

**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, Alcoholic Beverage Control Division.

[15.10.52.1 NMAC - Rp, 15 NMAC 10.5.2.1, 4/25/2017; A, 9/28/2021]

**15.10.52.2        SCOPE:** These rules apply to all licensees under the act.

[15.10.52.2 NMAC - Rp, 15 NMAC 10.5.2.2, 4/25/2017]

**15.10.52.3        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.

[15.10.52.3 NMAC - Rp, 15 NMAC 10.5.2.3, 4/25/2017]

**15.10.52.4        DURATION:** Permanent.

[15.10.52.4 NMAC - Rp, 15 NMAC 10.5.2.4, 4/25/2017]

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

[15.10.52.5 NMAC - Rp, 15 NMAC 10.5.2.5, 4/25/2017]

**15.10.52.6        OBJECTIVE:** These rules are intended to comply with Section 60-6B-19 NMSA 1978 of the 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.

[15.10.52.6 NMAC - Rp, 15 NMAC 10.5.2.6, 4/25/2017]

**15.10.52.7        DEFINITIONS:** [RESERVED].

[15.10.52.7 NMAC - Rp, 15 NMAC 10.5.2.7, 4/25/2017]

**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 controlled access area of the licensed premises. Growler sales for beer and cider may be located in a separate, clearly designated and marked display area from other alcoholic beverage sales. Both the storage area and the area where growlers will be filled must be designated. Except for table wines and other beverages as defined in Subsection C of 60-6B-19 NMSA 1978, 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. Licensees must file floor plans with the division for approval showing the consolidated and segregated areas where alcoholic beverages, including growler sales, are displayed within the licensed premises.

**B.** An employee who is at least 21 years of age and has a valid 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.

[15.10.52.8 NMAC - Rp, 15 NMAC 10.5.2.8, 4/25/2017; A, 9/28/2021]

**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 controlled access area of the licensed premises. Except for table wines and other beverages as defined in Subsection C of 60-6B-19 NMSA 1978, 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.

[15.10.52.9 NMAC - Rp, 15 NMAC 10.5.2.9, 4/25/2017; A, 9/28/2021]

**15.10.52.10 SIGNS FOR DAYS WHEN SALES NOT PERMITTED: [RESERVED]**

[15.10.52.10 NMAC - Rp, 15 NMAC 10.5.2.10, 4/25/2017]

**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:**

15 NMAC 10.52, Segregated Alcohol Sales, filed 03/14/1997 - Repealed effective 4/25/2017.