

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 11 ALCOHOLIC BEVERAGES LICENSING
PART 29 LICENSES AND PERMITS - TASTING PERMITS

15.11.29.1 ISSUING AGENCY: The New Mexico Regulation and Licensing Department, Alcoholic Beverage Control Division.
[15.11.29.1 NMAC - N, 4/25/2017; A, 9/28/2021]

15.11.29.2 SCOPE: These rules apply to licensed dispenser, retailer, resident manufacturer, non-resident manufacturer, wholesaler or winegrower license holders applying for a tasting permit under the act.
[15.11.29.2 NMAC - N, 4/25/2017]

15.11.29.3 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. Section 60-3A-33 authorizes the division to issue tasting permits.
[15.11.29.3 NMAC - N, 4/25/2017]

15.11.29.4 DURATION: Permanent.
[15.11.29.4 NMAC - N, 4/25/2017]

15.11.29.5 EFFECTIVE DATE: April 25, 2017 unless a later date is cited at the end of a section.
[15.11.29.5 NMAC - N, 4/25/2017]

15.11.29.6 OBJECTIVE: These rules are intended to establish standards applicable to persons obtaining tasting permits under the act.
[15.11.29.6 NMAC - N, 4/25/2017]

15.11.29.7 DEFINITIONS: Unless otherwise defined in 15.10.2 NMAC, terms in this part has the same meaning as set forth in the act.
[15.11.29.7 NMAC - N, 4/25/2017]

15.11.29.8 TASTING PERMIT, GENERAL PROVISIONS: A licensed dispenser, retailer, resident manufacturer, wholesaler, winegrower, non-resident manufacturer or an agent or lessee of any such licensed entity may apply for and receive a tasting permit on a licensed premises that sells alcoholic beverages directly to the public and shall adhere to the following limitations of the permit:

- A.** The liquid volume of all pours of alcoholic beverages must be no larger than a taste.
 - B.** All tastes must be given free of charge.
 - C.** All tastes must be poured by the permit holder, or an employee, agent or contractor of the licensee, with a valid server certification. Any such employee, agent or contractor must be directly paid by the licensee holding the tasting permit, not through a third party.
 - D.** The permit holder, and its employees, agents or contractors may not sell any alcoholic beverages while operating the tasting permit.
 - E.** The licensee shall notify the division in writing or via email at least 48 hours prior to conducting any tasting event, disclosing the date, time and location of the tasting event.
- [15.11.29.8 NMAC - N, 4/25/2017; A, 9/28/2021]

15.11.29.9 APPLICATION REQUIREMENTS FOR AN ANNUAL TASTING PERMIT: Before an annual tasting permit may be issued, an application shall be submitted to the director for approval, shall be signed by the licensee, and shall contain the following fees and documentation:

- A.** money order or check for the annual fee in the amount of \$100.00; and
 - B.** a completed, signed application on the form prescribed by the director for:
 - (1)** a non-resident licensee, by a person authorized to legally bind the licensee, or
 - (2)** for all other licensees, a person fingerprinted in connection with their interest in the licensee pursuant to Subsection B of Section 60-6B-2 NMSA 1978.
- [15.11.29.9 NMAC - N, 4/25/2017]

15.11.29.10 NO TASTING PERMIT ON SAME PREMISES REQUIRED FOR LICENSES ALLOWING SALES BY THE DRINK: Nothing in this part requires a holder of a license for sales of alcoholic beverages by the drink to obtain any additional permit to offer tastes in the controlled access area on their own licensed premises, except that any service of free alcoholic beverages shall comply with Subsection C of 15.10.51.11 NMAC regarding free drinks.

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

HISTORY OF 15.11.29 NMAC: [RESERVED]