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AN ACT

RELATING TO ALCOHOLIC BEVERAGES; ALLOWING THE SALE, SERVICE,
DELIVERY OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE GROUNDS
OF SKI AREAS.

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

SECTION 1. Section 60-3A-3 NMSA 1978 (being Laws 1981,
Chapter 39, Section 3, as amended by Laws 2015, Chapter 3,
Section 28 and by Laws 2015, Chapter 102, Section 2) is
amended to read:

"60-3A-3. DEFINITIONS.--As used in the Liquor Control
Act:

A. "alcoholic beverages" means distilled or
rectified spirits, potable alcohol, powdered alcohol, frozen
or freeze-dried alcohol, brandy, whiskey, rum, gin and
aromatic bitters bearing the federal internal revenue strip
stamps or any similar alcoholic beverage, including blended
or fermented beverages, dilutions or mixtures of one or more
of the foregoing containing more than one-half percent
alcohol, but excluding medicinal bitters;

B. "beer" means an alcoholic beverage obtained by
the fermentation of any infusion or decoction of barley, malt
and hops or other cereals in water, and includes porter,
beer, ale and stout;

C. "brewer" means a person who owns or operates a

1 business for the manufacture of beer;

2 D. "cider" means an alcoholic beverage made from
3 the normal alcoholic fermentation of the juice of sound, ripe
4 apples that contains not less than one-half of one percent
5 alcohol by volume and not more than seven percent alcohol by
6 volume;

7 E. "club" means:

8 (1) any nonprofit group, including an
9 auxiliary or subsidiary group, organized and operated under
10 the laws of this state, with a membership of not less than
11 fifty members who pay membership dues at the rate of not less
12 than five dollars (\$5.00) per year and who, under the
13 constitution and bylaws of the club, have all voting rights
14 and full membership privileges, and which group is the owner,
15 lessee or occupant of premises used exclusively for club
16 purposes and which group the director finds:

17 (a) is operated solely for recreation,
18 social, patriotic, political, benevolent or athletic
19 purposes; and

20 (b) has been granted an exemption by
21 the United States from the payment of the federal income tax
22 as a club under the provisions of Section 501(a) of the
23 Internal Revenue Code of 1986, as amended, or, if the
24 applicant has not operated as a club for a sufficient time to
25 be eligible for the income tax exemption, it must execute and

1 file with the director a sworn letter of intent declaring
2 that it will, in good faith, apply for an income tax
3 exemption as soon as it is eligible; or

4 (2) an airline passenger membership club
5 operated by an air common carrier that maintains or operates
6 a clubroom at an international airport terminal. As used in
7 this paragraph, "air common carrier" means a person engaged
8 in regularly scheduled air transportation between fixed
9 termini under a certificate of public convenience and
10 necessity issued by the federal aviation administration;

11 F. "commission" means the secretary of public
12 safety when the term is used in reference to the enforcement
13 and investigatory provisions of the Liquor Control Act and
14 means the superintendent of regulation and licensing when the
15 term is used in reference to the licensing provisions of the
16 Liquor Control Act;

17 G. "department" means the New Mexico state police
18 division of the department of public safety when the term is
19 used in reference to the enforcement and investigatory
20 provisions of the Liquor Control Act and means the director
21 of the alcohol and gaming division of the regulation and
22 licensing department when the term is used in reference to
23 the licensing provisions of the Liquor Control Act;

24 H. "director" means the chief of the New Mexico
25 state police division of the department of public safety when

1 the term is used in reference to the enforcement and
2 investigatory provisions of the Liquor Control Act and means
3 the director of the alcohol and gaming division of the
4 regulation and licensing department when the term is used in
5 reference to the licensing provisions of the Liquor Control
6 Act;

7 I. "dispenser" means a person licensed under the
8 provisions of the Liquor Control Act selling, offering for
9 sale or having in the person's possession with the intent to
10 sell alcoholic beverages both by the drink for consumption on
11 the licensed premises and in unbroken packages for
12 consumption and not for resale off the licensed premises;

13 J. "distiller" means a person engaged in
14 manufacturing spirituous liquors;

15 K. "golf course" means a tract of land and
16 facilities used for playing golf and other recreational
17 activities that includes tees, fairways, greens, hazards,
18 putting greens, driving ranges, recreational facilities,
19 patios, pro shops, cart paths and public and private roads
20 that are located within the tract of land;

21 L. "governing body" means the board of county
22 commissioners of a county or the city council or city
23 commissioners of a municipality;

24 M. "growler" means a clean, refillable, resealable
25 container that has a liquid capacity that does not exceed one

1 gallon and that is intended and used for the sale of beer,
2 wine or cider for consumption off premises;

3 N. "hotel" means an establishment or complex
4 having a resident of New Mexico as a proprietor or manager
5 and where, in consideration of payment, meals and lodging are
6 regularly furnished to the general public. The establishment
7 or complex must maintain for the use of its guests a minimum
8 of twenty-five sleeping rooms;

9 O. "licensed premises" means the contiguous areas
10 or areas connected by indoor passageways of a structure and
11 the outside dining, recreation and lounge areas of the
12 structure and the grounds and vineyards of a structure that
13 is a winery that are under the direct control of the licensee
14 and from which the licensee is authorized to sell, serve or
15 allow the consumption of alcoholic beverages under the
16 provisions of its license; provided that in the case of a
17 restaurant, "licensed premises" includes a restaurant that
18 has operated continuously in two separate structures since
19 July 1, 1987 and that is located in a local option district
20 that has voted to disapprove the transfer of liquor licenses
21 into that local option district, hotel, golf course, ski area
22 or racetrack and all public and private rooms, facilities and
23 areas in which alcoholic beverages are sold or served in the
24 customary operating procedures of the restaurant, hotel, golf
25 course, ski area or racetrack. "Licensed premises" also

1 includes rural dispenser licenses located in the
2 unincorporated areas of a county with a population of less
3 than thirty thousand, located in buildings in existence as of
4 January 1, 2012, that are within one hundred fifty feet of
5 one another and that are under the direct control of the
6 license holder;

7 P. "local option district" means a county that has
8 voted to approve the sale, serving or public consumption of
9 alcoholic beverages, or an incorporated municipality that
10 falls within a county that has voted to approve the sale,
11 serving or public consumption of alcoholic beverages, or an
12 incorporated municipality of over five thousand population
13 that has independently voted to approve the sale, serving or
14 public consumption of alcoholic beverages under the terms of
15 the Liquor Control Act or any former act;

16 Q. "manufacturer" means a distiller, rectifier,
17 brewer or winer;

18 R. "minor" means a person under twenty-one years
19 of age;

20 S. "package" means an immediate container of
21 alcoholic beverages that is filled or packed by a
22 manufacturer or wine bottler for sale by the manufacturer or
23 wine bottler to wholesalers;

24 T. "person" means an individual, corporation,
25 firm, partnership, copartnership, association or other legal

1 entity;

2 U. "rectifier" means a person who blends, mixes or
3 distills alcohol with other liquids or substances for the
4 purpose of making an alcoholic beverage for the purpose of
5 sale other than to the consumer by the drink, and includes
6 all bottlers of spirituous liquors;

7 V. "restaurant" means an establishment having a
8 New Mexico resident as a proprietor or manager that is held
9 out to the public as a place where meals are prepared and
10 served primarily for on-premises consumption to the general
11 public in consideration of payment and that has a dining
12 room, a kitchen and the employees necessary for preparing,
13 cooking and serving meals; provided that "restaurant" does
14 not include establishments as defined in rules promulgated by
15 the director serving only hamburgers, sandwiches, salads and
16 other fast foods;

17 W. "retailer" means a person licensed under the
18 provisions of the Liquor Control Act selling, offering for
19 sale or having in the person's possession with the intent to
20 sell alcoholic beverages in unbroken packages for consumption
21 and not for resale off the licensed premises;

22 X. "ski area" means a tract of land and facilities
23 for the primary purpose of alpine skiing, snowboarding or
24 other snow sports with trails, parks and at least one
25 chairlift with uphill capacity and may include facilities

1 necessary for other seasonal or year-round recreational
2 activities;

3 Y. "spirituous liquors" means alcoholic beverages
4 as defined in Subsection A of this section except fermented
5 beverages such as wine, beer and ale;

6 Z. "wholesaler" means a person whose place of
7 business is located in New Mexico and who sells, offers for
8 sale or possesses for the purpose of sale any alcoholic
9 beverages for resale by the purchaser;

10 AA. "wine" includes the words "fruit juices" and
11 means alcoholic beverages obtained by the fermentation of the
12 natural sugar contained in fruit or other agricultural
13 products, with or without the addition of sugar or other
14 products, that do not contain less than one-half percent nor
15 more than twenty-one percent alcohol by volume;

16 BB. "wine bottler" means a New Mexico wholesaler
17 who is licensed to sell wine at wholesale for resale only and
18 who buys wine in bulk and bottles it for wholesale resale;

19 CC. "winegrower" means a person who owns or
20 operates a business for the manufacture of wine;

21 DD. "winer" means a winegrower; and

22 EE. "winery" means a facility in which a
23 winegrower manufactures and stores wine."

24 SECTION 2. Section 60-6A-31 NMSA 1978 (being Laws 1993,
25 Chapter 68, Section 37, as amended) is amended to read:

1 "60-6A-31. STATE FAIR--GOLF COURSES--SKI AREAS--
2 ALCOHOLIC BEVERAGE SALES RESTRICTIONS.--Sales, service,
3 delivery or consumption of alcoholic beverages shall be
4 permitted on the grounds of the state fair, on the grounds of
5 golf courses, on the grounds of ski areas and on the grounds
6 and in the vineyards of a winery only on the licensed premises
7 in controlled access areas of the state fair, golf courses,
8 ski areas and wineries, the designation of which has been
9 negotiated as part of the license application or renewal
10 process." _____

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