

**Disclaimer:**

This document is not intended to provide legal advice. Laws on alcohol sales and service may vary greatly by city, county or state. For complete information on the alcohol laws in effect in your region, please contact the liquor authority in your state and/or municipality.

## New Mexico

STATE LIQUOR AUTHORITY	State of New Mexico Regulation and Licensing Department Alcohol and Gaming Division 2550 Cerrillos Road, 2 <sup>nd</sup> Floor Santa Fe, New Mexico 87505 Phone: 505-476-4875 Fax: 505-476-4595 General E-mail: <a href="mailto:AGD@state.nm.us">AGD@state.nm.us</a> General Internet Site: <a href="http://www.rld.state.nm.us/AGD">www.rld.state.nm.us/AGD</a>
AGE TO CONSUME	21
AGE TO SERVE	19 in restaurants only
AGE TO POUR	21
AGE TO SELL (PACKAGED LIQUOR)	21
MINORS ALLOWED ON PREMISE?	It is unlawful to serve or sell alcohol to anyone under the age of 21. If the person is under the age of 17, they must be with a parent or guardian in an establishment whose primary business is the sale of alcohol or adult entertainment. City and town ordinances may also address this issue.
CAN PARENTS SERVE?	No
HOURS OF SERVICE	<b>On premise establishments:</b> Monday: 7:00 a.m. until midnight Tuesday thru Saturday: 7:00 a.m. until 2:00 a.m. Sunday with permit: 12:00 p.m. until midnight Confirm with local jurisdiction: In restaurant, may need to cease alcohol beverage service at 11:00 p.m. or when meals cease whichever is earlier.
ACCEPTED ID'S	<ul style="list-style-type: none"> <li>• State issued drivers license or ID card</li> <li>• Any document issued by Federal, State, or local agency which contains a picture.</li> </ul>
LEGAL LEVEL OF INTOXICATION WHILE DRIVING	.08 BAC
DRAM SHOP LAW	Licensee and server can be held liable for serving a minor or visibly intoxicated guest.
ID CONFISCATION	New Mexico affirms that an ID is personal property; if an establishment chooses to confiscate the document, it is their decision.
HAPPY HOUR & OTHER SERVICE RESTRICTIONS	Licensees may not offer single-priced, unlimited service drink specials, free drinks to patrons or two-for-one drink specials.
PENALTIES FOR SERVING OR SELLING TO A MINOR	4 <sup>th</sup> degree felony punishable by 18 months imprisonment and court may impose up to \$5000 fine.
WARNING SIGNS REQUIRED ON EFFECTS OF ALCOHOL ON FETUS?	Yes, available through state. Licensees may, with the director's prior approval, develop and use posters of their own design that contain the same information required in this section. Any such posters shall be valid only if bearing the director's stamp of approval.

## **ADDENDUM: NEW MEXICO'S DRAM SHOP LAWS**

41-11-1. Tort liability for alcoholic liquor sales or service.

A. No civil liability shall be predicated upon the breach of Section 60-7A-16 NMSA 1978 by a licensee, except in the case of the licensee who: (1) sold or served alcohol to a person who was intoxicated; (2) it was reasonably apparent to the licensee that the person buying or apparently receiving service of alcoholic beverages was intoxicated; and (3) the licensee knew from the circumstances that the person buying or receiving service of alcoholic beverages was intoxicated.

B. No person who was sold or served alcoholic beverages while intoxicated shall be entitled to collect any damages or obtain any other relief against the licensee who sold or served the alcoholic beverages unless the licensee is determined to have acted with gross negligence and reckless disregard for the safety of the person who purchased or was served the alcoholic beverages.

C. No licensee is chargeable with knowledge of previous acts by which a person becomes intoxicated at other locations unknown to the licensee.

D. As used in this section: (1) "licensee" means a person licensed under the provisions of the Liquor Control Act and the agents or servants of the licensee; and (2) "intoxicated" means the impairment of a person's mental and physical faculties as a result of alcoholic beverage use so as to substantially diminish that person's ability to think and act in a manner in which an ordinary [ordinarily] prudent person, in full possession of his faculties, would think and act under like circumstances.

E. No person who has gratuitously provided alcoholic beverages to a guest in a social setting may be held liable in damages to any person for bodily injury, death or property damage arising from the intoxication of the social guest unless the alcoholic beverages were provided recklessly in disregard of the rights of others, including the social guest.

F. A licensee may be civilly liable for the negligent violation of Sections 60-7B-1 and 60-7B-1.1 NMSA 1978. The fact-finder shall consider all the circumstances of the sale in determining whether there is negligence such as the representation used to obtain the alcoholic beverage. It shall not be negligence per se to violate Sections 60-7B-1 and 60-7B-1.1 NMSA 1978.

G. A licensee shall not be held civilly liable pursuant to the provisions of Subsection F of this section except when: (1) it is demonstrated by the preponderance of the evidence that the licensee knew, or that a reasonable person in the same circumstances would have known, that the person who received the alcoholic beverages was a minor; and (2) licensee's violation of Section 60-7B-1 or 60-7B-1.1 NMSA 1978 was a proximate cause of the plaintiff's injury, death or property damage.

H. No person may seek relief in a civil claim against a licensee or a social host for injury or death or damage to property which was proximately caused by the sale, service or provision of alcoholic beverages except as provided in this section.

I. Liability arising under this section shall not exceed fifty thousand dollars (\$50,000) for bodily injury to or death of one person in each transaction or occurrence or, subject to that limitation for one person, one hundred thousand dollars (\$100,000) for bodily injury to or death of two or more persons in each transaction or occurrence, and twenty thousand dollars (\$20,000) for property damage in each transaction or occurrence.