

State Report

New Mexico

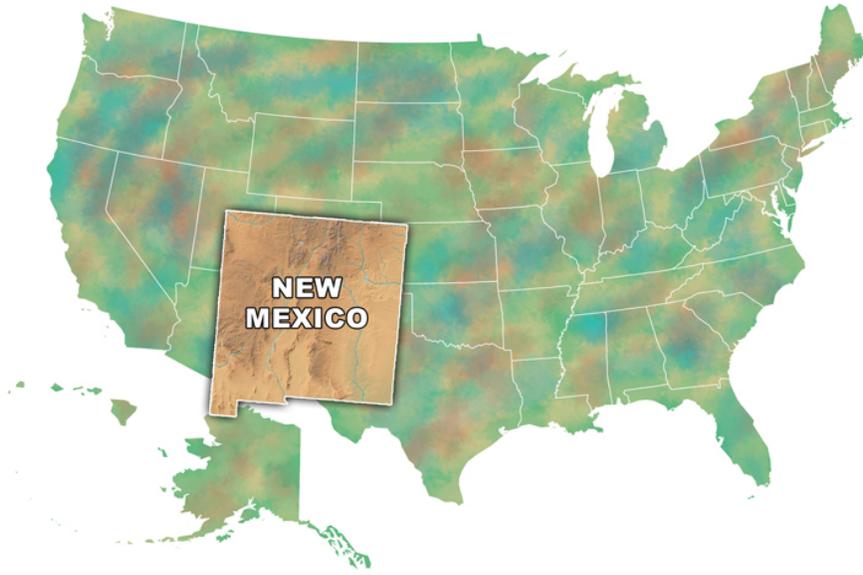
This state report is excerpted from:

The 2013 Report to Congress on the Prevention and Reduction of Underage Drinking

submitted to Congress by The U.S. Department of Health and Human Services.

To obtain more information and a copy of the full Report to Congress go to:

<https://www.stopalcoholabuse.gov>



New Mexico

State Profile and Underage Drinking Facts*

State Population: 2,082,224
Population Ages 12–20: 256,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	24.6	63,000
Past-Month Binge Alcohol Use	16.9	43,000
Ages 12–14		
Past-Month Alcohol Use	6.0	5,000
Past-Month Binge Alcohol Use	3.5	3,000
Ages 15–17		
Past-Month Alcohol Use	22.7	19,000
Past-Month Binge Alcohol Use	16.3	13,000
Ages 18–20		
Past-Month Alcohol Use	43.0	39,000
Past-Month Binge Alcohol Use	29.5	27,000
Alcohol-Attributable Deaths (under 21)		48
Years of Potential Life Lost (under 21)		2,833
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	24.0	13

* See Appendix C for data sources.

Laws Addressing Minors in Possession of Alcohol

Underage Possession of Alcohol

Possession is prohibited with the following exception(s):

- Private location AND EITHER
- Parent/guardian OR
- Spouse

Note: In New Mexico, possession of alcoholic beverages by a person under 21 is specifically allowed when “a parent, legal guardian or adult spouse of a minor serves alcoholic beverages to that minor on real property, other than licensed premises, under the control of the parent, legal guardian or adult spouse.”

Underage Consumption of Alcohol

Consumption is not explicitly prohibited.

Internal Possession by Minors

Internal possession is not explicitly prohibited.

Underage Purchase of Alcohol

Purchase is prohibited and there is NO ALLOWANCE for youth purchase for law enforcement purposes.

False Identification for Obtaining Alcohol

Provision(s) Targeting Minors

- Use of a false ID to obtain alcohol is a criminal offense.
- There is no driver’s license suspension procedure.

Provision(s) Targeting Suppliers

- It is a criminal offense to lend, transfer, or sell a false ID.

Provisions Targeting Retailers

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older.
- Specific affirmative defense—the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid.

Laws Targeting Underage Drinking and Driving

BAC Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)

- BAC limit: 0.02
- BAC level at or above the limit is per se (conclusive) evidence of a violation
- Applies to drivers under age 21

Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose Laws”)

Use/lose penalties apply to minors under age 18.

Type(s) of Violation Leading to Driver’s License Suspension, Revocation, or Denial

- Underage purchase
- Underage possession

Authority To Impose Driver’s License Sanction

- Discretionary

Length of Suspension/Revocation

- 90 days

Graduated Driver’s License

Learner Stage

- Minimum entry age: 15
- Minimum learner-stage period: 6 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

Intermediate Stage

- Minimum age: 15 years, 6 months
- Unsupervised night driving
 - Prohibited after: 12 a.m.
 - Primary enforcement of the night-driving rule
- Passenger restrictions exist: No more than one unrelated passenger under 21
 - Primary enforcement of the passenger-restriction rule

License Stage

- Minimum age to lift restrictions: 16 years, 6 months

Laws Targeting Alcohol Suppliers

Furnishing Alcohol to Minors

Furnishing is prohibited with the following exception(s):

- Private location AND EITHER
- Parent/guardian OR
- Spouse

Note: In New Mexico, furnishing of alcoholic beverages to a person under 21 is specifically allowed when “a parent, legal guardian or adult spouse of a minor serves alcoholic beverages to that minor on real property, other than licensed premises, under the control of the parent, legal guardian or adult spouse,” or when “alcoholic beverages are used in the practice of religious beliefs” (see N.M. Stat. Ann. § 60-7B-1(B)).

Compliance Check Protocols

Age of Decoy

- Minimum: 18
- Maximum: 20

Appearance Requirements

- Age-appropriate appearance
- No sunglasses or caps
- Male: No facial hair
- Female: No excessive makeup

ID Possession

- Required

Verbal Exaggeration of Age

- Prohibited

Decoy Training

- Not specified

Penalty Guidelines for Sales to Minors

- Time period/conditions: 1 year
- First offense: \$1,000–\$2,000 fine and 1-day license suspension
- Second offense: \$2,000–\$3,000 fine and 7-day license suspension
- Third offense: \$10,000 fine and license revocation

Responsible Beverage Service***Mandatory Beverage Service Training for Managers, Servers***

- Applies to both on-sale and off-sale establishments
- Applies to both new and existing outlets

Minimum Ages for Off-Premises Sellers

- Beer: 21
- Wine: 21
- Spirits: 21

Minimum Ages for On-Premises Sellers

- Beer: 19 for servers and 21 for bartenders
- Wine: 19 for servers and 21 for bartenders
- Spirits: 19 for servers and 21 for bartenders

Distance Limitations for New Alcohol Outlets Near Universities and Schools***Colleges and Universities***

- Limitations on outlet siting:
 - Off-premises outlets: Yes—within 300 feet. Local government has authority to override state restrictions.
 - On-premises outlets: Yes—within 300 feet. Local government has authority to override state restrictions.
 - Alcohol products: Beer, wine, spirits

Primary and Secondary Schools

- Prohibitions against outlet siting:
 - Off-premises outlets: Yes—within 300 feet. Local government has authority to override state restrictions.
 - On-premises outlets: Yes—within 300 feet. Local government has authority to override state restrictions.
 - Alcohol products: Beer, wine, spirits

Dram Shop Liability

Statutory liability exists.

Note: Limitations on damages in N.M. Stat. Ann. § 41-11-1(I) held unconstitutional by the New Mexico Supreme Court (*Trujillo v. City of Albuquerque*).

Social Host Liability Laws

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Alcohol must be furnished recklessly in disregard of the rights of others, including the social guest.

Note: Limitations on damages in N.M. Stat. Ann. § 41-11-1(I) held unconstitutional by the New Mexico Supreme Court (*Trujillo v. City of Albuquerque*).

Host Party Laws

No state-imposed liability for hosting underage drinking parties

Retailer Interstate Shipments of Alcohol

Prohibition against retailer interstate shipments:

- Beer: Prohibited
- Wine: Uncertain
- Spirits: Prohibited

Note: An individual or licensee, except for a person holding a winery license, in a state which affords New Mexico licensees or individuals an equal reciprocal shipping privilege may ship, for personal use and not for resale, no more than two cases of wine (no more than 9 liters each case) per month to any adult resident of the state. Delivery of a shipment pursuant to this section shall not be deemed to constitute a sale in this state.

Direct Sales/Shipments of Alcohol by Producers

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

Age Verification Requirements: None

State Approval/Permit Requirements

- Producer/shipper must obtain state permit.
- State must approve common carrier.

Reporting Requirements: None

Shipping Label Statement Requirements

- Contains alcohol
- Recipient must be 21

Keg Registration

- Keg definition: More than 6 gallons
- Purchaser information collected:
 - Purchaser’s name and address
 - Verified by a government-issued ID
- Warning information to purchaser: Active—purchaser action required (e.g., signature)
- Deposit: Not required
- Provisions do not specifically address disposable kegs.

Alcohol Pricing Policies**Home Delivery**

- Beer: No law
- Wine: No law
- Spirits: No law

Alcohol Tax

- Beer (5 percent alcohol): Specific excise tax is \$0.41 per gallon.
- Wine (12 percent alcohol): Specific excise tax is \$1.70 per gallon.
- Spirits (40 percent alcohol): Specific excise tax is \$6.06 per gallon.

Drink Specials

- Free beverages: Not prohibited—licensee may offer a free drink on a case-by-case basis.
- Multiple servings at one time: Not prohibited
- Multiple servings for same price as single serving: Prohibited
- Reduced price at specified day or time: Not prohibited
- Unlimited beverages: Prohibited
- Increased volume: Not prohibited

Wholesale Pricing

Pricing restrictions exist.

Beer (5 percent alcohol)

- Retailer credit: Restricted—30 days maximum

Wine (12 percent alcohol)

- Retailer credit: Restricted—30 days maximum

Spirits (40 percent alcohol)

- Retailer credit: Restricted—30 days maximum

New Mexico State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> New Mexico Department of Public Safety, Special Investigations Division (SID)	
<i>Methods by which local and state enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> Training by SID to other Law Enforcement Agencies. Joint operations with other Law Enforcement Agencies such as Minor Compliance and Shoulder Tap Operations.	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	No
Underage Alcohol–Related Fatality Investigations	No
<i>Local law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	Yes
Underage Alcohol–Related Fatality Investigations	No
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	
Primary state agency responsible for enforcing laws addressing direct sales/shippments of alcohol to minors	No Not applicable
Such laws are also enforced by local law enforcement agencies	No data
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	
Number of minors found in possession by state law enforcement agencies	Yes 172
Number pertains to the 12 months ending	12/31/2011
Data include arrests/citations issued by local law enforcement agencies	No
<i>State conducts underage compliance checks/decoy operations² to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by state agencies	No data
Number of licensees that failed state compliance checks	141
Numbers pertain to the 12 months ending	12/31/2011
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes No
Number of licensees checked for compliance by local agencies	Data not collected
Number of licensees that failed local compliance checks	Data not collected
Numbers pertain to the 12 months ending	Data not collected
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the state ³	No data
Total amount in fines across all licensees	No data
Numbers pertain to the 12 months ending	No data
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	
Number of suspensions imposed by the state ⁴	No data
Total days of suspensions across all licensees	No data
Numbers pertain to the 12 months ending	No data

State collects data on license revocations imposed on retail establishments specifically for furnishing minors	No data
Number of license revocations imposed ⁵	No data
Numbers pertain to the 12 months ending	No data
Additional Clarification	
None given	

¹Or having consumed or purchased per state statutes.

²Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors.

³Does not include fines imposed by local agencies.

⁴Does not include suspensions imposed by local agencies.

⁵Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State: Programs SPECIFIC TO Underage Drinking	
Santa Fe Underage Drinking Prevention Alliance	
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	No data
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report	Electronic copy will be available
URL for more program information	No data
Program description: The Santa Fe Underage Drinking Prevention Alliance is a city-based coalition dedicated to reducing underage drinking. The coalition focuses on changing community norms accepting of underage drinking, reducing retail access to alcohol, increasing enforcement of minimum legal drinking age (MLDA) and driving while intoxicated (DWI) laws and sanctions, increasing perceived risk of arrest for breaking alcohol-related laws, and lobbying for increases in alcohol pricing and taxes.	
Local DWI Programs	
Number of youth served	46,657
Number of parents served	9,783
Number of caregivers served	0
Numbers pertain to the 12 months ending	06/30/2011
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report	Not applicable
URL for more program information	No data
Program description: Comprehensive county-level DWI prevention programs exist in every New Mexico county, funded by a portion of the state alcohol excise tax. Some of the counties have specific underage drinking prevention components, mostly dedicated to delivering direct service educational curricula (e.g., Protecting You/Protecting Me); a handful of counties deliver Project Northland.	
Life of an Athlete (LoA)	
Number of youth served	4,359
Number of parents served	300
Number of caregivers served	50
Numbers pertain to the 12 months ending	04/30/2011
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report	Not applicable
URL for more program information	http://www.lifeofanathlete.com

Program description: LoA is an online educational program for high school students and their parents and coaches. It communicates the message that alcohol hinders peak athletic performance.	
Alcohol Literacy Challenge (ALC)	
Number of youth served	2,000
Number of parents served	1,000
Number of caregivers served	No data
Numbers pertain to the 12 months ending	06/30/2011
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report	Not applicable
URL for more program information	No data
Program description: ALC is a prevention curriculum targeted to 6th through 9th graders. The aim of ALC is to teach youth about alcohol expectancies and media literacy via hands-on activities within 90 minutes.	
Social Host Ordinance (SHO)	
Number of youth served	0
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	06/30/2012
Program has been evaluated	No
Evaluation report is available	No
URL for evaluation report	Not applicable
URL for more program information	No data
Program description: SHO is a state/local county partnership to educate local communities on the nature/location of underage drinking and then to implement SHOs at the county/city level to provide sanctions for adults who allow their property to be used for underage house parties. In the past 1½ years at least three New Mexico municipalities (Española, Moriarty, Santa Fe) have passed SHOs. Preliminary conversations have been held with two of these three municipalities to explore the possibility of conducting an evaluation of the effectiveness of SHOs in reducing underage drinking. These municipalities described challenges with enforcement of these SHOs, making outcome evaluation seem premature at this time.	

Underage Drinking Prevention Programs Operated or Funded by the State: Programs RELATED TO Underage Drinking	
Colfax County Youth Empowerment Services (CCYES)	
URL for more program information	No data
Program description: CCYES is an agency in Raton, New Mexico, focusing on decreasing easy retail and social access to alcohol; increasing enforcement of alcohol, tobacco, and drug laws; and increasing perceived risk among youth of arrest for breaking those laws.	
Counseling Associates, Inc. (CAI)	
URL for more program information	http://www.counselingassociatesinc.org
Program description: CAI is a behavioral health provider in Roswell. CAI delivers Dare To Be You to children ages 2 to 5 and their parents and Botvin's Life Skills to 3rd through 5th, 7th, and 8th grades.	
Five Sandoval Indian Pueblos	
URL for more program information	http://fsipinc.org/Community_Health.html#PreventionProgram
Program description: No data	
Hands Across Cultures	
URL for more program information	http://www.handsacrosscultures.org/home.html
Program description: No data	

North Central Community Based Services URL for more program information	http://www.nccbs.org
Program description: No data	
Partnership for Community Action URL for more program information	http://www.abqpartnership.org/index.htm
Program description: No data	
Pueblo of Laguna URL for more program information	No data
Program description: No data	
Rocky Mountain Youth Corps URL for more program information	http://youthcorps.org
Program description: No data	
Sandoval County DWI URL for more program information	No data
Program description: No data	
San Juan County Partnership URL for more program information	http://sjcpartnership.org
Program description: No data	

Additional Information Related to Underage Drinking Prevention Programs

State collaborates with federally recognized Tribal governments in the prevention of underage drinking Yes

Program description: The Office of Substance Abuse Prevention contracts with Pueblo of Laguna as well as five Sandoval Indian Pueblos (Cochiti, Jemez, Sandia, Santa Ana, and Zia) in New Mexico to provide substance abuse prevention services including prevention of underage drinking.

State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing No

Program description: Not applicable

State has adopted or developed best practice standards for underage drinking prevention programs Yes

Best practice standards description: The Office of Substance Abuse Prevention (OSAP) funds only evidence-based programs (EBPs) shown to be effective on lists such as the National Registry of Evidence-Based Programs and Practices (NREPP). OSAP works with the State Epidemiological and Outcomes Workgroup (SEOW) to identify and select EBPs eligible for substance abuse prevention including underage drinking. The Local DWI Programs administered by the New Mexico Department of Finance and Administration (DFA) recently changed their requirements for prevention activities funded through the programs, to stipulate that all prevention activities must be “evidence-based or promising.” The previous guidelines required that 60 percent of prevention activities be evidence based. DFA is currently developing a prevention page as part of the Local DWI website that will identify useable registries of evidence-based practices.

Additional Clarification

None given

State Interagency Collaboration	
<i>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Yes
<i>Committee contact information:</i> Name: Karen Cheman, SEOW Director E-mail: Karen.cheman@state.nm.us Address: BHSD/HSD, 37 Plaza La Prensa, Santa Fe, NM 87502 Phone: 505-476-9270	
<i>Agencies/organizations represented on the committee:</i> Office of Substance Abuse Prevention, Behavioral Health Services Division/ Human Services Division Behavioral Health Services Division/Human Services Division Epidemiology & Response Division, Department of Health Pacific Institute for Research & Evaluation Traffic Safety Bureau, Department of Transportation Children, Youth & Families Department New Mexico Prevention Network Prevention Advocates Office of School & Adolescent Health, Department of Health OptumHealth	
<i>A website or other public source exists to describe committee activities</i>	No
<i>URL or other means of access</i>	Not applicable

Underage Drinking Reports	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	No
Prepared by	Not applicable
Plan can be accessed via	Not applicable
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	Yes
Prepared by	Survey Unit, Epidemiology and Response Division, Department of Health
Report can be accessed via	http://nmhealth.org/ERD/HealthData/YYRS/ AlcoholReport_2007YRRS_HighSchool.pdf

Additional Clarification

SEOW is a state-level interagency body that addresses underage drinking activities within its mission to support state and public agencies and communities in preventing substance abuse, dependency, and related problems by identifying, collecting, analyzing, and disseminating data describing prevalence, severity, consumption, and consequences of alcohol, tobacco, and drug use in New Mexico.

The Substance Abuse Prevention Policy Consortium is a second interagency body that has been convened in the past year by the state Office of Substance Abuse Prevention. This group is currently working to develop a 5-year strategic plan for substance abuse prevention that will include an underage drinking prevention plan as one component. The group’s participants are similar to the SEOW described above, except that participation: (1) is limited to state agencies, so excludes community-based coalitions (e.g., New Mexico Prevention Network; Prevention Advocates); and (2) includes some additional federal and state agency partners (e.g., National Guard; High Intensity Drug Trafficking Area; HSD Medicaid).

State Expenditures for the Prevention of Underage Drinking	
<i>Compliance checks/decoy operations in retail outlets:</i>	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	No data

<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$550,000
Estimate based on the 12 months ending	06/30/2012
<i>K–12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$1,105,000
Estimate based on the 12 months ending	06/30/2012
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	06/30/2012
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	\$21,000
Estimate based on the 12 months ending	06/30/2012
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	06/30/2012
<i>Other programs:</i>	
Programs or strategies included:	No data
Estimate of state funds expended	Not applicable
Estimate based on the 12 months ending	Not applicable

Funds Dedicated to Underage Drinking

State derives funds dedicated to underage drinking from the following revenue

streams:

Taxes	Yes
Fines	No data
Fees	No data
Other	No data

Description of funding streams and how they are used:

A portion (approximately 40 percent) of annual state alcohol excise tax revenue is allocated, by statute, to county-level local DWI prevention programs. These county programs allocate these funds, in turn, to treatment, prevention, law enforcement, compliance monitoring, and other activities, of which prevention is a substantial portion (roughly 20 percent of the total in FY2013). Of the funds allocated for prevention, roughly 60 percent is allocated for underage drinking prevention.

Additional Clarification

The estimates of state-funded underage drinking prevention activities reported above are likely an underestimate, since they do not include estimates for certain programs for which information was not received by the survey submission date.