

Conference Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

CHAPTER 219

SENATE BILL 1345

AN ACT

AMENDING SECTION 4-244, ARIZONA REVISED STATUTES; RELATING TO LIQUOR
LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 4-244, Arizona Revised Statutes, is amended to
3 read:

4 4-244. Unlawful acts

5 It is unlawful:

6 1. For a person to buy for resale, sell or deal in spirituous liquors
7 in this state without first having procured a license duly issued by the
8 board.

9 2. For a person to sell or deal in alcohol for beverage purposes
10 without first complying with this title.

11 3. For a distiller, vintner, brewer or wholesaler knowingly to sell,
12 dispose of or give spirituous liquor to any person other than a licensee
13 except in sampling wares as may be necessary in the ordinary course of
14 business, except in donating spirituous liquor to a nonprofit organization
15 which has obtained a special event license for the purpose of charitable fund
16 raising activities or except in donating spirituous liquor with a cost to the
17 distiller, brewer or wholesaler of up to five hundred dollars in a calendar
18 year to an organization that is exempt from federal income taxes under
19 section 501(c) (3), (4), (6) or (7) of the internal revenue code and not
20 licensed under this title.

21 4. For a distiller, vintner or brewer to require a wholesaler to offer
22 or grant a discount to a retailer, unless the discount has also been offered
23 and granted to the wholesaler by the distiller, vintner or brewer.

24 5. For a distiller, vintner or brewer to use a vehicle for trucking or
25 transportation of spirituous liquors unless there is affixed to both sides of
26 the vehicle a sign showing the name and address of the licensee and the type
27 and number of the person's license in letters not less than three and
28 one-half inches in height.

29 6. For a person to take or solicit orders for spirituous liquors
30 unless the person is a salesman or solicitor of a licensed wholesaler, a
31 salesman or solicitor of a distiller, brewer, vintner, importer or broker or
32 a registered retail agent.

33 7. For any retail licensee to purchase spirituous liquors from any
34 person other than a solicitor or salesman of a wholesaler licensed in this
35 state.

36 8. For a retailer to acquire an interest in property owned, occupied
37 or used by a wholesaler in his business, or in a license with respect to the
38 premises of the wholesaler.

39 9. Except as provided in paragraphs 10 and 11 of this section, for a
40 licensee or other person to sell, furnish, dispose of or give, or cause to be
41 sold, furnished, disposed of or given, to a person under the legal drinking
42 age or for a person under the legal drinking age to buy, receive, have in the
43 person's possession or consume spirituous liquor. This paragraph shall not
44 prohibit the employment by an off-sale retailer of persons who are at least
45 sixteen years of age to check out, if supervised by a person on the premises

1 who is at least nineteen years of age, package or carry merchandise,
2 including spirituous liquor, in unbroken packages, for the convenience of the
3 customer of the employer, if the employer sells primarily merchandise other
4 than spirituous liquor.

5 10. For a licensee to employ a person under nineteen years of age to
6 manufacture, sell or dispose of spirituous liquors. This paragraph shall not
7 prohibit the employment by an off-sale retailer of persons who are at least
8 sixteen years of age to check out, if supervised by a person on the premises
9 who is at least nineteen years of age, package or carry merchandise,
10 including spirituous liquor, in unbroken packages, for the convenience of the
11 customer of the employer, if the employer sells primarily merchandise other
12 than spirituous liquor.

13 11. For an on-sale retailer to employ a person under nineteen years of
14 age in any capacity connected with the handling of spirituous liquors. This
15 paragraph does not prohibit the employment by an on-sale retailer of a person
16 under nineteen years of age who cleans up the tables on the premises for
17 reuse, removes dirty dishes, keeps a ready supply of needed items and helps
18 clean up the premises.

19 12. For a licensee, when engaged in waiting on or serving customers, to
20 consume spirituous liquor or for a licensee or on-duty employee to be on or
21 about the licensed premises while in an intoxicated or disorderly condition.

22 13. For an employee of a retail licensee, during that employee's
23 working hours or in connection with such employment, to give to or purchase
24 for any other person, accept a gift of, purchase for himself or consume
25 spirituous liquor, except that:

26 (a) An employee of a licensee, during that employee's working hours or
27 in connection with the employment, while the employee is not engaged in
28 waiting on or serving customers, may give spirituous liquor to or purchase
29 spirituous liquor for any other person.

30 (b) An employee of an on-sale retail licensee, during that employee's
31 working hours or in connection with the employment, while the employee is not
32 engaged in waiting on or serving customers, may taste samples of beer or wine
33 not to exceed four ounces per day or distilled spirits not to exceed two
34 ounces per day provided by an employee of a wholesaler or distributor who is
35 present at the time of the sampling.

36 (c) An employee of an on-sale retail licensee, under the supervision
37 of a manager as part of the employee's training and education, while not
38 engaged in waiting on or serving customers may taste samples of distilled
39 spirits not to exceed two ounces per educational session or beer or wine not
40 to exceed four ounces per educational session, and provided that a licensee
41 shall not have more than two educational sessions in any thirty day period.

42 (d) An unpaid volunteer who is a bona fide member of a club and who is
43 not engaged in waiting on or serving spirituous liquor to customers may
44 purchase for himself and consume spirituous liquor while participating in a
45 scheduled event at the club. An unpaid participant in a food competition may

1 purchase for himself and consume spirituous liquor while participating in the
2 food competition.

3 (e) An unpaid volunteer of a special event licensee under section
4 4-203.02 may purchase and consume spirituous liquor while not engaged in
5 waiting on or serving spirituous liquor to customers at the special event.
6 This subdivision does not apply to an unpaid volunteer whose responsibilities
7 include verification of a person's legal drinking age, security or the
8 operation of any vehicle or heavy machinery.

9 14. For a licensee or other person to serve, sell or furnish spirituous
10 liquor to a disorderly or obviously intoxicated person, or for a licensee or
11 employee of the licensee to allow or permit a disorderly or obviously
12 intoxicated person to come into or remain on or about the premises, except
13 that a licensee or an employee of the licensee may allow an obviously
14 intoxicated person to remain on the premises for a period of time of not to
15 exceed thirty minutes after the state of obvious intoxication is known or
16 should be known to the licensee in order that a nonintoxicated person may
17 transport the obviously intoxicated person from the premises. For the
18 purposes of this section, "obviously intoxicated" means inebriated to the
19 extent that a person's physical faculties are substantially impaired and the
20 impairment is shown by significantly uncoordinated physical action or
21 significant physical dysfunction that would have been obvious to a reasonable
22 person.

23 15. For an on-sale or off-sale retailer or an employee of such retailer
24 to sell, dispose of, deliver or give spirituous liquor to a person between
25 the hours of 2:00 a.m. and 6:00 a.m.

26 16. For a licensee or employee to knowingly permit any person on or
27 about the licensed premises to give or furnish any spirituous liquor to any
28 person under twenty-one years of age or knowingly permit any person under
29 twenty-one years of age to have in the person's possession spirituous liquor
30 on the licensed premises.

31 17. For an on-sale retailer or an employee of such retailer to allow a
32 person to consume or possess spirituous liquors on the premises between the
33 hours of 2:30 a.m. and 6:00 a.m.

34 18. For an on-sale retailer to permit an employee or for an employee to
35 solicit or encourage others, directly or indirectly, to buy the employee
36 drinks or anything of value in the licensed premises during the employee's
37 working hours. No on-sale retailer shall serve employees or allow a patron
38 of the establishment to give spirituous liquor to, purchase liquor for or
39 drink liquor with any employee during the employee's working hours.

40 19. For an off-sale retailer or employee to sell spirituous liquor
41 except in the original unbroken container, to permit spirituous liquor to be
42 consumed on the premises or to knowingly permit spirituous liquor to be
43 consumed on adjacent property under the licensee's exclusive control.

44 20. For a person to consume spirituous liquor in a public place,
45 thoroughfare or gathering. The license of a licensee permitting a violation

1 of this paragraph on the premises shall be subject to revocation. This
2 paragraph does not apply to the sale of spirituous liquors on the premises of
3 and by an on-sale retailer. This paragraph also does not apply to a person
4 consuming beer from a broken package in a public recreation area or on
5 private property with permission of the owner or lessor or on the walkways
6 surrounding such private property or to a person consuming beer or wine from
7 a broken package in a public recreation area as part of a special event or
8 festival that is conducted under a license secured pursuant to section
9 4-203.02 or 4-203.03.

10 21. For a person to have possession of or to transport spirituous
11 liquor which is manufactured in a distillery, winery, brewery or rectifying
12 plant contrary to the laws of the United States and this state. Any property
13 used in transporting such spirituous liquor shall be forfeited to the state
14 and shall be seized and disposed of as provided in section 4-221.

15 22. For an on-sale retailer or employee to allow a person under the
16 legal drinking age to remain in an area on the licensed premises during those
17 hours in which its primary use is the sale, dispensing or consumption of
18 alcoholic beverages after the licensee, or the licensee's employees, know or
19 should have known that the person is under the legal drinking age. An
20 on-sale retailer may designate an area of the licensed premises as an area in
21 which spirituous liquor will not be sold or consumed for the purpose of
22 allowing underage persons on the premises if the designated area is separated
23 by a physical barrier and at no time will underage persons have access to the
24 area in which spirituous liquor is sold or consumed. A licensee or an
25 employee of a licensee may require a person who intends to enter a licensed
26 premises or a portion of a licensed premises where persons under the legal
27 drinking age are prohibited under this section to exhibit a written
28 instrument of identification that is acceptable under section 4-241 as a
29 condition of entry. The director, or a municipality, may adopt rules to
30 regulate the presence of underage persons on licensed premises provided the
31 rules adopted by a municipality are more stringent than those adopted by the
32 director. The rules adopted by the municipality shall be adopted by local
33 ordinance and shall not interfere with the licensee's ability to comply with
34 this paragraph. This paragraph does not apply:

35 (a) If the person under the legal drinking age is accompanied by a
36 spouse, parent or legal guardian of legal drinking age or is an on-duty
37 employee of the licensee.

38 (b) If the owner, lessee or occupant of the premises is a club as
39 defined in section 4-101, paragraph 7, subdivision (a) and the person under
40 the legal drinking age is any of the following:

41 (i) An active duty military service member.

42 (ii) A veteran.

43 (iii) A member of the United States army national guard or the United
44 States air national guard.

45 (iv) A member of the United States military reserve forces.

1 (c) To the area of the premises used primarily for the serving of food
2 during the hours when food is served.

3 23. For an on-sale retailer or employee to conduct drinking contests,
4 to sell or deliver to a person an unlimited number of spirituous liquor
5 beverages during any set period of time for a fixed price, to deliver more
6 than forty ounces of beer, one liter of wine or four ounces of distilled
7 spirits in any spirituous liquor drink to one person at one time for that
8 person's consumption or to advertise any practice prohibited by this
9 paragraph. The provisions of this ~~subsection~~ PARAGRAPH do not prohibit an
10 on-sale retailer or employee from selling and delivering an opened, original
11 container of distilled spirits if:

12 (a) Service or pouring of the spirituous liquor is provided by an
13 employee of the on-sale retailer.

14 (b) The employee of the on-sale retailer monitors consumption to
15 ensure compliance with this ~~subsection~~ PARAGRAPH. Locking devices may be
16 used, but are not required.

17 24. For a licensee or employee to knowingly permit the unlawful
18 possession, use, sale or offer for sale of narcotics, dangerous drugs or
19 marijuana on the premises. AS USED IN THIS PARAGRAPH, "DANGEROUS DRUG" HAS
20 THE SAME MEANING PRESCRIBED IN SECTION 13-3401.

21 25. For a licensee or employee to knowingly permit prostitution or the
22 solicitation of prostitution on the premises.

23 26. For a licensee or employee to knowingly permit unlawful gambling on
24 the premises.

25 27. For a licensee or employee to knowingly permit trafficking or
26 attempted trafficking in stolen property on the premises.

27 28. For a licensee or employee to fail or refuse to make the premises
28 or records available for inspection and examination as provided in this title
29 or to comply with a lawful subpoena issued under this title.

30 29. For any person other than a peace officer or a member of a
31 sheriff's volunteer posse while on duty who has received firearms training
32 that is approved by the Arizona peace officer standards and training board,
33 the licensee or an employee of the licensee acting with the permission of the
34 licensee to be in possession of a firearm while on the licensed premises of
35 an on-sale retailer. This paragraph shall not be construed to include a
36 situation in which a person is on licensed premises for a limited time in
37 order to seek emergency aid and such person does not buy, receive, consume or
38 possess spirituous liquor. This paragraph shall not apply to:

39 (a) Hotel or motel guest room accommodations.

40 (b) The exhibition or display of a firearm in conjunction with a
41 meeting, show, class or similar event.

42 (c) A person with a permit issued pursuant to section 13-3112 who
43 carries a concealed handgun on the licensed premises of any on-sale retailer
44 that has not posted a notice pursuant to section 4-229.

1 30. For a licensee or employee to knowingly permit a person in
2 possession of a firearm other than a peace officer or a member of a sheriff's
3 volunteer posse while on duty who has received firearms training that is
4 approved by the Arizona peace officer standards and training board, the
5 licensee or an employee of the licensee acting with the permission of the
6 licensee to remain on the licensed premises or to serve, sell or furnish
7 spirituous liquor to a person in possession of a firearm while on the
8 licensed premises of an on-sale retailer. It shall be a defense to action
9 under this paragraph if the licensee or employee requested assistance of a
10 peace officer to remove such person. This paragraph shall not apply to:

11 (a) Hotel or motel guest room accommodations.

12 (b) The exhibition or display of a firearm in conjunction with a
13 meeting, show, class or similar event.

14 (c) A person with a permit issued pursuant to section 13-3112 who
15 carries a concealed handgun on the licensed premises of any on-sale retailer
16 that has not posted a notice pursuant to section 4-229.

17 31. For any person in possession of a firearm while on the licensed
18 premises of an on-sale retailer to consume spirituous liquor. This paragraph
19 does not prohibit the consumption of small amounts of spirituous liquor by an
20 undercover peace officer on assignment to investigate the licensed
21 establishment.

22 32. For a licensee or employee to knowingly permit spirituous liquor to
23 be removed from the licensed premises, except in the original unbroken
24 package. This paragraph does not apply to any of the following:

25 (a) A person who removes a bottle of wine which has been partially
26 consumed in conjunction with a purchased meal from licensed premises if a
27 cork is inserted flush with the top of the bottle or the bottle is otherwise
28 securely closed.

29 (b) A person who is in licensed premises that have noncontiguous
30 portions that are separated by a public or private walkway or driveway and
31 who takes spirituous liquor from one portion of the licensed premises across
32 the public or private walkway or driveway directly to the other portion of
33 the licensed premises.

34 (c) A bar, beer and wine bar, liquor store, beer and wine store or
35 domestic microbrewery licensee who dispenses beer only in a clean glass
36 container with a maximum capacity that does not exceed one gallon and not for
37 consumption on the premises as long as:

38 (i) The licensee or the licensee's employee fills the container at the
39 tap at the time of sale.

40 (ii) The container is sealed with a plastic adhesive and displays a
41 government warning label.

42 (iii) The dispensing of that beer is not done through a drive-through
43 or walk-up service window.

44 The department shall review the effects of this subdivision and submit a
45 report by July 1, 2015 on the effects of this ~~section~~ SUBDIVISION to the

1 governor, the speaker of the house of representatives and the president of
2 the senate. The department shall provide a copy of this report to the
3 secretary of state.

4 33. For a person who is obviously intoxicated to buy or attempt to buy
5 spirituous liquor from a licensee or employee of a licensee or to consume
6 spirituous liquor on licensed premises.

7 34. For a person under twenty-one years of age to drive or be in
8 physical control of a motor vehicle while there is any spirituous liquor in
9 the person's body.

10 35. For a person under twenty-one years of age to operate or be in
11 physical control of a motorized watercraft that is underway while there is
12 any spirituous liquor in the person's body. For the purposes of this
13 paragraph, "underway" has the same meaning prescribed in section 5-301.

14 36. For a licensee, manager, employee or controlling person to
15 purposely induce a voter, by means of alcohol, to vote or abstain from voting
16 for or against a particular candidate or issue on an election day.

17 37. For a licensee to fail to report an occurrence of an act of
18 violence to either the department or a law enforcement agency.

19 38. For a licensee to use a vending machine for the purpose of
20 dispensing spirituous liquor.

21 39. For a licensee to offer for sale a wine carrying a label including
22 a reference to Arizona or any Arizona city, town or geographic location
23 unless at least seventy-five per cent by volume of the grapes used in making
24 the wine were grown in Arizona.

25 40. For a retailer to knowingly allow a customer to bring spirituous
26 liquor onto the licensed premises, except that an on-sale retailer may allow
27 a wine and food club to bring wine onto the premises for consumption by the
28 club's members and guests of the club's members in conjunction with meals
29 purchased at a meeting of the club that is conducted on the premises and that
30 at least seven members attend. An on-sale retailer who allows wine and food
31 clubs to bring wine onto its premises under this paragraph shall comply with
32 all applicable provisions of this title and any rules adopted pursuant to
33 this title to the same extent as if the on-sale retailer had sold the wine to
34 the members of the club and their guests. For the purposes of this
35 paragraph, "wine and food club" means an association that has more than
36 twenty bona fide members paying at least six dollars per year in dues and
37 that has been in existence for at least one year.

38 41. For a person under twenty-one years of age to have in the person's
39 body any spirituous liquor. In a prosecution for a violation of this
40 paragraph:

41 (a) Pursuant to section 4-249, it is a defense that the spirituous
42 liquor was consumed in connection with the bona fide practice of a religious
43 belief or as an integral part of a religious exercise and in a manner not
44 dangerous to public health or safety.

1 (b) Pursuant to section 4-226, it is a defense that the spirituous
2 liquor was consumed for a bona fide medicinal purpose and in a manner not
3 dangerous to public health or safety.

4 42. For an employee of a licensee to accept any gratuity, compensation,
5 remuneration or consideration of any kind to either:

6 (a) Permit a person who is under twenty-one years of age to enter any
7 portion of the premises where that person is prohibited from entering
8 pursuant to paragraph 22 of this section.

9 (b) Sell, furnish, dispose of or give spirituous liquor to a person
10 who is under twenty-one years of age.

11 43. For a person to purchase, offer for sale or use any device, machine
12 or process which mixes spirituous liquor with pure oxygen or another gas to
13 produce a vaporized product for the purpose of consumption by inhalation.

14 44. For a retail licensee or an employee of a retail licensee to sell
15 spirituous liquor to a person if the retail licensee or employee knows the
16 person intends to resell the spirituous liquor.

17 45. Except as authorized by paragraph 32, subdivision (c) of this
18 section, for a person to reuse a bottle or other container authorized for use
19 by the laws of the United States or any agency of the United States for the
20 packaging of distilled spirits or for a person to increase the original
21 contents or a portion of the original contents remaining in a liquor bottle
22 or other authorized container by adding any substance.

APPROVED BY THE GOVERNOR JUNE 19, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 19, 2013.

Passed the House April 8, 2013,

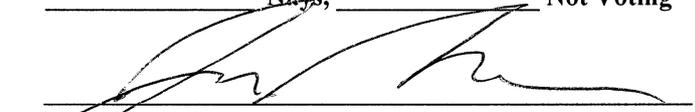
Passed the Senate March 6, 2013,

by the following vote: 58 Ayes,

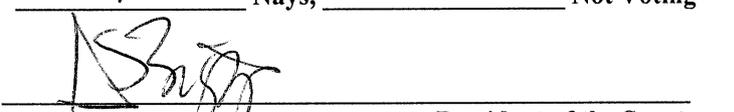
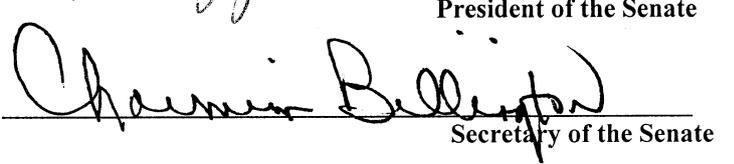
by the following vote: 27 Ayes,

0 Nays, 2 Not Voting

1 Nays, 2 Not Voting


Speaker of the House
Pro Tempore

Chief Clerk of the House


President of the Senate

Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this
_____ day of _____, 20____,
at _____ o'clock _____ M.

Secretary to the Governor~~

~~Approved this _____ day of
_____, 20____,
at _____ o'clock _____ M.

Governor of Arizona~~

S.B. 1345

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State
this _____ day of _____, 20____,
at _____ o'clock _____ M.

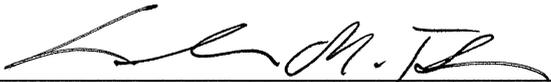
Secretary of State~~

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 2, 20 13,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting


Speaker of the House

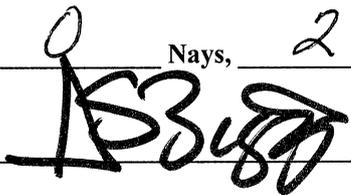

Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate April 30, 20 13,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting


President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 13 day of June, 20 13,

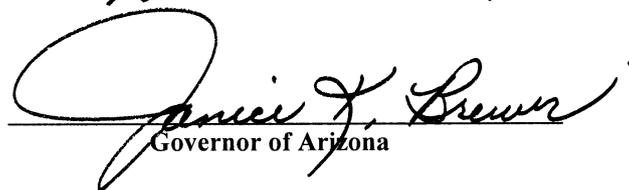
at 4:25 o'clock P M.


Secretary to the Governor

Approved this 19th day of

June, 20 13,

at 12:04 o'clock A M.

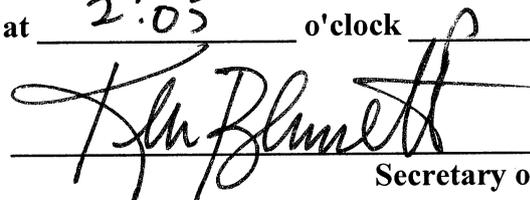

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 19th day of June, 20 13,

at 2:05 o'clock P M.


Secretary of State

S.B. 1345