

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

House Engrossed
FILED
MICHELE REAGAN
SECRETARY OF STATE

CHAPTER 54
HOUSE BILL 2047

AN ACT

AMENDING SECTIONS 4-205.06 AND 4-244, ARIZONA REVISED STATUTES; RELATING
TO LIQUOR PROHIBITIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 4-205.06, Arizona Revised Statutes, is amended
3 to read:

4 4-205.06. Hotel or motel minibars; rules; definitions

5 A. Notwithstanding any other statute, a hotel or motel may sell
6 spirituous liquor in sealed containers in individual portions to its
7 registered guests at any time by means of a minibar located in the guest
8 rooms of those registered guests, if all of the following conditions are
9 met:

10 1. Before providing a key, magnetic card or other similar device
11 required to attain access to the minibar in a particular guest room to the
12 registered guest, or before otherwise providing access to the minibar to
13 the registered guest, the licensee verifies that each registered guest to
14 whom a key, magnetic card or similar device is provided or to whom access
15 is otherwise provided is not a person under the legal drinking age.

16 2. All employees handling the spirituous liquors to be placed in
17 the minibar in any guest room, including an employee who inventories or
18 restocks and replenishes the spirituous liquors in the minibar, are at
19 least ~~nineteen~~ EIGHTEEN years of age.

20 3. The minibar is not replenished or restocked with spirituous
21 liquor between the hours of 2:00 a.m. and 6:00 a.m.

22 4. The minibar is located on the premises of a person who has been
23 issued an on-sale retailer's license.

24 5. The minibar contains no more than thirty individual portions of
25 spirituous liquor at any one time.

26 B. A minibar may be part of another cabinet or similar device,
27 whether refrigerated in whole or in part or nonrefrigerated, from which
28 nonalcoholic beverages or food may be purchased by the guests in hotel or
29 motel guest rooms. The portion of the cabinet or similar device in which
30 spirituous liquors are stored shall comply with the requirements of this
31 section.

32 C. The director may prescribe rules to regulate the use of a
33 minibar including rules on the size of containers of spirituous liquors
34 and may by rule reduce from thirty the number of containers of spirituous
35 liquor placed in the minibar.

36 D. For the purposes of this section:

37 1. "Hotel" or "motel" means an establishment that is licensed to
38 sell spirituous liquors and that contains guest room accommodations with
39 respect to which the predominant relationship existing between the
40 occupants of the rooms and the owner or operator of the establishment is
41 that of innkeeper and guest. For the purposes of this paragraph, the
42 existence of other legal relationships as between some occupants and the
43 owner or operator is immaterial.

44 2. "Minibar" means a closed container, either refrigerated in whole
45 or in part or nonrefrigerated, where access to the interior is restricted

1 by means of a locking device that requires the use of a key, magnetic card
2 or similar device.

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

5 4-244. Unlawful acts

6 It is unlawful:

7 1. For a person to buy for resale, sell or deal in spirituous
8 liquors in this state without first having procured a license duly issued
9 by the board, except that the director may issue a temporary permit of any
10 series pursuant to section 4-205.05 to a trustee in bankruptcy to acquire
11 and dispose of the spirituous liquor of a debtor.

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

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

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

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

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

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

39 8. For a retailer to acquire an interest in property owned,
40 occupied or used by a wholesaler in the wholesaler's business, or in a
41 license with respect to the premises of the wholesaler.

42 9. Except as provided in paragraphs 10 and 11 of this section, for
43 a licensee or other person to sell, furnish, dispose of or give, or cause
44 to be sold, furnished, disposed of or given, to a person under the legal
45 drinking age or for a person under the legal drinking age to buy, receive,

1 have in the person's possession or consume spirituous liquor. This
2 paragraph shall not prohibit the employment by an off-sale retailer of
3 persons who are at least sixteen years of age to check out, if supervised
4 by a person on the premises who is at least ~~nineteen~~ EIGHTEEN years of
5 age, package or carry merchandise, including spirituous liquor, in
6 unbroken packages, for the convenience of the customer of the employer, if
7 the employer sells primarily merchandise other than spirituous liquor.

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

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

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

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

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

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

40 (c) An employee of an on-sale retail licensee, under the
41 supervision of a manager as part of the employee's training and education,
42 while not engaged in waiting on or serving customers may taste samples of
43 distilled spirits not to exceed two ounces per educational session or beer
44 or wine not to exceed four ounces per educational session, and provided

1 that a licensee shall not have more than two educational sessions in any
2 thirty day period.

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

9 (e) An unpaid volunteer of a special event licensee under section
10 4-203.02 may purchase and consume spirituous liquor while not engaged in
11 waiting on or serving spirituous liquor to customers at the special
12 event. This subdivision does not apply to an unpaid volunteer whose
13 responsibilities include verification of a person's legal drinking age,
14 security or the operation of any vehicle or heavy machinery.

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

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

32 16. For a licensee or employee to knowingly permit any person on or
33 about the licensed premises to give or furnish any spirituous liquor to
34 any person under twenty-one years of age or knowingly permit any person
35 under twenty-one years of age to have in the person's possession
36 spirituous liquor on the licensed premises.

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

40 18. For an on-sale retailer to permit an employee or for an
41 employee to solicit or encourage others, directly or indirectly, to buy
42 the employee drinks or anything of value in the licensed premises during
43 the employee's working hours. No on-sale retailer shall serve employees
44 or allow a patron of the establishment to give spirituous liquor to,

1 purchase liquor for or drink liquor with any employee during the
2 employee's working hours.

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

7 20. For a person to consume spirituous liquor in a public place,
8 thoroughfare or gathering. The license of a licensee permitting a
9 violation of this paragraph on the premises shall be subject to
10 revocation. This paragraph does not apply to the sale of spirituous
11 liquors on the premises of and by an on-sale retailer. This paragraph
12 also does not apply to a person consuming beer from a broken package in a
13 public recreation area or on private property with permission of the owner
14 or lessor or on the walkways surrounding such private property or to a
15 person consuming beer or wine from a broken package in a public recreation
16 area as part of a special event or festival that is conducted under a
17 license secured pursuant to section 4-203.02 or 4-203.03.

18 21. For a person to have possession of or to transport spirituous
19 liquor that is manufactured in a distillery, winery, brewery or rectifying
20 plant contrary to the laws of the United States and this state. Any
21 property used in transporting such spirituous liquor shall be forfeited to
22 the state and shall be seized and disposed of as provided in section
23 4-221.

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

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

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

7 (i) An active duty military service member.

8 (ii) A veteran.

9 (iii) A member of the United States army national guard or the
10 United States air national guard.

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

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

14 23. For an on-sale retailer or employee to conduct drinking
15 contests, to sell or deliver to a person an unlimited number of spirituous
16 liquor beverages during any set period of time for a fixed price, to
17 deliver more than fifty ounces of beer, one liter of wine or four ounces
18 of distilled spirits in any spirituous liquor drink to one person at one
19 time for that person's consumption or to advertise any practice prohibited
20 by this paragraph. The provisions of this paragraph do not prohibit an
21 on-sale retailer or employee from selling and delivering an opened,
22 original container of distilled spirits if:

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

25 (b) The employee of the on-sale retailer monitors consumption to
26 ensure compliance with this paragraph. Locking devices may be used, but
27 are not required.

28 24. For a licensee or employee to knowingly permit the unlawful
29 possession, use, sale or offer for sale of narcotics, dangerous drugs or
30 marijuana on the premises. As used in this paragraph, "dangerous drug"
31 has the same meaning prescribed in section 13-3401.

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

34 26. For a licensee or employee to knowingly permit unlawful
35 gambling on the premises.

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

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

41 29. For any person other than a peace officer or a member of a
42 sheriff's volunteer posse while on duty who has received firearms training
43 that is approved by the Arizona peace officer standards and training
44 board, a retired peace officer as defined in section 38-1113 or an
45 honorably retired law enforcement officer who has been issued a

1 certificate of firearms proficiency pursuant to section 13-3112,
2 subsection T, the licensee or an employee of the licensee acting with the
3 permission of the licensee to be in possession of a firearm while on the
4 licensed premises of an on-sale retailer. This paragraph shall not be
5 construed to include a situation in which a person is on licensed premises
6 for a limited time in order to seek emergency aid and such person does not
7 buy, receive, consume or possess spirituous liquor. This paragraph shall
8 not apply to:

9 (a) Hotel or motel guest room accommodations.

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

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

15 30. For a licensee or employee to knowingly permit a person in
16 possession of a firearm other than a peace officer or a member of a
17 sheriff's volunteer posse while on duty who has received firearms training
18 that is approved by the Arizona peace officer standards and training
19 board, a retired peace officer as defined in section 38-1113 or an
20 honorably retired law enforcement officer who has been issued a
21 certificate of firearms proficiency pursuant to section 13-3112,
22 subsection T, the licensee or an employee of the licensee acting with the
23 permission of the licensee to remain on the licensed premises or to serve,
24 sell or furnish spirituous liquor to a person in possession of a firearm
25 while on the licensed premises of an on-sale retailer. It shall be a
26 defense to action under this paragraph if the licensee or employee
27 requested assistance of a peace officer to remove such person. This
28 paragraph shall not apply to:

29 (a) Hotel or motel guest room accommodations.

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

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

35 31. For any person in possession of a firearm while on the licensed
36 premises of an on-sale retailer to consume spirituous liquor. This
37 paragraph does not prohibit the consumption of small amounts of spirituous
38 liquor by an undercover peace officer on assignment to investigate the
39 licensed establishment.

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

43 (a) A person who removes a bottle of wine that has been partially
44 consumed in conjunction with a purchased meal from licensed premises if a

1 cork is inserted flush with the top of the bottle or the bottle is
2 otherwise securely closed.

3 (b) A person who is in licensed premises that have noncontiguous
4 portions that are separated by a public or private walkway or driveway and
5 who takes spirituous liquor from one portion of the licensed premises
6 across the public or private walkway or driveway directly to the other
7 portion of the licensed premises.

8 (c) A licensee of a bar, beer and wine bar, liquor store, beer and
9 wine store, microbrewery or restaurant that has a permit pursuant to
10 section 4-205.02, subsection H who dispenses beer only in a clean
11 container composed of a material approved by a national sanitation
12 organization with a maximum capacity that does not exceed one gallon and
13 not for consumption on the premises if:

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

16 (ii) The container is sealed and displays a government warning
17 label.

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

20 33. For a person who is obviously intoxicated to buy or attempt to
21 buy spirituous liquor from a licensee or employee of a licensee or to
22 consume spirituous liquor on licensed premises.

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

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

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

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

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

37 39. For a licensee to offer for sale a wine carrying a label
38 including a reference to Arizona or any Arizona city, town or geographic
39 location unless at least seventy-five percent by volume of the grapes used
40 in making the wine were grown in Arizona.

41 40. For a retailer to knowingly allow a customer to bring
42 spirituous liquor onto the licensed premises, except that an on-sale
43 retailer may allow a wine and food club to bring wine onto the premises
44 for consumption by the club's members and guests of the club's members in
45 conjunction with meals purchased at a meeting of the club that is

1 conducted on the premises and that at least seven members attend. An
2 on-sale retailer who allows wine and food clubs to bring wine onto its
3 premises under this paragraph shall comply with all applicable provisions
4 of this title and any rules adopted pursuant to this title to the same
5 extent as if the on-sale retailer had sold the wine to the members of the
6 club and their guests. For the purposes of this paragraph, "wine and food
7 club" means an association that has more than twenty bona fide members
8 paying at least six dollars per year in dues and that has been in
9 existence for at least one year.

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

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

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

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

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

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

27 43. For a person to purchase, offer for sale or use any device,
28 machine or process that mixes spirituous liquor with pure oxygen or
29 another gas to produce a vaporized product for the purpose of consumption
30 by inhalation or to allow patrons to use any item for the consumption of
31 vaporized spirituous liquor.

32 44. For a retail licensee or an employee of a retail licensee to
33 sell spirituous liquor to a person if the retail licensee or employee
34 knows the person intends to resell the spirituous liquor.

35 45. Except as authorized by paragraph 32, subdivision (c) of this
36 section, for a person to reuse a bottle or other container authorized for
37 use by the laws of the United States or any agency of the United States
38 for the packaging of distilled spirits or for a person to increase the
39 original contents or a portion of the original contents remaining in a
40 liquor bottle or other authorized container by adding any substance.

APPROVED BY THE GOVERNOR MARCH 24, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 24, 2017.

Passed the House February 2, 20 17

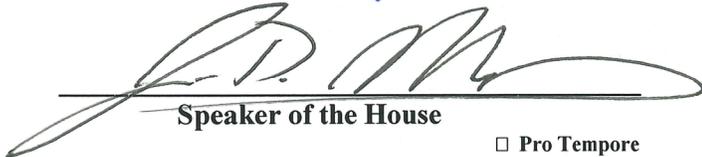
Passed the Senate March 20, 20 17

by the following vote: 59 Ayes,

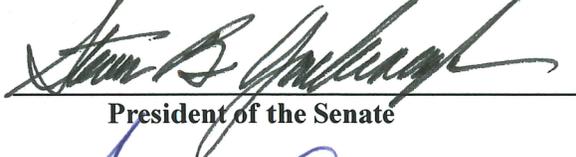
by the following vote: 24 Ayes,

0 Nays, 1 Not Voting

3 Nays, 1 Not Voting



Speaker of the House



President of the Senate

Pro Tempore

Jim Drake

Chief Clerk of the House

Susan Owens

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

21st day of March, 20 17

at 2:30 o'clock P. M.

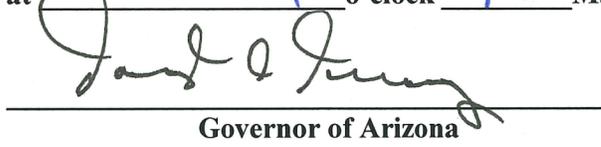


Secretary to the Governor

Approved this 24th day of

March, 2017

at 2:44 o'clock P. M.



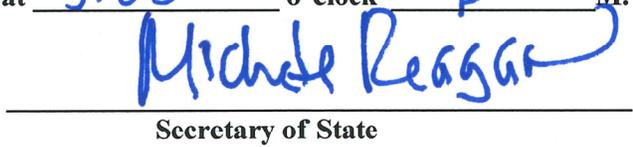
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 24 day of March, 20 17

at 5:05 o'clock P. M.



Secretary of State

H.B. 2047