

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 8 TOBACCO PRODUCTS
PART 2 DEFINITIONS

15.8.2.1 ISSUING AGENCY: New Mexico Regulation and Licensing Department, Alcoholic Beverage Control Division.

[15.8.2.1 NMAC – N, 1/1/2021]

15.8.2.2 SCOPE: These rules apply to all licensees and applicants for licensure under the New Mexico Tobacco Products Act.

[15.8.2.2 NMAC – N, 1/1/2021]

15.8.2.3 STATUTORY AUTHORITY: Section 61-37-22 NMSA 1978, of the Tobacco Products Act authorizes the director to make and adopt such rules as necessary to carry out the duties of the division.

[15.8.2.3 NMAC – N, 1/1/2021]

15.8.2.4 DURATION: Permanent.

[15.8.2.4 NMAC – N, 1/1/2021]

15.8.2.5 EFFECTIVE DATE: January 1, 2021 unless a later date is cited at the end of a section.

[15.8.2.5 NMAC – N, 1/1/2021]

15.8.2.6 OBJECTIVE: This rule is intended to locate all definitions of terms used in the act or in Title 15, Chapter 8 in one rule.

[15.8.2.6 NMAC – N, 1/1/2021]

15.8.2.7 DEFINITIONS: Unless otherwise defined below, terms used in Title 15, Chapter 8 have the same meanings as set forth in the Tobacco Products Act.

A. “The Act” means the New Mexico Tobacco Products Act, Sections 61-37-1 through 61-37-25 NMSA 1978.

B. “Age-controlled locations” means an area of a licensed location that is restricted to persons age 21 and older.

C. “Approved operator” means the licensee approved by the division to operate a license pursuant to the act.

D. “Director” means the director of the alcoholic beverage control division.

E. “Division” means the alcoholic beverage control division of the New Mexico regulation and licensing department.

F. “Employee” means any person, whether paid or not, who works under the direction of a licensee or a licensee’s designate selling tobacco products, for whom which the licensee is responsible for.

G. “Licensed location” means the contiguous areas or areas connected by indoor passageways of a structure that are under the direct control of the licensee and from which the licensee is authorized to manufacture or sell tobacco products under the provisions of its license.

H. “Manufacture” means the process of a licensee using the licensee’s equipment and ingredients on the licensed location to make, produce, create, fabricate, assemble, combine or mix tobacco products.

I. “School” means:

(1) a public or private educational institution accredited as such by the state or federal government;

(2) a discernible building or group of buildings generally recognized as a preschool, kindergarten, elementary, secondary, middle school, junior high, high school, or combination thereof; or

(3) a center for attendance where educational instruction is offered by certified school instructors; a “school” must be located in a zoning area in which the local municipality or county permits schools,

but shall not include a home school as defined in Public School Code, or adult career training classes, or facilities used exclusively for daycare services.

[15.8.2.7 NMAC – N, 1/1/2021]

History of 15.8.2 NMAC: [RESERVED]