Mexico winegrower or beer produced  
16 and bottled by or for a small brewer pursuant to  
17 Section 60-6A-26.1 NMSA 1978 after the director has  
18 determined that the off-premises locations meet the  
19 requirements of the Liquor Control Act and the department  
20 rules for new liquor license locations;

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

23 (12) at public celebrations on or off the  
24 winegrower's premises, after the winegrower has paid the  
25 applicable fees and been issued the appropriate permit, to

1 conduct wine tastings, sell by the glass or the bottle, or  
2 sell in unbroken packages, for consumption off premises, but  
3 not for resale, wine produced by or for the winegrower.

4 C. Sales of wine or beer as provided for in this  
5 section shall be permitted between the hours of 7:00 a.m. and  
6 midnight Monday through Saturday, and the holder of a  
7 winegrower's license or public celebration permit may conduct  
8 wine tastings and sell, by the glass or bottle, or sell in  
9 unbroken packages for consumption off premises, but not for  
10 resale, wine of the winegrower's own production or beer  
11 produced and bottled by or for a small brewer pursuant to  
12 Section 60-6A-26.1 NMSA 1978 on the winegrower's premises  
13 between the hours of 12:00 noon and midnight on Sunday.

14 D. At public celebrations off the winegrower's  
15 premises in any local option district permitting the sale of  
16 alcoholic beverages, the holder of a winegrower's license  
17 shall pay ten dollars (\$10.00) to the alcohol and gaming  
18 division of the regulation and licensing department for a  
19 "winegrower's public celebration permit" to be issued under  
20 rules adopted by the director. Upon request, the alcohol and  
21 gaming division of the regulation and licensing department  
22 may issue to a holder of a winegrower's license a public  
23 celebration permit for a location at the public celebration  
24 that is to be shared with other winegrowers and small  
25 brewers. As used in this subsection, "public celebration"

1 includes any state or county fair, community fiesta, cultural  
2 or artistic event, sporting competition of a seasonal nature  
3 or activities held on an intermittent basis.

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

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

11 (2) between five thousand and one hundred  
12 thousand gallons per year, one hundred dollars (\$100) per  
13 year; and

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

16 SECTION 2. Section 60-6A-26.1 NMSA 1978 (being  
17 Laws 1985, Chapter 217, Section 5, as amended by Laws 2001,  
18 Chapter 248, Section 2 and by Laws 2001, Chapter 260,  
19 Section 2) is amended to read:

20 "60-6A-26.1. SMALL BREWER'S LICENSE.--

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

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

3                   (1) become a manufacturer or producer of  
4 beer;

5                   (2) package, label and export beer, whether  
6 manufactured, bottled or produced by the licensee or any  
7 other person;

8                   (3) sell only beer that is packaged by or  
9 for the licensee to a person holding a wholesaler's license  
10 or a small brewer's license;

11                   (4) deal in warehouse receipts for beer;

12                   (5) conduct beer tastings and sell for  
13 consumption on or off premises, but not for resale, beer  
14 produced and bottled by, or produced and packaged for, the  
15 licensee, beer produced and bottled by or for another  
16 New Mexico small brewer on the small brewer's premises or  
17 wine produced by a winegrower pursuant to Section 60-6A-11  
18 NMSA 1978;

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

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

1 for the small brewer or wine produced by a winegrower  
2 pursuant to Section 60-6A-11 NMSA 1978;

3 (8) buy or otherwise obtain wine from a  
4 winegrower;

5 (9) for the purposes described in this  
6 subsection, at no more than three other locations off the  
7 small brewer's premises, after the small brewer has paid the  
8 applicable fee for a small brewer's off-premises permit,  
9 after the director has determined that the off-premises  
10 locations meet the requirements of the Liquor Control Act and  
11 department rules for new liquor license locations and after  
12 the director has issued a small brewer's off-premises permit  
13 for each off-premises location, conduct beer tastings and  
14 sell by the glass or in unbroken packages for consumption off  
15 the small brewer's off-premises location, but not for resale,  
16 beer produced and bottled by or for the small brewer, beer  
17 produced and bottled by or for another New Mexico small  
18 brewer or wine produced by a winegrower pursuant to  
19 Section 60-6A-11 NMSA 1978; and

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

25 C. At public celebrations off the small brewer's

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

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

23 SECTION 3. REPEAL.--Laws 2001, Chapter 248, Section 2  
24 is repealed.

25 SECTION 4. EFFECTIVE DATE.--The effective date of the

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provisions of this act is July 1, 2015. \_\_\_\_\_