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HOUSE BILL 785

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

INTRODUCED BY

J. "Andy" Kissner

AN ACT

RELATING TO SMALL BREWERS; PERMITTING COMMON FACILITIES FOR SALE OF PRODUCTS OF MULTIPLE SMALL BREWERS; AMENDING A SECTION OF THE LIQUOR CONTROL ACT.

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

Section 1. Section 60-6A-26.1 NMSA 1978 (being Laws 1985, Chapter 217, Section 5, as amended) is amended to read:

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

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

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

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- 1 (1) become a manufacturer or producer of  
2 beer;
- 3 (2) package, label and export beer, whether  
4 manufactured, bottled or produced by him or any other person;
- 5 (3) sell only beer that is packaged by or for  
6 him to a person holding a wholesaler's license or a small  
7 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 on the small brewer's premises;
- 13 (6) be deemed a manufacturer for purposes of  
14 the Gross Receipts and Compensating Tax Act;
- 15 (7) at public celebrations off the small  
16 brewer's premises, after the small brewer has paid the  
17 applicable fee for a small brewer's public celebration permit,  
18 conduct tastings and sell by the glass or in unbroken  
19 packages, but not for resale, beer produced and bottled by or  
20 for the small brewer;
- 21 (8) at no more than two other locations off  
22 the small brewer's premises, after the small brewer has paid  
23 the applicable fee for a small brewer's off-premises permit,  
24 after the director has determined that the off-premises  
25 locations meet the requirements of the Liquor Control Act and

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1 department regulations for new liquor license locations and  
2 after the director has issued a small brewer's off-premises  
3 permit for each off-premises location, conduct beer tastings  
4 and sell by the glass or in unbroken packages for consumption  
5 off the small brewer's off-premises location, but not for  
6 resale, beer produced and bottled by or for the small brewer;  
7 [~~and~~]

8 (9) allow members of the public, on the  
9 licensed premises and under the direct supervision of the  
10 licensee, to manufacture beer for personal consumption and not  
11 for resale using the licensee's equipment and ingredients; and

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

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1 C. Sales and tastings of beer authorized in this  
2 section shall be permitted during the hours set forth in  
3 Subsection A of Section 60-7A-1 NMSA 1978 and between the  
4 hours of noon and midnight on Sunday and shall conform to the  
5 limitations regarding Christmas and voting-day sales found in  
6 Section 60-7A-1 NMSA 1978 and the expansion of Sunday sales  
7 hours to 2:00 a.m. on January 1, when December 31 falls on a  
8 Sunday. "

9 Section 2. EFFECTIVE DATE. --The effective date of the  
10 provisions of this act is July 1, 1999.

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1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
3  
4  
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6 March 9, 1999  
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8 Mr. Speaker:  
9

10 Your BUSINESS AND INDUSTRY COMMITTEE, to whom has  
11 been referred  
12

13 HOUSE BILL 785  
14

15 has had it under consideration and reports same with  
16 recommendation that it DO PASS.

17 Respectfully submitted,  
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21 \_\_\_\_\_  
22 Fred Luna, Chairman  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

3 HBIC/HB 785

Page 6

4 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

6 (Chief Clerk)

(Chief Clerk)

8 Date \_\_\_\_\_

10 The roll call vote was 10 For 0 Against

11 Yes: 10

12 Excused: None

13 Absent: Mohorovic, T. Taylor

15 J: \99BillSWP\H0785

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FORTY- FOURTH LEGISLATURE  
FIRST SESSION

March 12, 1999

HOUSE FLOOR AMENDMENT number \_\_\_\_\_ to HOUSE BILL 785

Amendment sponsored by Representative Andy Kissner

1. On page 3, line 17, after the period strike the remainder of  
the line and strike lines 18 through 25 in their entirety.

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Andy Kissner

FORTY- FOURTH LEGISLATURE  
FIRST SESSION

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HF1/ HB 785

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION

1 HF1/HB 785

Page 9

2  
3 FORTY-FOURTH LEGISLATURE  
4 FIRST SESSION, 1999  
5

6  
7 March 15, 1999  
8

9 Mr. President:

10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred  
11

12 HOUSE BILL 785, as amended  
13

14 has had it under consideration and reports same with recommendation  
15 that it DO PASS.  
16

17 Respectfully submitted,  
18

19  
20 \_\_\_\_\_  
21 Shannon Robinson, Chairman  
22  
23

24 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
25 (Chief Clerk) (Chief Clerk)

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FORTY- FOURTH LEGISLATURE  
FIRST SESSION

1 HF1 / HB 785

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Date \_\_\_\_\_

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6 The roll call vote was 5 For 0 Against

7 Yes: 5

8 No: 0

9 Excused: Boitano, Leavell, Stockard, Smith

10 Absent: None

11

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