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HOUSE BILL 747

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

James G. Taylor

AN ACT

RELATING TO WINEGROWERS; PROVIDING FOR THE APPORTIONING OF
LIABILITY IN COMMON SALES FACILITIES BY CONTRACT.

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. 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, is any
person in this state who produces wine. 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 ~~regulations~~ rules adopted by the

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1 director.

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 by or for the
7 winegrower;

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) deal in warehouse receipts for wine;

13 (5) sell wines in other states or foreign
14 jurisdictions to the holders of any license issued under the
15 authority of that state or foreign jurisdiction authorizing
16 the purchase of wine;

17 (6) buy wine or distilled wine products from
18 other persons, including licensees and permittees under the
19 Liquor Control Act, for use in blending, mixing or bottling of
20 wines;

21 (7) conduct wine tastings and sell, by the
22 glass or by the bottle or sell in unbroken packages for
23 consumption off the premises but not for resale wine of his
24 own production on the winegrower's premises;

25 (8) at no more than three off-premises

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1 locations, conduct wine tastings and sell in unbroken packages
2 for consumption off premises, but not for resale, wine of his
3 own production after the director has determined that the
4 off-premises locations meet the requirements of the Liquor
5 Control Act and the department [~~regulations~~] rules for new
6 liquor license locations;

7 (9) be deemed a manufacturer for purposes of
8 the Gross Receipts and Compensating Tax Act;

9 (10) at public celebrations on or off the
10 winegrower's premises, after the winegrower has paid the
11 applicable fees and been issued the appropriate permit, to
12 conduct wine tastings, sell by the glass or the bottle or sell
13 in unbroken packages, for consumption off premises but not for
14 resale, wine produced by or for the winegrower; and

15 (11) apply to the department for a permit to
16 join with other licensed winegrowers to sell wine produced by
17 or for winegrowers at a common facility at which there may be
18 products of two or more licensed winegrowers offered for
19 tasting and sale by the glass or bottle or for sale in
20 unbroken packages for consumption off premises but not for
21 resale. Liability and other risks and obligations associated
22 with the business of selling wine in a common facility
23 pursuant to a permit issued by the director shall be clearly
24 set forth in detail in a contract entered into by all of the
25 winegrowers participating in sales from the common facility.

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1 A copy of the contract shall be submitted to and approved by
2 the director prior to issuance of the permit for the common
3 facility.

4 C. Except as limited by Subsection D of Section
5 60-7A-1 NMSA 1978, sales of wine as provided for in this
6 section shall be permitted between the hours of 7:00 a.m. and
7 midnight Monday through Saturday, and the holder of a
8 winegrower's license or public celebration permit may conduct
9 wine tastings and sell, by the glass or bottle or in unbroken
10 packages for consumption off premises but not for resale, wine
11 of his own production on the winegrower's premises between the
12 hours of 12:00 noon and midnight on Sunday.

13 D. At public celebrations off the winegrower's
14 premises in any local option district permitting the sale of
15 alcoholic beverages, the holder of a winegrower's license
16 shall pay ten dollars (\$10.00) to the department for a
17 "winegrower's public celebration permit" to be issued under
18 rules adopted by the director. Upon request, the department
19 may issue to a holder of a winegrower's license a public
20 celebration permit for a location at the public celebration
21 that is to be shared with other permittees. As used in this
22 subsection, "public celebration" includes any state or county
23 fair, community fiesta, cultural or artistic event or sporting
24 competition of a seasonal nature or activities held on an
25 intermittent basis.

