

NM RLD |AGD |RULES AND REGULATIONS REVISIONS

OVERVIEW OF SOME OF THE CHANGES TO ALCOHOL AND GAMING RULES:

15.10.2 Definitions:

Added definitions – cider, growler, manufacturer, fast food, taste, etc.

15.10.32 Premises – Location and Description of Licensed Premises:

Updated to allow for changes in statute. Ski areas and vineyards can utilize entire premises. Changed section regarding outdoor premises (patios) to clarify requirements.

15.10.33 Premises – Minors on Licensed Premises:

Minor changes.

15.10.51 Sales – Restriction on Sales:

15.10.51.8 Sales from Licensed Premises Only – Added back in language inadvertently left out in prior rewrite.

15.10.51.9 Open Container Restrictions – addresses growlers.

15.10.51.11 Sales to Intoxicated Persons – Prohibits “bottle sales” for distilled spirits. Beer in pitcher, wine in carafe still allowed if served with food or to more than one person. Clarifies the 2 drink rule – allows for flights.

15.10.51.12 BYOB Exception; private parties on a licensed premise – clarifies that no one may bring a previously purchased alcoholic beverage onto a licensed premises except for a private party – “corkage” is not permitted.

15.10.51.13 Alcohol Service by Employees – Adds a section clarifying that alcohol may only be served by servers with a valid server permit (or must be within 30 days of employment) and must be employees or contractors of the licensee. Self-service is not permitted except for a carafe of wine or pitcher of beer previously served. Employees may not drink except for product training or evaluation, or an owner may consume as long as they do not become impaired. Entertainers not otherwise employed may consume (band members etc.)

15.10.51.14 Gambling on a licensed premises – clarifies the statute. An area where gambling will take place must be physically separate, the license suspended for alcohol sales, signs posted, and not alcohol in gambling areas.

15.10.52 Segregated Alcohol Sales:

Amended to address growler sales.

15.10.53 Sales-Wholesalers:

Adds clarification on product returns and exchanges.

Clarifies when and how much free product a wholesaler may provide to a licensee. Still allows for donations for an event.

Clarifies commercial coercion and bribery – will be interpreted consistent with federal laws.

15.10.54 Sales-Clubs:

Definitions amended and moved to this section regarding bona fide guest and member.

Clarifies that clubs may only sell or serve to members and bona fide guest and what documentation is required.

Amends section regarding games of chance on a club licensed premises. Adds a section addressing advertising for special events. Adds a section for reporting a change in officers.

Adds a section regarding renewal of the license and reporting requirements (membership rosters).

15.10.55 Internet Sales: *new section*

Added, as required by statutory change to Winegrower statute allowing internet sales by a third party website. Not allowed for Small Brewers or Craft Distillers.

15.10.61 Citations-Fines and Penalties:

Added some new violation codes; tasting permits.

Repealed Code No. 311 and 312 reference server having permit in their possession and serving without permit

15.10.70 Operation and Profiting by Authorized Persons and Alternating Proprietorships:

Added a section regarding manufacturers and wholesalers not being allowed to embed employees with retailers.

Added a section for statutory change allowing alternating proprietorships for small manufacturers.

15.11.2 Required Documents on Licensed Premises:

Removed requirement for Licensees to have copy of last application.

Removed requirement to post Resident Agent license.

Poster section updated to address Concealed Carry Exceptions and Restaurant license no longer required to post Minors Prohibited.

Floor plan must be available to agent upon request.

Statutes and Rules available in hard copy or electronically on device larger than a cellphone.

Invoices may be kept electronically if immediately available upon request.

The licensee must have a list, hard copy or electronic, that includes the name of the person and their server permit number (an agent may require proof that the person on duty is the same as the person on the list). If the server has a temporary permit, the Licensee must keep a copy of the temporary until such time that the permanent permit number is issued.

*Licensees no longer have to maintain copies of server permits.

**Servers no longer have to have their permit on their person.

15.11.21 Licenses and Permits – Applications:

Updates made to comply with statutory changes made in prior years.

Added 15.11.21.14 stating that small manufacturer applicants must show they are in compliance with federal laws.

Added 15.11.21.15 stating grounds for denial of a license.

15.11.22 Licenses and Permits – Renewal and Suspension:

Updated to reflect statutory change to staggered renewals – outlines due dates for applications based on license type.

Adds provisions for the Director to waive any or all renewal late fees if licensee shows good cause.

Clarifies suspension requirements.

15.11.23 Licenses and Permits – Change in Licensee:

Reorganized sections and added new section regarding prohibited changes in ownership or structure.

15.11.24 Licenses and Permits – Restaurant License: *new section*

15.11.24.8 sets forth the statutory limitations on what a restaurant can do – hours of operation, non-transferable, no package sales, etc.

15.11.24.9 sets forth the application requirements – food service permit, floor plan, menu, etc.

15.11.24.10 sets forth the renewal requirements.

15.11.25 Licenses and Permits – Special Dispenser and Public Celebration Permits:

Updated and reorganized to include Public Celebration Permits issued to small manufacturer license holders.

15.11.26 Licenses and Permits – Fees:

Updated to show statutory changes.

15.11.27 – Licenses and Permits – Inter-local Option District Transfers:

Adds new section regarding prohibited transfers.

15.11.28 Licenses and Permits – Bed and Breakfast: *new section*

Added due to statutory change. Sets forth limitations and application requirements.

15.11.29 Licenses and Permits – Tasting Permits: *new section*

Added due to statutory change. Sets forth limitations and application requirements.

15.11.30 Purchasing Cooperatives: *new section*

Added due to statutory change. Sets forth limitations and requirements.

15.11.31 Alcohol Server Training – Certification:

Reorganized for clarity. Adds paragraphs regarding replacement of server permits and employment of minors as servers in restaurants (60-7B-11 B).

Reorganizes and clarifies process for obtaining and renewing licenses as an alcohol server education provider or instructor. Sets forth process for administering an alcohol server training program.