



DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

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Pueblo of Taos, New Mexico; Liquor Ordinance Amendment

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the amended Pueblo of Taos, New Mexico Liquor Ordinance (Ordinance). The Ordinance amends the previous liquor ordinance published on May 10, 1999.

DATES: This Ordinance shall become effective [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Sophia J. Torres, Acting Tribal Government Specialist, Southwest Regional Office, Bureau of Indian Affairs, 1001 Indian School Road NW., Albuquerque, NM 87104–2303, sophia.torres@bia.gov; (505) 536–3304.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the *Federal Register* notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian country. On December 1, 2025, the Pueblo of Taos, New Mexico, adopted this amended Liquor Ordinance by Resolution No. TPTC 2025-25, which regulates and controls the consumption, possession, production, and sale of alcoholic beverages within the Pueblo’s territorial jurisdiction.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary–Indian Affairs. I certify that the Pueblo of Taos,

New Mexico, duly adopted the amended Pueblo of Taos, New Mexico, Liquor Ordinance by Resolution No. TPTC 2025-25 dated December 1, 2025.

The Pueblo of Taos, New Mexico, Liquor Ordinance, as amended, shall read as follows:

Pueblo of Taos Amended Liquor Ordinance

Section I. Introduction

A. *Title.* The title of this ordinance shall be the Pueblo of Taos Amended Liquor Ordinance.

B. *Authority.* This Ordinance is enacted in accordance with the inherent governmental powers of Pueblo of Taos (Taos Pueblo or the Pueblo), whose traditional law empowers its Tribal Council to enact ordinances for the benefit and protection of the Pueblo. Although this Ordinance is required by 18 U.S.C. §1161 to be in conformance with the liquor laws of the State of New Mexico, the State has disclaimed any regulation of liquor on tribal lands in New Mexico.¹

C. *Rules and Regulations.* The Tribal Council or its designee may adopt and enforce rules and regulations necessary for the implementation of the terms of this Ordinance, which shall include the setting of any fees or other requirements.

Section II. Purposes

A. *Regulation of Sales.* Taos Pueblo has opened lands within its territorial jurisdiction to the consumption, possession, production, and sale of alcoholic beverages by enacting this Ordinance adopted pursuant to 18 U.S.C § 1161.

B. *Tribal Revenue.* Tax revenues generated under this Ordinance shall be used to support Tribal government operations.

C. *Regulation of Personal Possession and Use.* Individual use and possession of alcoholic beverages by persons over the age of 21 within the territorial jurisdiction of the Pueblo shall be permitted, subject to the traffic and criminal ordinances and other applicable law or policies of Taos Pueblo. This provision does not permit individual persons to engage in unlicensed liquor sales or distribution in connection with a business transaction such as food sales.

Section III. Definitions

A. "Alcoholic beverage" means all alcohol, spirits, liquor, wine, beer and any liquid or solid containing alcohol, spirits, liquor, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and that is fit for human consumption, either alone or when diluted, mixed, or combined with any other substance(s).

B. "Business Entity" means a corporation, firm, partnership, joint venture, association, or other entity, which may include such an entity formed by Pueblo.

C. "Gaming Establishment or Facility" means each separate physical building or structure in which Class III Gaming is conducted on the Pueblo's trust lands.

D. "Governor" means the Governor of the Taos Pueblo or his designee.

E. "Licensee" means a business entity that is authorized under this Ordinance to engage in activities related to the sale, distribution, or production of alcohol on Taos Pueblo lands. Licensees must display a license at their place(s) of business.

F. "Licensed Establishment" means a location, whether permanent or temporary, located on Taos Pueblo lands designated under this Ordinance as a licensed establishment for the purpose of selling alcoholic beverages. Designation as a licensed establishment must include the physical location of the establishment, by map and general description, as well as any relevant information such as the term of the license and any restrictions such as whether

the license is for full bar or beer and wine only, and hours of sales. Licensed establishments must display a license at their place(s) of business.

G. "Liquor" means any alcoholic beverage, as defined in this Section.

H. "Minor" means any person under the age of twenty-one (21) years.

I. "Person" means a natural person.

J. "Pueblo" means the Taos Pueblo, a federally recognized Indian tribe, located within the exterior boundaries of the State of New Mexico.

K. "State law" with respect to the liquor laws of the State of New Mexico means the Liquor Control Act, 60-3A-1, *et seq.*, NMSA 1978.

L. "Taos Pueblo lands" for purposes of this Ordinance means lands held in trust by the United States for the benefit of the Pueblo within the exterior boundaries of Taos Pueblo's Grant, its Tenorio Tract, Karavas Tract, or Tracts A, B, or C, including any lands which may in the future lawfully come into trust for the benefit of the Pueblo.

Section IV. Licenses

A. Authorization; Prohibition on Transfer; Limitation on Sales; Servers

1. Licensees are hereby authorized to dispense, distribute, introduce, manufacture, possess, produce, purchase, sell, and warehouse alcoholic beverages at Licensed Establishments on Taos Pueblo lands in accordance with this Ordinance and any applicable law and where the liquor being sold or dispensed was purchased from a New Mexico wholesaler per §60-3A-5 (D).

2. Liquor licenses issued under this Ordinance shall not be sold, leased, transferred, or assigned by the Licensee; nor pledged as collateral or security by the Licensee.

3. Sales shall be limited to persons who are 21 years of age or older.

4. Persons with current valid servers permits issued by the New Mexico Regulation and Licensing Department who are employed by or contracted by the Licensee shall be the only persons authorized to dispense alcohol at a Licensed Establishment or temporary location.

B. Liquor License Procedures. Applications for liquor licenses shall comply with rules and regulations promulgated pursuant to this Ordinance, which shall include provisions relating to qualifications of applicants, information to be provided, prohibited persons, review and approval of applications and any other information required by the Pueblo.

C. Tribal Entities. Business entities formed by the Pueblo may apply for a tribal liquor license by submitting a letter or application identifying the enterprise seeking a liquor license, the intended scope and location of business activity under the license (*i.e.*, beer garden, beer and wine, brew pub, distillery, full bar, hotel, restaurant, tasting room, vineyard, wine bar, or other such activity involving the sale, use, and manufacture or production of alcoholic beverages), and whether the tribal business entity will be the sole proprietor under the license or if a non-tribal entity will be in a partnership, joint venture or other business relationship with the tribal business entity. Non-tribal entities in a business relationship with a tribal entity must follow the full licensing procedure under this Ordinance.

Section V. Licensed Establishments.

A. The Governor has the authority under this ordinance to approve licenses for liquor sales by Licensees at permanent establishments located on Taos Pueblo lands. The Governor, after reviewing the application and making appropriate inquiry into the applicant, will make a determination on the proposed licensing of an establishment. The application and approval process will follow rules and regulations promulgated pursuant to this Ordinance.

B. Each tribal liquor license for an establishment shall set forth the name of the Licensee, the nature of the business such as beer garden, brew pub, full bar, restaurant, tasting room, wine bar, or other such activity involving the sale, use, and manufacture or production of alcohol; and type of sales for which the license is issued, such as on-site or off-site consumption. The license shall define by map and general description the physical

location of the Licensed Establishment within which the holder of the license may sell or serve alcoholic beverages.

C. A tribal liquor license issued to a Licensee for a Licensed Establishment shall authorize the Licensee thereof and its employees with individual server's permits to sell alcoholic beverages at retail in cans, bottles or any other package, or by the drink, for three years from the date of issuance or other such term as may be applicable for a temporary location, within a strictly defined area in which the Licensed Establishment is or will be located; provided that liquor sales at the Licensed Establishment shall be conducted by the Licensee and its employees directly, and shall not be conducted by any lessee, assignee or other transferee.

D. Servers employed by or contracted by the Licensee shall be the only persons authorized to dispense alcohol at a Licensed Establishment.

E. The initial list of Licensed Establishments operated by business entities of the Pueblo and the type of sales offered or to be offered are:

1. *Hail Creek Travel Center*. Convenience store; package sales for consumption off-site.

2. *Taos Mountain Casino*. Gaming facility; sales for on-site consumption by the drink. Sales and consumption of liquor at a gaming facility on Taos Pueblo Lands shall be subject to the terms of the Class III Gaming Compact between the State of New Mexico and the Taos Pueblo. ²

3. *Heritage Center Property*. Hotel, dining, convention, conference, other commercial purposes, and special events. Individual Licensed Establishments within the Heritage Center Property may engage in sales for on-site consumption by the drink or bottle.

F. Restrictions on Locations. The Taos Pueblo Tribal Council may by resolution establish a buffer zone around the traditional village within which no liquor sales will be permitted.

G. *Temporary Locations*.

1. Any Licensee under this Ordinance may dispense alcoholic beverages at a public celebration or special event within Taos Pueblo lands upon receiving written approval from the Governor and upon the payment of a fee, if required, to the Governor's Office for a temporary special dispenser's license.

2. As used in this section, "function," "public celebration," or "special event" includes any art or musical event, conference, community event, cultural or artistic performance or event, fair, professional athletic competition, reception, wedding, or other event whether private or public, held on a temporary basis.

3. Any Licensee may be issued a temporary special dispenser's license by the Governor allowing the dispensing of alcoholic beverages at a function on tribal trust lands catered by that Licensee. The term of such temporary special dispenser's licenses shall be no more than three consecutive days. To apply for such temporary license, a Licensee shall submit a request to the Governor's Office together with such information and fee as the Governor's Office may require. Issuance of the special dispenser's license is within the Governor's discretion, which shall not be unreasonably withheld, and may be subject to any reasonable requirements imposed by the Governor. The holder of a temporary special dispenser's license shall remain subject to all tribal laws, rules, and regulations. The Licensee shall not be required to suspend the dispensing of alcoholic beverages at its primary licensed premises solely because of the issuance of a temporary special dispenser's license.

4. Servers employed by or contracted by the Licensee holding a temporary special dispenser's license shall be the only persons authorized to dispense alcohol during the function for which the license was issued.

Section VI. Prohibited Sales and Practices

In addition to the obligation to follow the terms of this Ordinance or any rules or regulation promulgated by the Pueblo for implementation of this Ordinance, no Licensee nor its employees or contractors may knowingly:

- A. Sell, serve, or dispense intoxicating beverages to any person who is obviously intoxicated;
- B. Award alcoholic beverages as prizes, although a Licensee may serve drinks on a complimentary basis in the normal course of business;
- C. Sell alcoholic beverages at a drive-up window;
- D. Sell or otherwise provide alcoholic beverages to a person who has not attained the age of 21 unless accompanied by such person's legal adult spouse;
- E. Knowingly sell or otherwise provide alcoholic beverages to an adult acquiring such liquor on behalf of a minor or an intoxicated person; and
- F. Allow a person to bring alcoholic beverages onto the premises of a Licensed Establishment for the purposes of consuming such beverages themselves or providing alcoholic beverages to other individuals.

Section VII. Enforcement, Violations, Administrative and Civil Penalties

A. The Pueblo shall have the right to inspect and investigate Licensees and Licensed Establishments and to take such actions as may be necessary and appropriate to ensure compliance with this Ordinance, and any rules or regulations implementing this ordinance.

B. Civil citations for individual violations of the Prohibited Sales and Practices provision of this Ordinance or rules or regulations promulgated hereunder may be issued by an officer of the Taos Pueblo police department or any tribal office or department authorized by the Governor.

C. The Pueblo may bring a civil or administrative action and impose civil or administrative fines or penalties upon any Licensee or other person who has violated the terms of this Ordinance or rules or regulations relating to tribal liquor licenses or licensed establishments.

D. *Non-Tribal Members, Trespass, Exclusion.* Any non-tribal member, upon committing any violation of the Ordinance, may be subject to a civil action for trespass or for exclusion from Taos Pueblo lands. Upon having been determined by the Tribal Court to have committed a violation of this Ordinance, such person shall be found to have trespassed upon Taos Pueblo Lands and shall be assessed such civil penalties, damages or be subject to exclusion as the Court deems appropriate.

E. License Suspension, Revocation, and Termination.

1. Suspension, revocation, or termination of a Tribal liquor license may occur upon an administrative finding of a violation of this Ordinance or rules or regulation promulgated hereunder. The Pueblo will issue notice of an intent to seek an administrative suspension, revocation, or termination upon notice to the Licensee of the basis of such action and opportunity for a hearing, which shall be administrative in nature and conducted pursuant to rules or regulations implementing this Ordinance.

2. Termination of a license may also occur upon the Licensee's cessation of business or liquor sales.

F. Appeal.

1. A Licensee whose license was suspended, revoked, or terminated for cause may file an appeal with the Office of the Governor, who shall appoint a hearing officer to review the record of the appeal and issue a recommended decision. Such process shall be administrative in nature and be conducted in accordance with such rules or regulations as may be adopted by the Governor.

2. The decision by the Governor upon the Hearing Officer's recommendation shall be the final decision of the Pueblo and is not subject to further appeal or judicial review.

Section VIII. Repeal of Prior Inconsistent Enactments by Tribal Council. This Ordinance repeals all prior enactments of the Taos Pueblo Tribal Council which are

inconsistent with the provisions of this Ordinance. This repeal shall be effective on the date of publication of this Ordinance in the *Federal Register*.

Section IX. Severability. In the event any provision of this Ordinance or its application to any particular activity is held to be invalid or illegal by a court of competent jurisdiction, the remaining provisions and the remaining applications of such provision shall remain in full force and effect.

Section X. Sovereign Immunity. The sovereign immunity of the Taos Pueblo is not waived by this Ordinance.

Section XI. Amendments. This Ordinance may be amended by majority vote of the Tribal Council and upon publication of such amendments in the *Federal Register*.

Section XII. Effective Date. This Ordinance shall be effective as a matter of federal law on such date as the Secretary of the Interior certifies and publishes the same in the *Federal Register*.

1. The New Mexico Liquor Control Act states as follows at §60-3A-5: “[n]othing in the Liquor Control Act [603A-1 NMSA 1978] applies to: ... (D) the sale, service, possession or public consumption of alcoholic beverages by any person within the boundaries of lands over which an Indian nation, tribe or pueblo has jurisdiction, if the alcoholic beverages are purchased from New Mexico wholesalers and if the sale, service, possession or public consumption of alcoholic beverages is authorized by the laws of the Indian nation, tribe or pueblo having jurisdiction over those lands and is consistent with the ordinance of the Indian nation, tribe or pueblo certified by the secretary of the interior and published in the federal register according to the laws of the United States.”

2. The Tribal-State Class III Gaming Compact between the State of New Mexico and Taos Pueblo as Amended (April 24, 2007) states as follows:

SECTION 4. Conduct of Class III Gaming. A. Tribal Gaming Agency. The Tribal Gaming Agency will assure that the Tribe will:

B. *Regulations.* Without affecting the generality of the foregoing, the Tribe shall adopt laws:

14. enacting provisions that: (a) prohibit an employee of the Gaming Enterprise from selling, serving, giving or delivering an alcoholic beverage to an intoxicated person or from procuring or aiding in the procurement of any alcoholic beverage for an intoxicated person at the Gaming Facility; 7 (b) require Gaming Enterprise employees that dispense, sell, serve or deliver alcoholic beverages to attend Alcohol Server Education Classes similar to those classes provided for in the New Mexico Liquor Control Act: and (c) require the Gaming Enterprise to purchase and maintain a liquor liability insurance policy that will provide, at a minimum, personal injury coverage of one million dollars (\$1,000,000) per incident and two million dollars (\$2,000,000) aggregate per policy year; 1 5. prohibiting alcoholic beverages from being sold, served, delivered or consumed in that part of a Gaming Facility where gaming is allowed.

William Henry Kirkland III,

Assistant Secretary-Indian Affairs.