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;
provided that this section shall not prevent:

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

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

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

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

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

SECTION 2. A new section of Chapter 60, Article 6A
NMSA 1978 is enacted to read:

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

SECTION 3. EFFECTIVE DATE.--The effective date of the
provisions of this act is July 1, 2015.
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 _9_ day of _April_, 2015

Governor Susana Martinez
State of New Mexico