

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 11 ALCOHOLIC BEVERAGES LICENSING
PART 30 PURCHASING COOPERATIVES

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

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

15.11.30.2 SCOPE: These rules apply to all retailers, and to dispensers authorized to sell alcoholic beverages in unbroken packages, under the act.

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

15.11.30.3 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.

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

15.11.30.4 DURATION: Permanent.

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

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

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

15.11.30.6 OBJECTIVE: These rules are intended to regulate purchasing cooperatives authorized pursuant to the act.

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

15.11.30.7 DEFINITIONS: Unless otherwise defined in 15.10.2 NMAC, terms in this part has the same meaning as set forth in the act.

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

15.11.30.8 COOPERATIVE AGREEMENT REGISTRATION REQUIREMENTS:

A. Any number of retailers, or dispensers licensed to sell alcoholic beverages by package, may pool their purchases of alcoholic beverages from a wholesaler, and may also collectively advertise the purchase of alcoholic beverages, provided such cooperative purchases and advertising are pursuant to a written and fully executed cooperative agreement filed with the division.

B. The cooperative agreement to be filed with the division shall include the following:

- (1) a list of all members of the cooperative attached as a schedule to the agreement, identifying the license number for each member, to be updated in accordance with 15.11.30.10 NMAC;
- (2) separate invoicing of all purchases made by each member pursuant to the agreement and pursuant to Section 60-8A-3 NMSA 1978 of the act;
- (3) separate delivery of all purchases to each member's licensed premises pursuant to the agreement;
- (4) if the agreement provides for the employment of any employees by the cooperative, such employee may not have a financial interest in, or receive financial compensation from, any individual member;
- (5) a provision that, with a minimum of notice of 30 days, the cooperative may cancel the membership of any member;
- (6) no prohibition against any member joining any other trade organization or entity, except, at the option of the cooperative, a prohibition against joining other purchasing cooperatives authorized by the act;
- (7) a provision that any member may withdraw from the cooperative with a minimum of 30-day notice without penalty for such withdrawal;
- (8) no prohibition on any member from selling any product at an otherwise lawful price; and
- (9) a provision that any advertising purchased by the cooperative shall either identify all members equally in the advertisement, or identify the name of the cooperative only.

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

15.11.30.9 CORPORATE ENTITIES PERMITTED: The members of a purchasing cooperative may organize and conduct business personally or through any corporate structure allowable under state law.
[15.11.30.9 NMAC - N, 4/25/2017]

15.12.30.10 DIVISION RECORDS: The division shall maintain, through its website, a list of the names of all cooperatives that have complied with the requirements of this part. A copy of the cooperative agreement for each listed cooperative shall be available from the division upon request. Each cooperative may, at its discretion, submit an updated schedule of its members, but shall submit an updated copy of its cooperative agreement in the event of any material change to the agreement.
[15.11.30.10 NMAC - N, 4/25/2017]

HISTORY OF 15.11.30 NMAC: [RESERVED]