



July 23, 2021

New Mexico Regulation and Licensing Department
Alcoholic Beverage Control Division
Attn: Desirae Griego (Desirae.Griego@state.nm.us)
2550 Cerrillos Road
Santa Fe, NM 87504

Re: Public Comment in Response to Notice of Proposed Rulemaking Regarding Third-Party Alcohol Delivery

Dear Ms. Griego:

Pursuant to the Notice of Proposed Rulemaking regarding N.M. ADMIN. CODE 15.10.2 *et seq.*, DoorDash, Inc. (“DoorDash”) respectfully submits the following comments for the Alcoholic Beverage Control Division’s (“ABCD”) review and consideration.

DoorDash’s mission is to grow and empower local economies. We do this by offering transformational access to our audiences: consumers, merchants and Dashers. Accordingly, we have a vested interest in the ABCD’s proposed rulemaking related to third-party alcohol delivery and online ordering.

I. We support N.M. ADMIN. CODE 15.10.55.9, “Use of Internet Website and Application Based Platforms for Delivery Sales.”

As an initial matter, DoorDash strongly supports proposed regulation N.M. ADMIN. CODE 15.10.55.9, “Use of Internet Website and Application Based Platforms for Delivery Sales.” We believe that the proposed language in N.M. ADMIN. CODE 15.10.55.9(A)-(B) will directly benefit local economies and residents. As such, we encourage adoption of N.M. ADMIN. CODE 15.10.55.9 as proposed.

II. We request clarification regarding a third-party alcohol delivery licensee’s ability to hold a retail liquor license.

Currently, proposed regulation N.M. ADMIN. CODE 15.11.20.11(D)(2) states:

A third-party alcohol delivery licensee shall not: ... (2) Buy, hold or deliver alcoholic beverages under its own license;

DoorDash understands that N.M. ADMIN. CODE 15.11.20.11(D)(2) prohibits a third-party alcohol delivery licensee from selling alcohol under the third-party alcohol delivery license, and we do read the proposed regulation to prohibit an entity from concurrently holding a third-party alcohol delivery license and a retail liquor license. However, the proposed regulation may be interpreted to preclude a third-party alcohol delivery licensee from holding a retail liquor license, which would result in an unfair restraint against entities desiring to hold both a third-party alcohol delivery license and a retail liquor license. Accordingly, in the interest of avoiding any ambiguity, we suggest the following addition to N.M. ADMIN. CODE 15.11.20.11(D)(2):



A third-party alcohol delivery licensee shall not: ... (2) Buy, hold or deliver alcoholic beverages under its own license. Nothing in this section shall preclude a third-party alcohol delivery licensee from holding a retail liquor license;

We appreciate the ABCD's efforts to establish a responsible alcohol beverage delivery system in New Mexico, and we are eager to work with the ABCD on this and other important issues. Thank you for your consideration of the above comments. Please do not hesitate to contact us with any questions.

Sincerely,

Laura Curtis
Senior Manager, Government Relations-West
DoorDash, Inc.