

1 SENATE BILL 163

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

3 INTRODUCED BY

4 William F. Burt

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10 AN ACT

11 RELATING TO ALCOHOL; AUTHORIZING DIRECT SHIPMENT PERMITS FOR
12 BEER AND SPIRITUOUS LIQUORS.

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

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

17 "60-6A-11.1. DIRECT WINE, [~~SHIPMENT PERMIT~~] BEER AND
18 SPIRITUOUS LIQUOR SHIPMENT PERMITS--AUTHORIZATION--
19 RESTRICTIONS.--

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

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1 wine, beer or spirituous liquor shipment permit shall include:

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

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

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

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

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

23 C. A permittee may ship:

24 (1) not more than two nine-liter cases of
25 wine, two twelve-quart cases of beer or one ten-and-one-half-

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1 liter case of spirituous liquor 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, beer or spirituous liquor directly
6 to a New Mexico resident only in containers that are
7 conspicuously labeled with 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, beer or spirituous
15 liquor pursuant to the 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, beer or spirituous liquor into New
19 Mexico to New Mexico residents;

20 (3) monthly, [~~by~~] on or before the twenty-
21 fifth day of each month following the month in which the
22 permittee was issued a direct wine, beer or spirituous liquor
23 shipment permit, pay to the taxation and revenue department the
24 liquor excise 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, beer or spirituous liquor shipped pursuant to this
3 section to New Mexico residents upon notice and during usual
4 business hours.

5 E. As used in this section:

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

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

11 SECTION 2. Section 60-7A-3 NMSA 1978 (being Laws 1981,
12 Chapter 39, Section 49, as amended) is amended to read:

13 "60-7A-3. TRANSPORTATION INTO STATE WITHOUT PERMIT--
14 EXPORTATION OF ALCOHOLIC BEVERAGES WITHOUT PERMIT--IMPORTATION
15 FOR PRIVATE USE--RECIPROCAL SHIPPING--WHEN UNLAWFUL.--

16 A. Except as provided in Subsections E and F of
17 this section, it is a violation of the Liquor Control Act for a
18 registered common carrier to knowingly deliver a shipment of
19 alcoholic beverages from another state to a person in this
20 state without receiving at the time of delivery a permit issued
21 by the department covering the quantity and class of alcoholic
22 beverages to be delivered and requiring the shipment be
23 transported from the shipper designated in the permit to the
24 designated consignee and from the designated point of origin to
25 the destination designated in the permit.

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1 B. Except as provided in Subsections D through F of
2 this section, it is a violation of the Liquor Control Act for a
3 person other than a registered common carrier to knowingly
4 transport from another state and deliver in this state
5 alcoholic beverages, unless the person has in the person's
6 possession on entering New Mexico a permit from the department
7 for the quantity and class of alcoholic beverages to be
8 delivered, designating the name of the shipper and consignee
9 and the point of origin and destination of the alcoholic
10 beverages.

11 C. Except as provided in Subsections D and E of
12 this section, it is a violation of the Liquor Control Act for a
13 person to transport out of state alcoholic beverages on which
14 the excise tax has not been paid, unless the shipment is
15 accompanied by a permit issued by the department for the exact
16 quantity and class transported, showing the consignee's federal
17 and state license numbers and the point of origin and
18 destination of the alcoholic beverages.

19 D. An individual not a minor may transport into or
20 out of the state a reasonable amount of alcoholic beverages for
21 the exclusive purpose of the individual's private use or
22 consumption, and nothing in the Liquor Control Act limits or
23 applies to such private actions.

24 E. An individual or licensee, except for a person
25 holding a winery, brewery or distillery license, in a state

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1 that affords New Mexico licensees or individuals an equal
2 reciprocal shipping privilege may ship for personal use and not
3 for resale not more than two [~~cases of wine, each case~~
4 ~~containing no more than nine liters~~] nine-liter cases of wine,
5 two twelve-quart cases of beer or one ten-and-one-half-liter
6 case of spirituous liquor per month to an individual not a
7 minor in this state. Delivery of a shipment pursuant to this
8 subsection shall not be deemed to constitute a sale in this
9 state, and nothing in the Liquor Control Act limits or applies
10 to such shipments. The shipping container of wine, beer or
11 spirituous liquor sent into or out of this state under this
12 subsection shall be labeled clearly to indicate that the
13 package cannot be delivered to a minor or to an intoxicated
14 person.

15 F. The holder of a direct wine, beer or spirituous
16 liquor shipment permit issued pursuant to Section 60-6A-11.1
17 NMSA 1978 may ship no more than two nine-liter cases of wine,
18 two twelve-quart cases of beer or one ten-and-one-half-liter
19 case of spirituous liquor per month to a person living in New
20 Mexico who is twenty-one years of age or older for the person's
21 personal consumption and not for resale.

22 G. As used in this section, "in this state" means
23 within the exterior boundaries of the state."

24 SECTION 3. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2024.

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