

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 8 TOBACCO PRODUCTS
PART 6 FINES AND PENALTIES

15.8.6.1 ISSUING AGENCY: New Mexico Regulation and Licensing Department, Alcoholic Beverage Control Division.
[15.8.6.1 NMAC – N, 1/1/2021]

15.8.6.2 SCOPE: These rules apply to all licensees and applicants for licensure under the New Mexico Tobacco Products Act.
[15.8.6.2 NMAC – N, 1/1/2021]

15.8.6.3 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.
[15.8.6.3 NMAC – N, 1/1/2021]

15.8.6.4 DURATION: Permanent.
[15.8.6.4 NMAC – N, 1/1/2021]

15.8.6.5 EFFECTIVE DATE: January 1, 2021, unless a later date is cited at the end of a section.
[15.8.6.5 NMAC – N, 1/1/2021]

15.8.6.6 OBJECTIVE: This rule is intended to establish violations of the Act and the fines and penalties for such violations.
[15.8.6.6 NMAC – N, 1/1/2021]

15.8.6.7 DEFINITIONS: Unless otherwise defined below, terms used in Title 15, Chapter 8 have the same meanings as set forth in the Tobacco Products Act.
[15.8.6.7 NMAC – N, 1/1/2021]

15.8.6.8 PENALTIES: The division, when it finds that the licensee, an employee of the licensee, or a contractor acting on behalf of the licensee has violated a provision of the act or these rules, may:

- A.** Suspend or revoke a license of a licensee;
- B.** Require the use of identification verification software for a designated period of time;
- C.** Impose an administrative penalty against a licensee in an amount not to exceed ten thousand dollars; or
- D.** any combination thereof.

[15.8.6.8 NMAC – N, 1/1/2021]

15.8.6.9 PENALTIES FOR VIOLATION OF SALES TO MINORS:

- A.** Generally, after a first violation, at a location, imposition of an one-day suspension and \$1,000 fine;
- B.** Generally, after a second violation, at a location within three years of the first such violation, imposition of a seven-day suspension and \$4,000 fine;
- C.** Generally, after a third violation, at a location within three years of the first such violation, imposition of a thirty-day suspension and \$7,000 fine;
- D.** Generally, after a fourth violation at a location within three years of the first such violation, permanent revocation of the licensee’s license will be imposed.

[15.8.6.9 NMAC – N, 1/1/2021]

15.8.6.10 PENALTIES FOR ALL OTHER VIOLATIONS INVOLVING MINORS:

- A.** Generally, after a first violation, at a location, imposition of a \$1,000 fine;

B. Generally, after a second violation, at a location within three years of the first such violation, imposition of one-day suspension and \$2,000 fine;

C. Generally, after a third violation, at a location within three years of the first such violation, imposition of a seven-day suspension and a \$5,000 fine;

D. Generally, after a fourth violation, at a location within three years of the first such violation, imposition of a fourteen-day suspension and a \$10,000 fine.

[15.8.6.10 NMAC – N, 1/1/2021]

15.8.6.11 PENALTIES FOR NON-AGE SPECIFIC VIOLATIONS

A. Generally, after a first violation, at a location, imposition of a \$100 fine;

B. Generally, after a second violation, at a location within three years of the first such violation, imposition of a \$200 fine;

C. Generally, after a third violation, at a location within three years of the first such violation, imposition of a \$400 fine;

D. Generally, after a fourth violation, at a location within three years of the first such violation, imposition of a \$750 fine;

[15.8.6.11 NMAC – N, 1/1/2021]

15.8.6.12 COMPROMISING LIABILITY: The division is authorized to compromise the penalty for any violations of the act or of any division regulation or order when it is deemed in the best interest of the state.

[15.8.6.12 NMAC – N, 1/1/2021]

15.8.6.13 ENHANCEMENT OF SCHEDULED PENALTIES: Any penalty set forth in these rules may be enhanced if the facts and circumstances warrant enhancement of the penalties, up to the maximum allowed by the act.

[15.8.6.13 NMAC – N, 1/1/2021]

History of 15.8.6 NMAC: [RESERVED]