

TASTING PERMITS | E-mail: Tasting.Event@state.nm.us

TYPE OF PERMIT	PERMIT FEE	TERM PER 16.34.14 NMAC
Tasting Permit	\$100.00	Valid for One Calendar Year

REQUIREMENTS:

(Master License)

To Apply for an Annual Tasting Permit, you must be the holder of a valid New Mexico Dispenser, Retailer, Resident Manufacturer, Non-Resident Manufacturer, Wholesaler, or Winegrower Liquor License. or,

For Non-Resident Manufacturers, please attach a valid/active Manufacturer's License from the issuing state.

The Master License required for a Tasting Permit to be issued by the state of New Mexico, must remain active throughout the Term of the Tasting Permit. All Tasting Events must cease should the Master License become inactive for any reason.

You must submit an accurate Server List that identifies the name, permit number and expiration date of the employees or agents that will be working the Events and must include a copy of each server permit. Ensure that any and all employees that may work an event are listed. This Approved List must be posted at each event with a copy of the Approved Permit.

SERVICE: 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.

SALE of alcoholic beverages is prohibited while operating Tasting Permit.

INSTRUCTIONS, AS LISTED ON PERMIT APPLICATION:

Tasting Permits, only authorizes the **sampling** of alcoholic beverages in accordance with AGD Rules and NM law. Samples or tastes of alcoholic beverages are defined in 15.10.51.11 D(4) NMAC as follows: **"1.5 ounces or less of beer or wine and 0.5 ounces or less of undiluted spirituous liquors."**

Rules: Licensees and Agents are subject to all AGD rules and the Liquor Control Act - LCA when serving alcohol under this Permit. An Agent must be a currently licensed dispenser, retailer, resident manufacturer, nonresident manufacturer, wholesaler or New Mexico Winegrower. Service of alcohol to intoxicated persons and/or persons under the age of 21 is a violation of the LCA. The Licensee may be cited for any violations of the LCA committed by any of its employees, or Agents, including employees of Agents. **Only employees of the entity holding the tasting permit may serve alcohol** pursuant to the tasting permit.

Timely Notice by e-mail: Required to **notify AGD via e-mail no less than 48 hours in advance** of an event **and include** the date, time, and location of the tasting event; the products to be sampled, including the name and type of alcoholic beverage; and Server List with the name of server and permit number of those serving at the tasting event. E-mail notice to AGD shall be to: Tasting.Event@state.nm.us and AGD will process and then forward to SIU. Failure to comply may result in a citation.

Documentation Required at Event: A Tasting Permit Holder, i.e., the Licensee or the Agent, is required to have the original or a copy of its **valid Tasting Permit**, a copy of the above-referenced **e-mail notification on the licensed premises** at the time of the tasting event, **and copies of Server Permits** for those serving at the event.

Location: Tasting Permit Holders **may conduct tastings at any premises licensed by AGD**, regardless of whether it is the Tasting Permit Holder's own licensed premises or the licensed premises of another license. *Only the Licensee to whom a Special Dispenser Permit or a Public Celebration Permit is issued may conduct tasting events at locations other than a permanently licensed premises.*

Sundays: Please note that tastings on Sundays are subject to the Local Option District having held an election that approved Sunday Sales by the Drink. Package sales are only allowed in local option districts that have voted to approve Sunday Package sales.

Below is a brief overview of the applicable New Mexico State Statutes and Rules of the Liquor Control Act.

§60-3A-3. Definitions.

O. **"licensed premises"** means the contiguous areas or areas connected by indoor passageways of a structure and the outside dining, recreation and lounge areas of the structure and the grounds and vineyards of a structure that is a winery that are **under the direct control of the licensee and from which the licensee is authorized to sell, serve or allow the consumption of alcoholic beverages under the provisions of its license...**;

15.10.2.7 NMAC Definitions

LL. **"Taste"** or **"tastes"** means offering smaller than usual drink sizes of alcoholic beverages to the public at no cost for the sole purpose of promoting the product, in quantities of **.5 ounces or less if the product is undiluted spirituous liquors, and 1.5 ounces or less for all other alcoholic beverages.**

15.11.26.11 Annual Tasting Permit: for Dispenser, Retailer, Resident Manufacturer, Non-Resident Manufacturer, Wholesaler, or Winegrower license, \$100.

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.**
- F. Issuance of tasting permits are subject to local option district elections regarding Sunday sales by the drink, and will not issue on any Sunday where sales by the drink are not allowed by the local option district. [15.11.29.1 NMAC - N, 4/25/2017]

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 Section 60-6B-2(B) NMSA 1978. [15.11.29.1 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 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. [15.11.29.1 NMAC - N, 4/25/2017]

§60-6A-33. Tasting permit; fees.

A. The director is authorized to issue a tasting permit **to a licensed dispenser, retailer, resident manufacturer, nonresident manufacturer, wholesaler or winegrower or an agent** of any such licensed entity **to conduct tastings of wine, beer, cider or spirituous liquor on a licensed**

premises in accordance with rules promulgated by the director to protect public health and safety. **A person serving** wine, beer, cider or spirituous liquor at a tasting event permitted pursuant to this section **shall have a server permit.**

B. To apply for a tasting permit, the holder of a license described in Subsection A of this section shall submit to the department a tasting permit fee of one hundred dollars (\$100) and such information as the director may require. A tasting permit shall be valid for one year from the date that it is issued and may be renewed upon application to the department and payment of the tasting permit fee of one hundred dollars (\$100). A person permitted to hold tastings pursuant to this section shall notify the director **no less than forty-eight hours before a tasting event** of the person's intent to hold the event. **Notification shall include the times and locations of, and the types of products to be included in, the tasting event.** Upon receipt of notification, the director shall forward the notice to the appropriate staff member of the special investigations division [New Mexico state police division] of the department of public safety.

C. The director may impose the following administrative penalties on a person who holds a tasting permit for violations of the Liquor Control Act that occur during tastings conducted pursuant to the person's tasting permit:

- (1) for a first violation, a fine no greater than one thousand dollars (\$1,000) or a restriction on issuance of tasting permits to the person for a period of two months, or both;
- (2) for a second violation within a year of the first violation, a fine no greater than two thousand dollars (\$2,000) or a restriction on issuance of tasting permits to the person for a period of six months, or both; and
- (3) for a third violation within a year of the first violation, a citation against the license held by the person, a fine no greater than five thousand dollars (\$5,000) and a restriction on issuance of tasting permits to the person for a period of one year.

History: Laws 2013, ch.148, §1; 2015, ch.77, §1.

Code	VIOLATION /CHARGE	MAXIMUM FINE
36	Tasting Permit: 1 st Offense	Up to \$1,000 or suspension for two months, or both
36	Tasting Permit: 2 nd Offense within a year of first violation	Up to \$2,000 or suspension up to six months, or both
36	Tasting Permit: 3 rd Offense within a year of first violation - With citation against Master License	Up to \$5,000 & One Year Suspension of Permit