

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 11 ALCOHOLIC BEVERAGES LICENSING
PART 2 REQUIRED DOCUMENTS ON LICENSED PREMISES

15.11.2.1 ISSUING AGENCY: The New Mexico Regulation and Licensing Department, Alcoholic Beverage Control Division.

[15.11.2.1 NMAC - Rp, 15 NMAC 11.1.1.1, 4/25/2017; A, 9/28/2021]

15.11.2.2 SCOPE: This rule applies to all licensees and applicants for licensure under the act.

[15.11.2.2 NMAC - Rp, 15 NMAC 11.1.1.2, 4/25/2017]

15.11.2.3 AUTHORITY: Sections 60-3A-10 NMSA 1978 of the act authorizes the director to make and adopt such rules as necessary to carry out the duties of the division.

[15.11.2.3 NMAC - Rp, 15 NMAC 11.1.1.3, 4/25/2017]

15.11.2.4 DURATION: Permanent.

[15.11.2.4 NMAC - Rp, 15 NMAC 11.1.1.4, 4/25/2017]

15.11.2.5 EFFECTIVE DATE: April 25, 2017, unless a later date is cited at the end of a section.

[15.11.2.5 NMAC - Rp, 15 NMAC 11.1.1.5, 4/25/2017]

15.11.2.6 OBJECTIVE: This rule is intended to establish requirements for licensees' display of all required documents pursuant to the act, and other information that shall be kept on all licensed premises to comply with the provisions of the act and its accompanying rules.

[15.11.2.6 NMAC - Rp, 15 NMAC 11.1.1.6, 4/25/2017]

15.11.2.7 DEFINITIONS: Unless otherwise defined in 15.10.2 NMAC, terms used in these rules have the same meanings as set forth in the act.

[15.11.2.7 NMAC - Rp, 15 NMAC 11.1.1.7, 4/25/2017]

15.11.2.8 DISPLAY OF LICENSE: The current liquor license shall be prominently displayed within the licensed premises so that it is in full public view at all times. A copy or scanned image or facsimile of the license may be displayed only for 30 days or until the original license is received by the licensee, whichever occurs first, provided that the copy or scanned image or facsimile is of the original, current and duly issued license.

[15.11.2.8 NMAC - Rp, 15 NMAC 11.1.1.8, 4/25/2017]

15.11.2.9 POSTERS:

A. Licensees that sell alcoholic beverages directly to the public shall display the following posters in full public view within the licensed premises. The director will prescribe the forms and sizes of the posters except that the licensee may make the poster larger than what is prescribed. The director will make copies available to all licensees:

(1) posters giving notice that the law prohibits the carrying of any operative firearm on a licensed premises, except where the licensed premises is subject to the concealed carry exception, the licensee may display a poster giving notice of the concealed carry exception, as long as the poster also gives notice that the law prohibits all other operative firearms on the licensed premises;

(2) posters warning of the dangers of drinking alcoholic beverages during pregnancy; and

(3) posters identifying all restricted areas of the licensed premises in which minors are prohibited, unless accompanied by a parent, adult spouse or legal guardian, except that such posters are not required for premises licensed as a restaurant serving beer and wine.

B. Licensees may, with the director's prior approval, develop and use posters of their own design that contain the same information required in this sections. Any such posters shall be valid only if bearing the director's stamp of approval.

[15.11.2.9 NMAC - Rp, 15 NMAC 11.1.1.10, 4/25/2017; A, 9/28/2021]

15.11.2.10 FLOOR PLAN: All licensees and their employees shall have access on the licensed premises to a hard copy of the current floor plan approved by the division.

[15.11.2.10 NMAC - N, 4/25/2017]

15.11.2.11 STATUTES AND RULES: All licensees and their employees shall have access on the licensed premises to either a hard or electronic copy of the most current versions of the act and the rules promulgated thereunder.

[15.11.2.11 NMAC - Rp, 15 NMAC 11.1.1.11, 4/25/2017; A, 9/28/2021]

15.11.2.12 INVOICES: All licensees shall keep on the licensed premises copies of all invoices received in the preceding two years from all suppliers of all inventory on the licensed premises. A licensee may maintain true and correct electronic copies of original invoices but shall make all documents or electronic copies immediately available and open for inspection during all usual business hours upon request of the division, the special investigations unit of the department of public safety or the taxation and revenue department.

[15.11.2.12 NMAC - Rp, 15 NMAC 11.1.1.12, 4/25/2017]

15.11.2.13 [RESERVED]

[15.11.2.13 NMAC - Rp, 15 NMAC 11.1.1.13, 4/25/2017; Repealed 9/28/2021]

15.11.2.14 SERVER CERTIFICATIONS: For all server certifications required pursuant to Section 60-6E-6 NMSA 1978 of the act, all licensees shall keep a current list of all such certifications, including server number and expiration date, available at the licensed premises in either hard or electronic copy to be made available upon request. In the event that proof of such server certification is only available as a temporary, written document, such temporary proof shall be available at the licensed premises in either a hard copy or as a scanned electronic copy to be made available upon request. The licensee or lessee, not any server, is responsible for compliance with this section.

[15.11.2.14 NMAC - N, 4/25/2017]

15.11.2.15 DOCUMENTS REQUIRED FOR DELIVERY OF ALCOHOLIC BEVERAGES:

A. A licensee holding an alcoholic beverage delivery permit, or a third-party delivery license, must cause all delivery employees to have on their person, during delivery, the following:

- (1) The original, or an electronic or physical copy, of the permittees alcoholic beverage delivery permit;
- (2) A physical or electronic copy of the delivery personnel's server certification;
- (3) A physical copy of the receipt printout accompanying all alcoholic beverages out for delivery; and

B. A license holding an alcoholic beverage delivery permit, or a third-party delivery license must save for a period of six months, at their licensed establishment, documentation containing the following information:

- (1) The name and age information for the customer who ordered and paid for the alcoholic beverages;
- (2) The address alcoholic beverages are to be delivered to;
- (3) The quantity and type of alcoholic beverage being delivered; and
- (4) The time of alcoholic beverage delivery.

[15.11.2.15 NMAC – N, 9/28/2021]

HISTORY OF 15.11.2 NMAC:

Pre-NMAC Regulatory Filing History: The material in this subpart was derived from that previously filed with the State Records Center and Archives under:

ABC Regulation No. 3A-2(C), Display of License Regulation 3A-2(C), Interpreting and Exemplifying Section 60-3A-2 NMSA 1978 (1981-1984 Supp.), filed 11/4/1985;

AGD Regulation 3A-2(C), Display of License, filed 9/25/1990;

ABC Regulation No. 3A-2(C), Display of License Regulation 3A-2(C), Interpreting and Exemplifying Section 60-3A-2 NMSA 1978 (1981-1984 Supp.), filed 11/4/1985;

AGD Regulation 3A-2(C), Display of License, filed 9/25/1990;

AGD Regulation 4B-5(A), Forms, filed 9/25/1990;

ABC Regulation No. 3A-2.(H), Firearm Poster Requirement Regulation 3A-2.(H), Interpreting and Exemplifying Section 60-3A-2 NMSA 1978 (1981-1984 Supp.), filed 11/4/1985;

AGD 3A-2(F), Firearm Poster Requirement, filed 9/25/1990; and

AGD Regulation 6B-2(A), License Application, filed 9/25/1990.

History of Repealed Material:

15 NMAC 11.1.1, Required Documents On Licensed Premises, filed 7/2/1999 - Repealed effective 4/25/2017.

Other History:

15 NMAC 11.1.1, Required Documents On Licensed Premises, filed 7/2/1999 was replaced by 15.11.2 NMAC, Required Documents On Licensed Premises, effective 4/25/2017.