



July 1, 2020

To: All Alcohol Beverage Control Division Licensees and Restaurant Permittees

From: New Mexico Alcohol Beverage Control Division of Regulation and Licensing
New Mexico Department of Health
New Mexico Environment Department

Re: NOTICE: COVID-19 Compliance and Enforcement for the July 4th holiday

Dear ABC Licensee or Restaurant Permittee:

As New Mexico continues to respond to COVID-19, this letter is to remind all licensees and permittees open under COVID safe practices restrictions to be extra vigilant as we move into the July 4th holiday.

We have seen the explosion of COVID-19 cases in Arizona, Florida and Texas that are overwhelming those states' Intensive Care Unit (ICU) capacity. This was in part due to liquor and food establishments in those states that did not respect social distancing principles, did not require masks, and generally let large numbers of patrons do what they please regardless of public health safety requirements. New Mexicans have done a great job of containing the virus but we cannot relax now.

This holiday season, the Regulation and Licensing Department (RLD), Department of Health (NMDOH), New Mexico Environment Department (NMED) and local code enforcement will be in the community to enforce the New Mexico Public Health Orders. We ask that you continue to comply with the Public Health Order to avoid costly civil and criminal penalties and license/permit sanctions.

Public Health Order Compliance

The Public Health Order mandates for all open establishments comply with the COVID safe practices (<https://cv.nmhealth.org/covid-safe-practices/>), including the following:

1. Mass gatherings remain prohibited unless authorized under the Public Health Order –thus dance bands and concerts are still prohibited at this time;
2. Ensure all employees have face coverings or masks and wear them in the workplace at all times when in the presence of others, except when eating or drinking, unless otherwise advised by a health care provider;
3. Customers must wear a mask as much as possible;
4. All “on-premises” alcohol and food service must be to patrons that are seated. There is no bar service or stand up service;

5. On premises service and patio service cannot exceed 50% capacity as determined by the fire marshal. As the business owner, it is your responsibility to limit the number of people in the establishment and to ensure that any waiting areas or lines also comply with social distancing requirements;
6. All establishments must ensure at least six feet of distance between tables and there is a maximum of six patrons seated at a table.

Enforcement – Civil and Criminal Penalties

RLD, NMDOH, NMED and the Department of Public Safety will take immediate steps to ensure all ABC licensees and restaurant permittees are in compliance with the Public Health Order. Any violation of the Public Health Order may result in any combination of the following civil and criminal penalties:

- A petty misdemeanor,
- A fine of at least \$100 per violation, and/or
- Any license, permit, or OSHA sanction deemed appropriate by RLD and NMED (i.e., suspension or revocation).

Additionally, patrons of any licensed alcohol establishment or permitted restaurant may also be subject to civil and criminal penalties if found to be in violation of the Public Health Order. Inspections to assure compliance across the state are commencing immediately.

We appreciate your cooperation as the state continues to respond to this public health emergency.

Sincerely,



Andrew Vallejos
ABC Director



Kathyleen M. Kunkel
Secretary, NMDOH



James C. Kenney
Secretary, NMED