



Andrew Vallejos, Esq.  
Director  
Alcoholic Beverage Control Division  
P.O. Box 25101  
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Re: Comment on Proposed Rules

Director Vallejos:

Thank you very much for taking public comment on the Proposed Rules necessary to successfully implement the changes in HB 255. As members of an affected industry we respectfully offer the following feedback:

Chapter 10 Part 2

15.10.2.7

I. Cider definition does not match statute. The definition in proposed (existing) rule limits cider to seven percent (7%) alcohol by volume, however 13 line 17-21 of HB255 Final Signed lists the limit at eight-point five percent (8.5%).

T. Changes definition of Growler. Growler is defined in statute on page 3 line 11-14 of HB255 Final Signed. Question: Does the word "traditionally" in this case mean that a growler can be any size as long as it is less than one gallon? If so, then we cannot see harm in this change.

U. Defines Howler but does not include what is eligible to be filled into one. There is later mention of Howlers in 15.11.20.10 C 4 which makes this problematic.

Chapter 10 Part 2

15.10.32.10

C and D. This section pertains to roads and parking lots being excluded from Licensed Premises and Controlled Access Areas. During the pandemic, your division issued temporary licenses to our membership to expand into these areas. We would respectfully ask that you add "unless an exception is approved in writing by the Director" in case the issue should ever come up again.

15.10.32.14

This section defines Outdoor Controlled Access Areas. Several in our membership have brought up concerns surrounding the need to be connected and contiguous with an indoor



controlled access area, particularly because parking lots and roads are not permitted to be included or considered per 15.10.32.10. Additionally, those in rural areas who are permitting acreage will face a disproportionate burden when presented with having to enclose the area with a physical barrier as opposed to letting distance define the space. For instance, one of our members is looking a large property - 8 acres - and the requirement to fence the entire area is a daunting and expensive task. In such a large area customers leaving the premises is not a concern. We would ask that you take this feedback into consideration and adjust if needed.

#### Chapter 11 Part 20

##### 15.11.20.8

B.

(1) This section pertains to what types of package are allowed to be delivered. By leaving out Howler as an allowable option as defined above, distilleries are at a distinct disadvantage. We would respectfully ask that Howlers be included in this section.

(2) Limits delivery to local option district. This was not part of statute in HB 255 and poses significant problems for our members who are in closely situated local option districts such as Los Ranchos, Espanola, Corrales, and Albuquerque/Rio Rancho. Please consider removing this requirement.

##### 15.11.20.10

C.

(4) Lists the types of beverages that Restaurant License holders can deliver. Other licensees don't have the same privilege in 15.11.20.8 B (1) with regards to Howlers of cocktails. This section also does not allow for restaurants to deliver prepackaged canned cocktails since the words "spirituous liquors" are left out and the word Howler is inserted instead. We would recommend that this be revised since it appears permissive under statute.

##### 15.11.2.15

D.

This section outlines documentation that is required for delivery. The wording implies "all delivery employees must have on their person, during delivery all of the info listed in #1 through #4, for a period of 6 months". We agree with the requirement to have the documentation of that particular day's deliveries; however, if the requirement is implying that 6 months of records be with the employee every day that is onerous and extreme. Could you please clarify?



Thank you again for your time and consideration. We realize that your department is working hard every day to ensure the safe consumption of alcohol in New Mexico, and we appreciate your efforts.

Regards,

#### The Member Distilleries of the New Mexico Distillers' Guild

Little Toad Creek	Altar Spirits	One Distilling
Safe House Distilling	La Reforma	Mother Trail Beverage
Still Spirits	Hollow Spirits	Left Turn Distilling
Dry Point Distillers	3 Rivers Brewery	Taylor Garrett
Santa Fe Spirits	Glencoe Distilling	Algodones Distillery
Red River Brewery	505 Spirits	Troubled Minds Distilling