

This rule was filed as 15 NMAC 10.5.2.

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 10 ALCOHOLIC BEVERAGES GENERAL PROVISIONS
PART 52 SEGREGATED ALCOHOL SALES

15.10.52.1 ISSUING AGENCY: New Mexico Regulation and Licensing Department, Alcohol and Gaming Division.
[3/31/97; Recompiled 12/31/01]

15.10.52.2 SCOPE: These regulations apply to all licensees under the New Mexico Liquor Control Act.
[3/31/97; Recompiled 12/31/01]

15.10.52.3 STATUTORY AUTHORITY: Sections 9-16-6(D) NMSA 1978 and 9-16-6(B)(2) NMSA 1978 of the Regulation and Licensing Department Act authorize the superintendent, or the superintendent's designee, to make and adopt such rules and regulations as necessary to carry out the duties of the department. Section 60-3A-7 gives the regulation and licensing department authority over all matters relating to the issuance, denial, suspension or revocation of licenses under the Liquor Control Act. In addition, Section 60-6B-19 NMSA 1978 requires that the director develop procedures, by promulgation of a regulation, for segregated alcoholic beverage sales by retailer and dispenser licenses who sell alcoholic beverages in unbroken packages for consumption and not for resale off the licensed premises and whose alcoholic beverage sales are less than 60 percent of the total sales of the retailer or the dispenser.
[3/31/97; 7/15/99; Recompiled 12/31/01]

15.10.52.4 DURATION: Permanent
[3/31/97; Recompiled 12/31/01]

15.10.52.5 EFFECTIVE DATE: March 31, 1997, unless a later date is cited at the end of a section or paragraph. Repromulgated and reformatted for New Mexico Administrative Code (NMAC) effective March 31, 1997. Certain paragraphs within this subpart [now part] remain unchanged from the following rule: AGD Regulation 6B-19, Segregated Alcohol Sales, filed 12/20/93. Those paragraphs retain their original effective dates.
[3/31/97; Recompiled 12/31/01]
[Compiler's note: The words, or paragraph, above, are no longer applicable. Later dates are now cited only at the end of sections in the history notes appearing in brackets.]

15.10.52.6 OBJECTIVE: These regulations are intended to comply with Section 60-6B-19 NMSA 1978 of the Liquor Control Act by creating procedures and requirements for segregated alcohol sales applicable to two different classes of licensed premises based on the size of the establishment.
[3/31/97; Recompiled 12/31/01]

15.10.52.7 DEFINITIONS: Unless otherwise defined in 15 NMAC 10.1.1 [now 15.10.2 NMAC], terms used in these regulations have the same meanings as set forth in the Liquor Control Act:

- A. This paragraph has been moved and renumbered to 15 NMAC 10.1.1.7.2 [now Subsection B of 15.10.2.7 NMAC].
- B. This paragraph has been moved and renumbered to 15 NMAC 10.1.1.7.12 [now Subsection L of 15.10.2.7 NMAC].
- C. This paragraph been moved and renumbered to 15 NMAC 10.1.1.7.25 [now Subsecton Y of 15.10.2.7 NMAC].

[3/31/97; 7/15/99; Recompiled 12/31/01]

15.10.52.8 LARGE PREMISES LICENSEES:

- A. Large premises licensees must consolidate all alcoholic beverages in an alcoholic beverage display area located within a clearly designated and marked area of the licensed premises. Alcoholic beverages may also be displayed or stored in small quantities in no more than two locations outside the designated alcoholic beverage display area provided that all display areas can be roped off, chained off, or covered during non-alcoholic

sale hours or days. Signs saying "liquor department - no one under 21 unless accompanied by parent, legal guardian or adult spouse" must be conspicuously posted around the boundaries of the alcoholic beverage display area. Licensees must file floor plans with the department showing the area where alcoholic beverages are displayed within the licensed premises, and will notify the department of any changes within 10 days.

B. An employee who is at least 21 years of age and has an alcohol server permit shall be responsible for the overall supervision of both the receiving and sale of alcoholic beverages, including supervision of the alcoholic beverage display area. The licensee shall designate employees within the licensed premises to serve in this capacity as part of their job description, and shall ensure that such a designated employee is on duty on the licensed premises during alcoholic beverage sale hours.

C. Small displays of chips, snacks, or similar items may be displayed for sale in the alcoholic beverage display area so long as those items are also available in other parts of the licensed premises outside the alcoholic beverage display area. Except for such small displays, displays of food or other merchandise that would require shoppers to enter the alcoholic beverage display area for food or other merchandise are not permitted.
[3/31/97; 7/15/99; Recompiled 12/31/01]

15.10.52.9 SMALL PREMISES LICENSEES: Small premises licensees must use diligent, good faith efforts to consolidate alcoholic beverages within a clearly designated and marked alcoholic beverage display area of the licensed premises. Signs saying "liquor area - no one under 21 unless accompanied by parent, legal guardian or adult spouse" must be conspicuously posted around the boundaries of the alcoholic beverage display area. Alcoholic beverages may also be displayed outside the alcoholic beverage display area provided that all display areas can be roped off, chained off or covered during non-alcoholic sale hours or days.
[3/31/97; 7/15/99; Recompiled 12/31/01]

15.10.52.10 SIGNS FOR DAYS WHEN SALES NOT PERMITTED: [RESERVED]
[3/31/97; 7/15/99; Recompiled 12/31/01]
[This section has been moved and renumbered to 15 NMAC 11.1.1.13 [now 15.11.2.13 NMAC.]

HISTORY OF 15.10.52:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:
AGD Regulation 6B-19, Segregated Alcohol Sales, filed 12/20/93.

History of Repealed Material [RESERVED]