

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 10 ALCOHOLIC BEVERAGES LICENSING
PART 55 INTERNET SALES

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

15.10.55.2 SCOPE: These rules apply to all retailers, and to dispensers authorized to sell alcoholic beverages in unbroken packages and all licensees allowed to sell alcoholic beverages through delivery, under the act.
[15.1.55.2 NMAC - N, 4/25/2017; A, 9/28/2021]

15.10.55.3 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.
[15.1.55.3 NMAC - N, 4/25/2017]

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

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

15.10.55.6 OBJECTIVE: These rules are intended to regulate purchasing cooperatives authorized pursuant to the act.
[15.1.55.6 NMAC - N, 4/25/2017]

15.10.55.7 DEFINITIONS: Unless otherwise defined in 15.10.2 NMAC, terms used in this rule have the same meanings as set forth in the act.
[15.1.55.7 NMAC - N, 4/25/2017]

15.10.55.8 THIRD-PARTY, INTERNET SALES:

A. Except as provided in this section, no licensee may accept or fulfill any offer for the sale of any alcoholic beverages to New Mexico residents through a third-party internet web site for shipping alcoholic beverages to customers.

B. The holder of a New Mexico winegrower's license that also holds a direct wine shipment permit may sell and ship wine through an internet website to residents of New Mexico. Through a website of a third-party intermediary, and regardless of whether the transaction is administered by the licensee or the licensee's agent, the holder of a New Mexico winegrower's license may sell wines of the winegrower's own production, or wine produced by another New Mexico winegrower, but not any other alcohol, to:

- (1) a holder of a New Mexico winegrower's, wine wholesaler's, wholesaler's or wine exporter's license;
- (2) a New Mexico winegrower's agent;
- (3) a New Mexico resident;
- (4) a resident in any other state or foreign jurisdiction, as authorized by that jurisdiction; and
- (5) the holder of a license in any other state or foreign jurisdiction issued under the authority of that jurisdiction that authorizes the purchase of wine.

C. The holder of a direct wine shipment permit that is a person licensed in a state other than New Mexico that holds a winery license in that state may sell and ship wines that are otherwise in accordance with Subsection B, above, to the extent not prohibited by the laws of that state.

D. All third-party internet sales described in this part are subject to the restrictions on direct wine shipment permits as provided by Sections 60-6A-11.1 and Subsection F of Section 60-7A-3 NMSA 1978 of the act.
[15.1.55.8 NMAC - N, 4/25/2017; A, 9/28/2021]

15.10.55.9 USE OF INTERNET WEBSITE AND APPLICATION BASED PLATFORMS FOR DELIVERY SALES:

A. Licensees issued an alcoholic beverage delivery permit may sell alcoholic beverages, allowed by their license type, through an internet website or application to customers.

B. The internet website or application platform may be provided by a third-party intermediary, for use by the licensee, in accordance with the act.

[15.1.55.9 NMAC – N, 9/28/2021]

HISTORY OF 15.1.61 NMAC: [RESERVED]