



The Legislature  
of the  
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER 71

HOUSE BILL 315, as amended

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Introduced by

REPRESENTATIVE ANDY NUÑEZ AND REPRESENTATIVE DONA G. IRWIN

REPRESENTATIVE RAY BEGAYE

REPRESENTATIVE MARY HELEN GARCIA



# Chapter 71

AN ACT

RELATING TO LICENSING; CLARIFYING THAT FACILITIES OF A  
WINEGROWER MAY BE USED TO PRODUCE WINE FOR OTHER WINEGROWERS.

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 a  
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 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.

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

(1) manufacture or produce wine, including

1 blending, mixing, flavoring, coloring, bottling and labeling,  
2 whether the wine is manufactured or produced for a winegrower  
3 or an out-of-state wine producer holding a permit issued by  
4 the federal alcohol tax unit of the internal revenue service  
5 and a valid license in a state that authorizes the wine  
6 producer to manufacture, produce, store or sell wine;

7 (2) store, transport, import or export  
8 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) transport not more than two hundred  
13 cases of wine in a calendar year to another location within  
14 New Mexico by common carrier;

15 (5) deal in warehouse receipts for wine;

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

20 (7) buy wine or distilled wine products from  
21 other persons, including licensees and permittees under the  
22 Liquor Control Act, for use in blending, mixing or bottling of  
23 wines;

24 (8) conduct wine tastings and sell, by the  
25 glass or by the bottle or sell in unbroken packages for

1 consumption off the premises but not for resale, wine of the  
2 winegrower's own production or wine produced by another New  
3 Mexico winegrower on the winegrower's premises;

4 (9) at no more than three off-premises  
5 locations, conduct wine tastings, sell by the glass and sell  
6 in unbroken packages for consumption off premises, but not for  
7 resale, wine of the winegrower's own production or wine  
8 produced by another New Mexico winegrower after the director  
9 has determined that the off-premises locations meet the  
10 requirements of the Liquor Control Act and the department  
11 rules for new liquor license locations;

12 (10) be deemed a manufacturer for purposes  
13 of the Gross Receipts and Compensating Tax Act; and

14 (11) at public celebrations on or off the  
15 winegrower's premises, after the winegrower has paid the  
16 applicable fees and been issued the appropriate permit, to  
17 conduct wine tastings, sell by the glass or the bottle or sell  
18 in unbroken packages, for consumption off premises but not for  
19 resale, wine produced by or for the winegrower.

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

1 winegrower's own production on the winegrower's premises  
2 between the hours of 12:00 noon and midnight on Sunday.

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

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 to  
21 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."                     

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*Ben Lujan*

BEN LUJAN, SPEAKER  
HOUSE OF REPRESENTATIVES

*Stephen R. Arias*

STEPHEN R. ARIAS, CHIEF CLERK  
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LENORE M. NARANJO, CHIEF CLERK  
SENATE

Approved by me this 5<sup>th</sup> day of April, 2011

*Susana Martinez*

SUSANA MARTINEZ, GOVERNOR  
STATE OF NEW MEXICO

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