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AN ACT

RELATING TO ALCOHOLIC BEVERAGES; PROVIDING FOR WINE AND BEER SALES AT PRIVATE CELEBRATIONS; DEFINING "PRIVATE CELEBRATIONS"; ALLOWING WINEGROWER AND SMALL BREWER SUNDAY SALES TO BEGIN AT 11:00 A.M.

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 by Laws 2015, Chapter 102, Section 4 and by Laws 2015, Chapter 105, Section 1 and also by Laws 2015, Chapter 124, Section 1) 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

1 wine producer license holders.

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

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

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

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

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

19 (5) deal in warehouse receipts for wine;

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

24 (7) buy wine or distilled wine products from
25 other persons, including licensees and permittees under the

1 Liquor Control Act, for use in blending, mixing or bottling
2 of wines;

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

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

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

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

24 (12) at public celebrations on or off the
25 winegrower's premises, after the winegrower has paid the

1 applicable fees and been issued the appropriate permit, to
2 conduct wine tastings, sell by the glass or the bottle, or
3 sell in unbroken packages, for consumption off premises, but
4 not for resale, wine produced by or for the winegrower;

5 (13) at private celebrations on or off the
6 winegrower's premises after the winegrower has paid the
7 applicable fees and been issued the appropriate permit, sell:

8 (a) by the glass or bottle, wine
9 produced by or for the winegrower; or

10 (b) by the glass, beer produced by a
11 small brewer pursuant to Section 60-6A-26.1 NMSA 1978;

12 (14) sell wine or cider in a growler for
13 consumption off premises; and

14 (15) in accordance with the provisions of
15 this section that relate to the sale of wine, accept and
16 fulfill an order for wine that is placed via an internet
17 website, whether the financial transaction related to the
18 order is administered by the licensee or the licensee's
19 agent.

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

1 resale, wine of the winegrower's own production or beer
2 produced and bottled by or for a small brewer pursuant to
3 Section 60-6A-26.1 NMSA 1978 on the winegrower's premises
4 between the hours of 11:00 a.m. and midnight on Sunday.

5 D. At public and private celebrations on or off
6 the winegrower's premises in any local option district
7 permitting the sale of alcoholic beverages, the holder of a
8 winegrower's license shall pay ten dollars (\$10.00) to the
9 alcohol and gaming division of the regulation and licensing
10 department for a "winegrower's public celebration permit" or
11 a "winegrower's private celebration permit" to be issued
12 under rules adopted by the director. Upon request, the
13 alcohol and gaming division of the regulation and licensing
14 department may issue to a holder of a winegrower's license a
15 public celebration permit for a location at the public
16 celebration that is to be shared with other winegrowers and
17 small brewers.

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

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

25 (2) between five thousand and one hundred

1 thousand gallons per year, one hundred dollars (\$100) per
2 year; and

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

5 F. As used in this section:

6 (1) "private celebration" means any
7 celebratory activity that is held in a private or public
8 venue not open to the general public and for which attendance
9 is subject to private invitation; and

10 (2) "public celebration" includes any state
11 or county fair, community fiesta, cultural or artistic event,
12 sporting competition of a seasonal nature or activities held
13 on an intermittent basis."

14 SECTION 2. Section 60-6A-26.1 NMSA 1978 (being Laws
15 1985, Chapter 217, Section 5, as amended by Laws 2015,
16 Chapter 102, Section 5 and by Laws 2015, Chapter 124, Section
17 2) is amended to read:

18 "60-6A-26.1. SMALL BREWER'S LICENSE.--

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

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

1 (1) manufacture or produce beer;
2 (2) package, label and export beer, whether
3 manufactured, bottled or produced by the licensee or any
4 other person;

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

8 (4) deal in warehouse receipts for beer;

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

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

18 (7) at public celebrations off the small
19 brewer's premises, after the small brewer has paid the
20 applicable fee for a small brewer's public celebration
21 permit, conduct tastings and sell by the glass or in unbroken
22 packages, but not for resale, beer produced and bottled by or
23 for the small brewer or wine produced by a winegrower
24 pursuant to Section 60-6A-11 NMSA 1978;

25 (8) at private celebrations on or off the

1 small brewer's premises after the small brewer has paid the
2 applicable fees for a private celebration permit, sell by the
3 glass, beer produced and bottled by or for the small brewer
4 or wine produced by a winegrower pursuant to Section 60-6A-11
5 NMSA 1978;

6 (9) buy or otherwise obtain wine from a
7 winegrower;

8 (10) for the purposes described in this
9 subsection, at no more than three other locations off the
10 small brewer's premises, after the small brewer has paid the
11 applicable fee for a small brewer's off-premises permit,
12 after the director has determined that the off-premises
13 locations meet the requirements of the Liquor Control Act and
14 department rules for new liquor license locations and after
15 the director has issued a small brewer's off-premises permit
16 for each off-premises location, conduct beer tastings and
17 sell by the glass or in unbroken packages for consumption off
18 the small brewer's off-premises location, but not for resale,
19 beer produced and bottled by or for the small brewer, beer
20 produced and bottled by or for another New Mexico small
21 brewer or wine produced by a winegrower pursuant to Section
22 60-6A-11 NMSA 1978;

23 (11) allow members of the public, on the
24 licensed premises and under the direct supervision of the
25 licensee, to manufacture beer for personal consumption and

1 not for resale using the licensee's equipment and
2 ingredients; and

3 (12) sell beer in a growler for consumption
4 off premises.

5 C. At public and private celebrations on or off
6 the small brewer's premises in a local option district
7 permitting the sale of alcoholic beverages, the holder of a
8 small brewer's license shall pay ten dollars (\$10.00) to the
9 alcohol and gaming division of the regulation and licensing
10 department for a "small brewer's public celebration permit"
11 or a "small brewer's private celebration permit" to be issued
12 under rules adopted by the director. Upon request, the
13 alcohol and gaming division of the regulation and licensing
14 department may issue to a holder of a small brewer's license
15 a public celebration permit for a location at the public
16 celebration that is to be shared with other small brewers and
17 winegrowers.

18 D. Sales and tastings of beer or wine authorized
19 in this section shall be permitted during the hours set forth
20 in Subsection A of Section 60-7A-1 NMSA 1978 and between the
21 hours of 11:00 a.m. and midnight on Sunday and shall conform
22 to the limitations regarding Christmas day sales found in
23 Section 60-7A-1 NMSA 1978 and the expansion of Sunday sales
24 hours to 2:00 a.m. on January 1, when December 31 falls on a
25 Sunday.

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E. As used in this section:

(1) "private celebration" means any celebratory activity that is held in a private or public venue not open to the general public and for which attendance is subject to private invitation; and

(2) "public celebration" includes any state or county fair, community fiesta, cultural or artistic event, sporting competition of a seasonal nature or activities held on an intermittent basis."