

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 11 ALCOHOLIC BEVERAGES LICENSING
PART 25 LICENSES AND PERMITS - SPECIAL DISPENSER AND PUBLIC CELEBRATION
PERMITS

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

[15.11.25.1 NMAC - Rp, 15 NMAC 11.2.5.1, 4/25/2017; A, 9/28/2021]

15.11.25.2 SCOPE: These rules apply to all licensees under the New Mexico Liquor Control Act.

[15.11.25.2 NMAC - Rp, 15 NMAC 11.2.5.2, 4/25/2017]

15.11.25.3 STATUTORY AUTHORITY: Section 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.

[15.11.25.3 NMAC - Rp, 15 NMAC 11.2.5.3, 4/25/2017]

15.11.25.4 DURATION: Permanent.

[15.11.25.4 NMAC - Rp, 15 NMAC 11.2.5.4, 4/25/2017]

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

[15.11.25.5 NMAC - Rp, 15 NMAC 11.2.5.5, 4/25/2017]

15.11.25.6 OBJECTIVE: This rule is intended to establish standard procedures for obtaining and operating special dispensers' permits and public or private celebration permits.

[15.11.25.6 NMAC - Rp, 15 NMAC 11.2.5.6, 4/25/2017; A, 5/30/2017; A, 9/28/2021]

15.11.25.7 DEFINITIONS: Unless otherwise defined in 15.10.2 NMAC, terms used in these rules have the same meanings as set forth in the Liquor Control Act.

[15.11.25.7 NMAC - Rp, 15 NMAC 11.2.5.7, 4/25/2017]

15.11.25.8 SPECIAL DISPENSER'S PERMIT:

A. A special dispenser's permit may be issued, at the discretion of the director, to the holder of a dispenser's, rural dispenser's, interlocal dispenser's, lottery, or canopy license which is not in suspension for any reason on application submitted to the division at least ten days prior to the event.

(1) Permits for applications received less than ten days prior to June 30, for events to be held after July 1, will not be issued until after July 1 to ensure that the license has been renewed.

(2) Applications must have an original signature, or electronic signature pursuant to Section 14-16-1 et seq., NMSA 1978, accompanied by the required fee and all required information before they will be processed. Incomplete applications will be returned to the applicant.

(3) All fees submitted are non-refundable, regardless of whether the permit has been issued, the event is postponed, or the event is cancelled for any reason.

(4) No permit shall be issued for more than twelve hours on any single day.

B. For an event in a local option district in which Sunday sales of alcoholic beverages are not otherwise permitted, the application is limited to sales and service of beer and wine, and must be accompanied by a grant of concession from the body in charge of the public celebration or catered event after a resolution by the local option district pursuant to Section 60-6A-12 NMSA 1978.

C. The application for a special dispenser's permit must be accompanied by written permission from the governing body of the local option district where the public or private event is held.

D. The application must contain a floor plan of the location of the celebration or event that is compliant with Subsections C and D of 15.11.21.12 NMAC.

E. Special dispenser's permits will not be issued for more than three consecutive days, unless the director shall find good cause to justify a longer period. A separate application fee must be paid for each day requested. No permit will be issued for more than twelve hours on a single day.

F. The application shall contain a statement of the number of people expected to consume alcoholic beverages and the number, placement and assigned duties of security personnel to ensure compliance with the liquor

control act and these rules. If the director deems the security plan insufficient, the director may deny the permit or require additional security measures as a condition of approval.

G. The licensee must be the holder of a valid dispenser's, rural dispenser's, interlocal dispenser's, lottery, or canopy license, and authorized to sell or serve alcoholic beverages in the local option district where the public or private event to be catered is to be held.

H. No alcoholic beverages shall be sold or served in unbroken packages or for consumption off the area authorized by the special dispenser's permit.

I. Special dispenser's permits shall not be issued for an existing licensed premises unless the license on the licensed premises is in voluntary suspension or the director is satisfied the portion of the licensed premises covered by the special dispenser's permit can be separated to clearly identify and provide for two separate operations.

J. Special dispenser's permits shall not be issued to the holder of a rural dispenser's license for a function or event which is located within 10 miles of another licensed premises.

K. A copy of the approved special dispenser's permit and the posters required by 15.11.2.9 NMAC must be prominently displayed at the bar station on the specially licensed premises, together with a current list of servers.

[15.11.25.8 NMAC - Rp, 15 NMAC 11.2.5.8, 4/25/2017]

15.11.25.9 SMALL MANUFACTURER'S PRIVATE CELEBRATION PERMITS:

A. A small brewer, winegrower or craft distiller may apply for a private celebration permit for a private event, in which the organizers of the event wish for alcoholic beverages to be sold, served, and consumed by guests, provided that the license is not in suspension and the licensee submits the application at least 10 days prior to the event, subject to the following requirements:

(1) Permits for applications received less than seven days prior to February 28th for events to held after March 1st may not be issued until after March 1st to ensure that the license has been renewed;

(2) Applications must have an original signature, or electronic signature pursuant to Section 14-16-1 et seq., NMSA 1978, accompanied by the required fee and all required information before they will be processed. Incomplete applications will be returned to the applicant.

(3) All fees submitted are non-refundable, regardless of whether the permit has been issued, the event is postponed, or the event is cancelled for any reason.

B. The application for a private celebration permit must be accompanied by written permission from the governing body of the local option district where the private celebration is held.

C. The application must contain a diagram, site plan or floor plan of the location of the celebration or event that complies with the requirements of Subsections C and D of 15.11.21.12 NMAC, and which designates the location where alcoholic beverages will be dispensed and consumed. The applicant may be requested by the director to submit submit photographs or electronic images of the proposed location.

D. Private celebration permits will not be issued for more than three consecutive days, unless the director finds good cause to justify a longer period. A separate application fee must be paid for each day requested. No permit will be issued for more than 12 hours on a single day.

E. The application shall contain a statement of the number of people expected to consume alcoholic beverages and a plan for security, including appropriate number, placement and assigned duties of security personnel, to ensure compliance with the liquor control act and these rules. If the director deems the security plan insufficient, the director may deny the permit or require additional security measures as a condition of approval.

F. Private celebration permits shall not be issued for an existing licensed premises unless the license on the licensed premises, or the appropriate portion of the licensed premises, is in voluntary suspension.

G. A copy of the private celebration permit and the posters required by 15.11.2.9 NMAC must be prominently displayed at the bar station on the specially licensed premises.

H. A small brewer, winegrower, or craft distiller may sell the beer, wine, and spiritous liquors of other small brewers, winegrowers, and craft distillers pursuant to a permit issued under this section.

I. Private celebration permits are not subject to any Sunday sales restrictions in the local option district where the celebration is to be held.

J. Outdoor areas to be permitted pursuant to this section shall satisfy the requirements of 15.10.32.13 NMAC.

[15.11.25.9 NMAC – N, 9/28/2021]

15.11.25.10 SMALL MANUFACTURER'S PUBLIC CELEBRATION PERMITS:

A. A small brewer, winegrower or craft distiller may apply for a public celebration permit for any state or county fair, community fiesta, cultural or artistic event, sporting competition of a seasonal nature or activities held on an intermittent basis, provided that the license is not in suspension and the licensee submits the application at least 10 days prior to the event, subject to the following requirements:

(1) permits for applications received less than seven days prior to February 28th for events to be held after March 1st may not be issued until after March 1st to ensure that the license has been renewed;

(2) Applications must have an original signature, or electronic signature pursuant to Section 14-16-1 et seq., NMSA 1978, accompanied by the required fee and all required information before they will be processed. Incomplete applications will be returned to the applicant.

(3) All fees submitted are non-refundable, regardless of whether the permit has been issued, the event is postponed, or the event is cancelled for any reason.

B. The application for a public celebration permit must be accompanied by written permission from the governing body of the local option district where the public celebration is held.

C. The application must contain a diagram, site plan or floor plan of the location of the celebration or event that complies with the requirements of Subsections C and D of 15.11.21.12 NMAC, and which designates the location where alcoholic beverages will be dispensed and consumed. The applicant may be requested by the director to submit photographs or electronic images of the proposed location.

D. Public celebration permits will not be issued for more than three consecutive days, unless the director finds good cause to justify a longer period. A separate application fee must be paid for each day requested. No permit will be issued for more than 12 hours on a single day.

E. The application shall contain a statement of the number of people expected to consume alcoholic beverages and a plan for security, including appropriate number, placement and assigned duties of security personnel, to ensure compliance with the liquor control act and these rules. If the director deems the security plan insufficient, the director may deny the permit or require additional security measures as a condition of approval.

F. Public celebration permits shall not be issued for an existing licensed premises unless the license on the licensed premises, or the appropriate portion of the licensed premises, is in voluntary suspension.

G. A copy of the public celebration permit and the posters required by 15.11.2.9 NMAC must be prominently displayed at the bar station on the specially licensed premises.

H. A small brewer, winegrower, or craft distiller may sell the beer, wine, and spiritous liquors of other small brewers, winegrowers, and craft distillers pursuant to a permit issued under this section.

I. Public celebration permits are not subject to any Sunday sales restrictions in the local option district where the celebration is to be held.

J. Outdoor areas to be permitted pursuant to this section shall satisfy the requirements of 15.10.32.13 NMAC.

[15.11.25.10 NMAC - N, 4/25/2017; A, 9/28/2021]

15.11.25.11 COMPLIANCE WITH DOCUMENTS REQUIRED ON PREMISES: All premises subject to any permit issued pursuant to this part shall comply with the requirements of 15.11.2 NMAC as if the premises is a licensed premises.

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

HISTORY OF 15.11.25 NMAC:

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

ABC Regulation No. 6A-12(A), Special Dispenser's Permit Regulation 6A-12(A), Interpreting and Exemplifying Section 60-6A-12 NMSA 1978 (1981-1984 Supp.), filed 11/4/1985;

AGD 6A-12, Special Dispenser's Permit, filed 9/25/1990; and

AGD 7A-1(B), Sunday Sales Permit, filed 9/25/1990.

History of Repealed Material:

15 NMAC 11.2.5, Licenses and Permits - Special Dispenser and Sunday Sales Permits, filed 3/14/1997 - Repealed effective 4/25/2017.

NMAC History:

15 NMAC 11.2.5, Licenses and Permits - Special Dispenser and Sunday Sales Permits (filed 3/14/1997) was replaced by 15.11.25 NMAC, Licenses and Permits - Special Dispenser and Sunday Sales Permits, effective 4/25/2017.