

1 HOUSE BILL 343

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO ALCOHOL; AUTHORIZING THE DIRECTOR OF THE ALCOHOLIC
12 BEVERAGE CONTROL DIVISION OF THE REGULATION AND LICENSING
13 DEPARTMENT TO ISSUE DIRECT BEER SHIPMENT PERMITS; PROVIDING FOR
14 INTERSTATE BEER COMPETITIONS AND PERMITS.

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

17 SECTION 1. Section 60-6A-11.1 NMSA 1978 (being Laws 2011,
18 Chapter 109, Section 1) is amended to read:

19 "60-6A-11.1. DIRECT WINE SHIPMENT PERMIT--DIRECT BEER
20 SHIPMENT PERMIT--AUTHORIZATION--RESTRICTIONS.--

21 A. A licensee with a winegrower's or small brewer's
22 license or a person licensed in a state other than New Mexico
23 that holds a winery or brewery license may apply to the
24 director for and the director may issue to the applicant a
25 direct wine shipment permit or a direct beer shipment permit.

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1 An application for a direct wine shipment permit or a direct
2 beer shipment permit shall include:

3 (1) contact information for the applicant in a
4 form required by the department;

5 (2) an annual application fee of fifty dollars
6 (\$50.00) if the applicant does not hold a winegrower's or small
7 brewer's license;

8 (3) the number of the applicant's winegrower's
9 or small brewer's license if the applicant is located in New
10 Mexico or a copy of the applicant's winery or brewery license
11 if the applicant is located in a state other than New Mexico;
12 and

13 (4) any other information or documents
14 required by the director. Upon approval of an applicant for a
15 permit, the director shall forward to the taxation and revenue
16 department the name of each permittee and the contact
17 information for the permittee.

18 B. A direct wine shipment permit or a direct beer
19 shipment permit shall be valid for a permit year. A permittee
20 shall renew a direct wine shipment permit or a direct beer
21 shipment permit annually as required by the department to
22 continue making direct shipments of wine or beer to New Mexico
23 residents.

24 C. A permittee may ship:

25 (1) not more than two nine-liter cases of wine

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1 or two twelve-quart cases of beer monthly to a New Mexico
2 resident who is twenty-one years of age or older for the
3 recipient's personal consumption or use, but not for resale;
4 and

5 (2) wine or beer directly to a New Mexico
6 resident only in containers that are conspicuously labeled with
7 the words:

8 "CONTAINS ALCOHOL
9 SIGNATURE OF PERSON 21 YEARS OR OLDER REQUIRED
10 FOR DELIVERY".

11 D. A permittee shall:

12 (1) register with the taxation and revenue
13 department for the payment of liquor excise tax and gross
14 receipts taxes due on the sales of wine or beer pursuant to the
15 permittee's activities in New Mexico;

16 (2) submit to the jurisdiction of New Mexico
17 courts to resolve legal actions that arise from the shipping by
18 the permittee of wine or beer into New Mexico to New Mexico
19 residents;

20 (3) monthly, by the twenty-fifth day of each
21 month following the month in which the permittee was issued a
22 direct wine shipment permit or a direct beer shipment permit,
23 pay to the taxation and revenue department the liquor excise
24 tax due and the gross receipts tax due; and

25 (4) submit to an audit by an agent of the

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1 taxation and revenue department of the permittee's records of
2 the wine or beer shipped pursuant to this section to New Mexico
3 residents upon notice and during usual business hours.

4 E. As used in this section:

5 (1) "permit year" means the period between
6 July 1 and June 30 of a year; and

7 (2) "permittee" means a person that is the
8 holder of a direct wine shipment permit or a direct beer
9 shipment permit."

10 SECTION 2. Section 60-6A-32 NMSA 1978 (being Laws 1998,
11 Chapter 109, Section 7, as amended) is amended to read:

12 "60-6A-32. INTERSTATE WINE AND BEER TASTINGS--
13 COMPETITIONS--PERMITS.--

14 A. Exempt from the procurement of any other license
15 or permit issued pursuant to the terms of the Liquor Control
16 Act, but not exempt from the procurement of a competition
17 permit, is a winemaker, [~~or~~] winery, brewer or brewery licensed
18 outside of New Mexico that desires to participate in a regional
19 wine, cider, beer or spirituous liquor tasting or competition
20 within New Mexico. One permit shall be issued by the director
21 to an out-of-state winemaker, [~~or~~] winery, brewer or brewery
22 for the duration of the wine or beer tasting or competition.

23 B. A person issued a competition permit pursuant to
24 this section may do any of the following:

25 (1) bring no more than twenty-five cases of

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1 wine or seventy-five gallons of beer into New Mexico after
2 indicating on the permit application the number of cases or
3 amount to be brought into the state;

4 (2) participate in the regional competition
5 and wine or beer tastings associated with the competition for
6 which the competition permit is issued;

7 (3) participate in the regional wine or beer
8 tasting for which the competition permit is issued; and

9 (4) at a wine or beer tasting for which the
10 person is issued the permit, conduct tasting of wine or beer
11 and sell by the glass, can or bottle or in unbroken packages
12 for consumption off the [~~wine-tasting~~] premises for wine or
13 beer tasting, but not for resale, wine or beer brought into the
14 state by the person for the wine or beer tasting or
15 competition.

16 C. Every application for the issuance of a
17 competition permit shall be on a form prescribed by the
18 director and accompanied by a permit fee of twenty-five dollars
19 (\$25.00).

20 D. As used in this section:

21 (1) "brewer" means a person who manufactures
22 or produces beer;

23 (2) "brewery" means an establishment at which
24 beer is manufactured or produced and that is licensed for that
25 purpose by the state or country in which it is located;

1 [~~(1)~~] (3) "competition" means an event at
2 which a jury of wine or beer tasters compares the quality of
3 the wines or beer entered for judging and at which prizes are
4 offered for the wines or beer judged to be of the best quality;

5 [~~(2)~~] (4) "regional competition" means a
6 competition at which the wines or beer to be judged are from
7 more than one state or country;

8 [~~(3)~~] (5) "regional wine or beer tasting"
9 means a wine or beer tasting at which the wines or beer offered
10 for tasting are from more than one state or country;

11 [~~(4)~~] (6) "winemaker" means a person who
12 manufactures or produces wine;

13 [~~(5)~~] (7) "winery" means an establishment at
14 which wine is manufactured or produced and that is licensed for
15 that purpose by the state or country in which it is located;
16 and

17 [~~(6)~~] (8) "wine or beer tasting" means an
18 event at which wines or beer are offered for tasting but not
19 necessarily for sale and not for comparison for the purpose of
20 awarding prizes to the wines or beer of the best quality."