



New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

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Susana Martinez
GOVERNOR

J. Dee Dennis, Jr.
SUPERINTENDENT

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ACTING DIRECTOR

August 16, 2011

TO ALL OFF-PREMISE LICENSEES

Pursuant to amendments to Section 30-7-3 NMSA 1978 (Unlawful Carrying of a Firearm in Licensed Liquor Establishments), a person who is carrying a concealed handgun and who is in possession of a valid concealed handgun license for that gun, pursuant to the Concealed Handgun Carry Act [29-19-1 NMSA 1978], is no longer prohibited from carrying that handgun into a liquor licensed establishment that dispenses alcoholic beverages for off-premises consumption, such as package liquor stores, grocery stores, convenience stores, etc.) or in an restaurant licensed to only sell beer and wine.

Carrying of any firearm is NOT allowed into liquor establishments where on-premise consumption (bars, restaurants with a full service license, nightclubs, etc.) is taking place. On-premise license holders ARE required to display the required poster.

Off-premise licensees or restaurants only licensed to sell beer and wine who wish to prohibit firearms on their private property may do so pursuant to the Concealed Handgun Carry Act [29-19-1 NMSA 1978], and may post a sign stating "No Firearms Allowed." However, the AGD sign is no longer valid and should be removed because the law *requiring* the sign is no longer in effect.

Sincerely,

Mary Kay Root, Esq.
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Boards and Commissions Division
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30-7-3. Unlawful carrying of a firearm in licensed liquor establishments.

A. Unlawful carrying of a firearm in an establishment licensed to dispense alcoholic beverages consists of carrying a loaded or unloaded firearm on any premises licensed by the regulation and licensing department for the dispensing of alcoholic beverages except:

- (1) by a law enforcement officer in the lawful discharge of the officer's duties;
- (2) by a law enforcement officer who is certified pursuant to the Law Enforcement Training Act [29-7-1 NMSA 1978] acting in accordance with the policies of the officer's law enforcement agency;
- (3) by the owner, lessee, tenant or operator of the licensed premises or the owner's, lessee's, tenant's or operator's agents, including privately employed security personnel during the performance of their duties;
- (4) by a person carrying a concealed handgun who is in possession of a valid concealed handgun license for that gun pursuant to the Concealed Handgun Carry Act [29-19-1 NMSA 1978] on the premises of:
 - (a) a licensed establishment that does not sell alcoholic beverages for consumption on the premises; or
 - (b) a restaurant licensed to sell only beer and wine that derives no less than sixty percent of its annual gross receipts from the sale of food for consumption on the premises, unless the restaurant has a sign posted, in a conspicuous location at each public entrance, prohibiting the carrying of firearms, or the person is verbally instructed by the owner or manager that the carrying of a firearm is not permitted in the restaurant;
- (5) by a person in that area of the licensed premises usually and primarily rented on a daily or short-term basis for sleeping or residential occupancy, including hotel or motel rooms;
- (6) by a person on that area of a licensed premises primarily used for vehicular traffic or parking; or
- (7) for the purpose of temporary display, provided that the firearm is:
 - (a) made completely inoperative before it is carried onto the licensed premises and remains inoperative while it is on the licensed premises; and
 - (b) under the control of the licensee or an agent of the licensee while the firearm is on the licensed premises.

B. Whoever commits unlawful carrying of a firearm in an establishment licensed to dispense alcoholic beverages is guilty of a fourth degree felony.