

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 10 ALCOHOLIC BEVERAGES GENERAL PROVISIONS
PART 54 SALES - CLUBS

15.10.54.1 ISSUING AGENCY: The New Mexico Regulation and Licensing Department, Alcoholic Beverage Control Division.
[15.10.54.1 NMAC - Rp, 15 NMAC 10.5.4.1, 4/25/2017; A, 9/28/2021]

15.10.54.2 SCOPE: These rules apply to all club licensees under the act.
[15.10.54.2 NMAC - Rp, 15 NMAC 10.5.4.2, 4/25/2017]

15.10.54.3 STATUTORY AUTHORITY: Section 60-3A-10 NMSA of the act authorizes the director to make and adopt such rules as necessary to carry out the duties of the division.
[15.10.54.3 NMAC - Rp, 15 NMAC 10.5.4.3, 4/25/2017]

15.10.54.4 DURATION: Permanent
[15.10.54.4 NMAC - Rp, 15 NMAC 10.5.4.4, 4/25/2017]

15.10.54.5 EFFECTIVE DATE: April 25, 2017, unless a later date is cited at the end of a section.
[15.10.54.5 NMAC - Rp, 15 NMAC 10.5.4.5, 4/25/2017]

15.10.54.6 OBJECTIVE: This part is intended to establish additional standards by which club licensees may sell and serve alcoholic beverages under the act.
[15.10.54.6 NMAC - Rp, 15 NMAC 10.5.4.6, 4/25/2017]

15.10.54.7 DEFINITIONS: Unless otherwise defined in 15.10.2 NMAC, terms in this part has the same meaning as set forth in the act.
[15.10.54.7 NMAC - Rp, 15 NMAC 10.5.4.7, 4/25/2017; A, 9/28/2021]

15.10.54.8 SALES LIMITED TO MEMBERS AND GUESTS:
A. Whenever a member invites one or more bona fide guests, as defined by Subsection A of 15.10.54.7 NMAC onto a club's licensed premises, the club shall be responsible for identifying each bona fide guest and the club member responsible for such guest by maintaining a sign in sheet identifying the guest and the member, including the member identification number. The club should be able to produce the sign in sheet upon request by the director or the special investigations unit of the department of public safety or other peace officer within the scope of their jurisdiction. Members may not be stationed at the door signing in people who were not previously invited as their guests.

B. A member who has invited bona fide guests to use club facilities shall be responsible at all times while the guests are on the club premises. Except as otherwise permitted by law, no person other than the club members, bona fide guests, and club employees shall be allowed on any part of the licensed premises where alcoholic beverages are being sold, served, or consumed under the club license.
[15.10.54.8 NMAC - Rp, 15 NMAC 10.5.4.8, 4/25/2017]

15.10.54.9 GAMES OF CHANCE:
A. An entity holding a valid club license issued under the act may conduct any activities on the licensed premises that are excluded from the definition of commercial gambling pursuant to Subsection C of Section 60-7A-19 NMSA 1978, of the Act.

B. Nothing within this section shall be deemed to allow for commercial gambling, as defined by Subsection C of Section 60-7A-19 NMSA 1978, of the Act.
[15.10.54.9 NMAC - Rp, 15 NMAC 10.5.4.9, 4/25/2017; A, 9/28/2021]

15.10.54.10 FUND RAISING EVENTS: A club may allow its facilities, including its licensed premises, to be used by another non-profit organization four times in a calendar year for a fund raising event that is open to the public if the club submits an application on the form provided by the division not less than 10 days before the date of the proposed event and receives written approval from the division for the event.
[15.10.54.10 NMAC - Rp, 15 NMAC 10.5.4.10, 4/25/2017; A, 9/28/2021]

15.10.54.11 ADVERTISING FOR SPECIAL EVENTS:

A. A club may advertise a special event for the purposes of soliciting new club members or to notify existing members. Any advertisement, either printed, electronic or otherwise, must clearly state that the event is restricted to members of the club and their bona fide guests. If soliciting new members, the advertisement must state “to become a member, please contact” and provide contact information of a club member.

B. Examples of special events include, but are not limited to, musical and other artistic performances, speaking engagements, and promotions by commercial entities.

C. Special events that also constitute “fund raising events” pursuant to Section 10, above, are not subject to this advertising rule.

D. Any advertising described in Subsection A of 15.10.54.11 NMAC shall not include references to specific drinks or prices of drinks.

[15.10.54.11 NMAC - Rp, 15 NMAC 10.5.4.11, 4/25/2017]

15.10.54.12 CHANGE IN OFFICERS: A club must report a change in officers at time of renewal on an application prescribed by the director, including but not limited to, submission of fingerprints, personal affidavits, meeting minutes from the election and a copy of the club’s filing with the New Mexico secretary of state that lists its current officers, as part of the annual renewal application.

[15.10.54.12 NMAC - Rp, 15 NMAC 10.5.4.12, 4/25/2017; A, 9/28/2021]

15.10.54.13 LICENSE RENEWAL REQUIREMENT: In addition to the other requirements provided by law, as part of its annual renewal application, and upon request by the director, a club must furnish proof of its number of members by providing either:

A. a roster of its current members which includes the name, address and phone number of each member; or

B. a sworn statement by either a certified public accountant or an attorney, duly licensed in the state, attesting that during the preceeding 12 months, the club has had no more than 250 members, based upon a personal review of the club’s operations; or

C. a sworn statement by an officer of the statewide or national non-profit organization associated with the club attesting that during the preceeding 12 months, the club has had no more than 250 members, based upon a personal review of the club’s operations.

[15.10.54.13 NMAC - Rp, 15 NMAC 10.5.4.13, 4/25/2017]

HISTORY OF 15.10.54 NMAC:

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

ABC Regulation No. 7A-13(B)(2)(A), Penalties for Violation of Section 60-7A-13(B)(2), Sales by Clubs, Interpreting and Exemplifying Section 60-7A-13(B)(2) NMSA 1978 (1981 and 1985 Supp.), filed 10/29/1985; ABC 7A-13(B)(2)(A), Penalties for Violation of Section 60-7A-13(B)(2) NMSA 1978, led 2/13/1986; and AGD Regulation 7A-13, Sales by Clubs, filed 9/25/1990.

History of Repealed Material:

15 NMAC 10.5.4, Sales Clubs, filed 7/21/1999 - Repealed effective 4/25/2017.