HOUSE BILL 151
54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019
INTRODUCED BY
Patricio Ruiloba

AN ACT
RELATING TO LIQUOR CONTROL; AMENDING SECTIONS OF THE LIQUOR
CONTROL ACT TO ALLOW MINORS WHO ARE LICENSED UNDER THE NEW
MEXICO COMMERCIAL DRIVERS LICENSE ACT TO DELIVER PACKAGED
ALCOHOLIC BEVERAGES.

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

SECTION 1. Section 60-7B-10 NMSA 1978 (being Laws 1981,
Chapter 39, Section 90, as amended) is amended to read:

"60-7B-10. MINORS IN LICENSED PREMISES--REGULATIONS.--

A. Any person licensed pursuant to the provisions
of the Liquor Control Act or any employee, agent or lessee of
that person who permits a minor to enter and remain in any area
of a licensed premises that is prohibited to the use of minors
is guilty of a violation of the Liquor Control Act.

B. A minor shall not enter or attempt to enter any
area of a licensed premises that is posted or otherwise
identified as being prohibited to the use of minors, except as
authorized by regulation or as necessitated by an emergency. A
person who violates the provisions of this subsection is guilty
of a petty misdemeanor and shall be punished pursuant to the
provisions of Section 31-19-1 NMSA 1978.

C. The director of the alcohol and gaming division
of the regulation and licensing department shall adopt
regulations classifying the types of licensed premises or areas
of licensed premises where minors may be present. The director
shall require that signs issued by the division be posted by
licensees to inform the public, including minors, of the areas
in licensed premises that are open to minors. The regulations
may allow minors in those areas of licensed premises where:

(1) the consumption of alcoholic beverages is
the primary activity, when a minor is accompanied by a parent,
adult spouse or legal guardian; [or]

(2) there is no consumption of alcoholic
beverages; or

(3) the minor is at least eighteen years of
age and licensed under the New Mexico Commercial Driver's
License Act and is making a delivery of packaged alcoholic
beverages to a holder of a dispenser's, restaurant or club
license."

SECTION 2. Section 60-7B-11 NMSA 1978 (being Laws 1981,
Chapter 39, Section 91, as amended) is amended to read:

"60-7B-11. EMPLOYMENT OF MINORS.--

A. Except as provided in Subsection B or C of this section, it is a violation of the Liquor Control Act for any person licensed pursuant to the provisions of the Liquor Control Act or for any employee, agent or lessee of that person knowingly to employ or use the service of any minor in the sale and service of alcoholic beverages.

B. A person holding a dispenser's, restaurant or club license may employ persons nineteen years of age or older to sell or serve alcoholic beverages in an establishment that is held out to the public as a place where meals are prepared and served and the primary source of revenue is food, and where the sale or consumption of alcoholic beverages is not the primary activity, except that a person under twenty-one years of age shall not be employed as a bartender.

C. A person holding a wholesaler's license may employ persons eighteen years of age or older who are licensed pursuant to the New Mexico Commercial Driver's License Act to engage in activities customary to warehouse operations and to handle and deliver alcoholic beverages to licensees holding a dispenser's, retailer's, restaurant, club, small brewer, winegrower, craft distiller, manufacturer's, rectifier or any other license that allows for the purchase and delivery of alcoholic beverages by a licensed wholesaler, as long as the
minor delivers sealed, unbroken packages, including containers such as bottles, cans and kegs. A person under the age of twenty-one shall not be allowed to sample alcoholic beverages to accounts."

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2019.