

The Legislature
of the
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER 105

HOUSE BILL 489

Introduced by

REPRESENTATIVE DONA G. IRWIN

REPRESENTATIVE JIM R. TRUJILLO
REPRESENTATIVE JANE E. POWDRELL-CULBERT
REPRESENTATIVE DEBBIE A. RODELLA
REPRESENTATIVE GEORGE DODGE, JR.
REPRESENTATIVE W. KEN MARTINEZ



CHAPTER 105

AN ACT

RELATING TO LIQUOR CONTROL; REVISING THE LIQUOR CONTROL ACT TO PROVIDE THAT WINEGROWERS MAY MAKE SALES OF WINE VIA INTERNET WEB SITES.

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

8 (2) store, transport, import or export
9 wines;

10 (3) sell wines to a holder of a New Mexico
11 winegrower's, wine wholesaler's, wholesaler's or wine
12 exporter's license or to a winegrower's agent;

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

16 (5) deal in warehouse receipts for wine;

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

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

25 (8) conduct wine tastings and sell, by the

1 glass or by the bottle or sell in unbroken packages for
2 consumption off the premises but not for resale, wine of the
3 winegrower's own production or wine produced by another New
4 Mexico winegrower on the winegrower's premises;

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

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

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

21 (12) in accordance with the provisions of
22 this section that relate to the sale of wine, accept and
23 fulfill an order for wine that is placed via an internet web
24 site, whether the financial transaction related to the order
25 is administered by the licensee or the licensee's agent.

1 C. Sales of wine as provided for in this section
2 shall be permitted between the hours of 7:00 a.m. and midnight
3 Monday through Saturday, and the holder of a winegrower's
4 license or public celebration permit may conduct wine tastings
5 and sell, by the glass or bottle or in unbroken packages for
6 consumption off premises but not for resale, wine of the
7 winegrower's own production on the winegrower's premises
8 between the hours of 12:00 noon and midnight on Sunday.

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

24 E. Every application for the issuance or annual
25 renewal of a winegrower's license shall be on a form

1 prescribed by the director and accompanied by a license fee to
2 be computed as follows on the basis of total annual wine
3 produced or blended:


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


6 (2) between five thousand and one hundred
7 thousand gallons per year, one hundred dollars (\$100) per
8 year; and

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

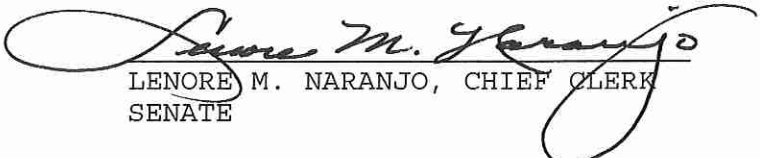
11 SECTION 2. EFFECTIVE DATE.--The effective date of the
12 provisions of this act is July 1, 2015. _____

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DON TRIPP, SPEAKER
HOUSE OF REPRESENTATIVES


DENISE RAMONAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES


JOHN A. SANCHEZ, PRESIDENT
SENATE


LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this 9th day of April, 2015


SUSANA MARTINEZ, GOVERNOR
STATE OF NEW MEXICO