



**New Mexico Regulation and Licensing Department  
ALCOHOLIC BEVERAGE CONTROL**

PO Box 25101 ▪ Santa Fe, New Mexico 87504-5101  
Phone (505) 476-4875 ▪ Fax (505) 476-4595 ▪ [www.rld.state.nm.us/abc](http://www.rld.state.nm.us/abc)

May 1, 2020

**Michelle Lujan Grisham**  
Governor

**Marguerite Salazar**  
Superintendent

**Andrew Vallejos**  
Director

Dear Licensees,

In response to the COVID-19 pandemic, Governor Lujan Grisham has extended the Public Health Order until May 15, 2020. The Order is available on the home page of the ABC Division website. The most recent Order has kept the same restrictions for alcohol establishments previously detailed in the April 6, 2020 public health order.

Liquor establishments that were allowed to stay open pursuant to the April 6<sup>th</sup> order may remain open subject to mandated physical distancing requirements. Liquor establishments closed by the April 6<sup>th</sup> order remain closed.

I would encourage those businesses that are closed to start working on strategies on how to re-open safely within your business model, and also to reach out to your professional associations to work with the representatives of the Governor's Economic Recovery Council. A copy of the New Mexico Reopening Plan is on the ABC Division website.

As per the public health order, prohibitions on mass gatherings are still in effect and will likely continue to be in effect for the foreseeable future. Therefore, Special Dispensing Permits and Public Celebration permits will not be accepted until we receive guidance that gatherings of more than five people are allowed under subsequent public health orders.

Many have asked whether we can allow for home delivery of alcohol or allow for "curbside" delivery/sales of alcohol during this crisis. The Liquor Control Act does not allow for home delivery of alcohol, and further mandates that all liquor sales must be made on the licensed premises.

NMSA 60-7A-4.1 provides, "[i]t is unlawful for any person to sell or attempt to sell alcoholic beverages at any place other than a licensed premises..." The licensed premises is defined by the floor plan submitted to ABC and does not include parking lots or areas outside of the licensed structure. The paradigm is that a person who seeks to be served alcohol must present an ID, pay for and accept delivery of the alcohol on the licensed premises. This is a long standing enforcement component within the New Mexico Liquor Control Act to assist in preventing sales to minors or intoxicated people.

To reiterate, there is no curbside service of alcohol in New Mexico and there is no home delivery of alcohol, until there is legislation that allows for it.

We are hearing many reports of establishments that are currently closed due to the COVID-19 pandemic, who are try to creatively interpret the public health orders or relying on word of mouth advice from other establishments to find unique ways to avoid closure. This is not the time for this action. We still have a long way to go to

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limit the spread of the virus. Please be aware the Special Investigations Unit will be out ensuring compliance and will enforce any violations of the Liquor Control Act.

Thank you for cooperation and assistance in helping mitigate the spread of this truly harmful virus and in keeping New Mexico citizens safe. We know it has been hard on businesses but we look forward to that point where we will be able safely reopen.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Vallejos". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Vallejos