

The Legislature  
of the  
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER 113

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR

SENATE BILL 238

Introduced by



# CHAPTER 113

## AN ACT

RELATING TO ALCOHOLIC BEVERAGES; PROVIDING FOR SMALL BREWERS AND WINEGROWERS TO HOLD A RESTAURANT OR DISPENSER'S LICENSE AND A SMALL BREWER AND WINEGROWER LIMITED WHOLESALER'S LICENSE; PROVIDING FOR ISSUANCE OF A SMALL BREWER AND WINEGROWER LIMITED WHOLESALER'S LICENSE.

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

SECTION 1. Section 60-7A-12 NMSA 1978 (being Laws 1981, Chapter 39, Section 78, as amended) is amended to read:

"60-7A-12. OFFENSES BY DISPENSERS, CANOPY LICENSEES, RESTAURANT LICENSEES, GOVERNMENTAL LICENSEES OR THEIR LESSEES AND CLUBS.--It is a violation of the Liquor Control Act for any dispenser, canopy licensee, restaurant licensee, governmental licensee or its lessee or club to:

A. receive any alcoholic beverages for the purpose or with the intent of reselling the alcoholic beverages from any person unless the person is duly licensed to sell alcoholic beverages to dispensers for resale;

B. sell; possess for the purpose of sale; or bottle bulk wine for sale other than by the drink for immediate consumption on its licensed premises;

C. directly, indirectly or through subterfuge, own, operate or control any interest in a wholesale liquor establishment or liquor manufacturing or wine bottling firm;

1 provided that this section shall not prevent:

2 (1) a dispenser from owning an interest in a  
3 legal entity, directly or indirectly or through an affiliate,  
4 that wholesales alcoholic beverages and that operates or  
5 controls an interest in an establishment operating pursuant  
6 to the provisions of Subsection B of Section 60-7A-10  
7 NMSA 1978; or

8 (2) a small brewer or winegrower licensed  
9 pursuant to the Domestic Winery, Small Brewery and Craft  
10 Distillery Act from holding an interest in a legal entity,  
11 directly or indirectly or through an affiliate, that holds a  
12 restaurant or a dispenser's license and a small brewer and  
13 winegrower limited wholesaler's license issued pursuant to  
14 the Liquor Control Act;

15 D. sell or possess for the purpose of sale any  
16 alcoholic beverages at any location or place except its  
17 licensed premises or the location permitted pursuant to the  
18 provisions of Section 60-6A-12 NMSA 1978;

19 E. employ or engage a person to sell, serve or  
20 dispense alcoholic beverages if the person has not received  
21 alcohol server training within thirty days of employment; or

22 F. employ or engage a person to sell, serve or  
23 dispense alcoholic beverages during a period when the server  
24 permit of that person is suspended or revoked."

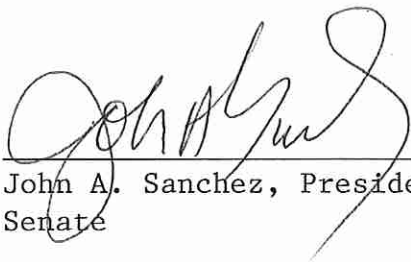
25 SECTION 2. A new section of Chapter 60, Article 6A

1 NMSA 1978 is enacted to read:

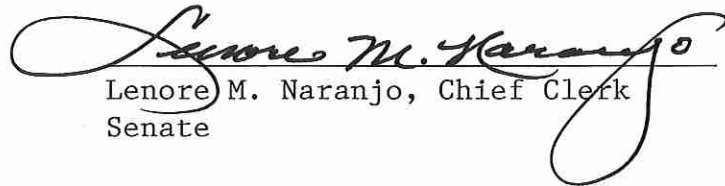
2 "SMALL BREWER AND WINEGROWER LIMITED WHOLESALER'S  
3 LICENSE.--In any local option district, a small brewer or a  
4 winegrower that is licensed pursuant to the Domestic Winery,  
5 Small Brewery and Craft Distillery Act and that also holds a  
6 restaurant license or a dispenser's license may apply for and  
7 be issued a small brewer and winegrower limited wholesaler's  
8 license. A small brewer that holds a small brewer and  
9 winegrower limited wholesaler's license shall only sell,  
10 offer for sale or ship beer manufactured by the small brewer.  
11 A winegrower that holds a small brewer and winegrower limited  
12 wholesaler's license shall only sell, offer for sale or ship  
13 wine manufactured by the winegrower."

14 SECTION 3. EFFECTIVE DATE.--The effective date of the  
15 provisions of this act is July 1, 2015. \_\_\_\_\_

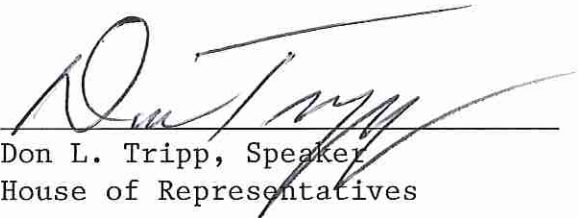
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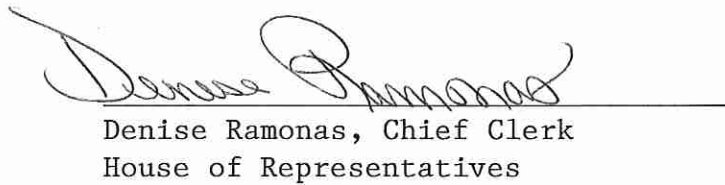
John A. Sanchez, President  
Senate



Lenore M. Naranjo, Chief Clerk  
Senate

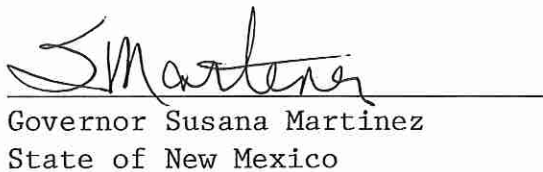


Don L. Tripp, Speaker  
House of Representatives



Denise Ramonas, Chief Clerk  
House of Representatives

Approved by me this 9th day of April, 2015



Governor Susana Martinez  
State of New Mexico