

Fiftieth Legislature
First Regular Session

Mesnard
S.B. 1460

MESNARD SUBSTITUTE FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1460

I move the following SUBSTITUTE Floor Amendment to the COMMERCE Committee Amendment to

SENATE BILL 1460 (Reference to Senate engrossed bill)

1 Page 4, strike lines 4 through 8; line 9, strike "VALID." insert "THE WRITTEN
2 ARGUMENT SHALL CONTAIN THE NATURAL PERSON'S COMPLETE NAME, STREET ADDRESS OR
3 POST OFFICE BOX ADDRESS AND WRITTEN OR ELECTRONIC SIGNATURE. IF THE WRITTEN
4 ARGUMENTS ARE FILED BY A PERSON ON BEHALF OF A CORPORATION OR OTHER LEGAL
5 ENTITY OR ASSOCIATION, THE WRITTEN ARGUMENTS MUST BE ACCOMPANIED BY A COPY OF
6 THE ENTITIES ORGANIZING DOCUMENT, A DESIGNATION OF THE OFFICE OR POSITION
7 THAT THE PERSON HOLDS WITHIN THE ORGANIZATION AND A COPY OF THE WRITTEN
8 APPOINTMENT OF THE PERSON TO SPEAK ON BEHALF OF THE ORGANIZATION. IF THE
9 WRITTEN ARGUMENTS ARE FILED BY A NEIGHBORHOOD ASSOCIATION, BLOCK WATCH OR
10 OTHER UNINCORPORATED ASSOCIATION, WRITTEN ARGUMENTS MUST BE ACCOMPANIED BY A
11 LETTER OF AUTHORITY DESIGNATING THAT PERSON AS A SPOKESPERSON."

12 Page 5, line 10, after the period strike remainder of line; strike lines 11 through
13 14; line 15, strike "FOR THE PROTEST TO BE VALID." insert "THE WRITTEN
14 ARGUMENT SHALL CONTAIN THE NATURAL PERSON'S COMPLETE NAME, STREET ADDRESS OR
15 POST OFFICE BOX ADDRESS AND WRITTEN OR ELECTRONIC SIGNATURE. IF THE WRITTEN
16 ARGUMENTS ARE FILED BY A PERSON ON BEHALF OF A CORPORATION OR OTHER LEGAL
17 ENTITY OR ASSOCIATION, THE WRITTEN ARGUMENTS MUST BE ACCOMPANIED BY A COPY OF
18 THE ENTITIES ORGANIZING DOCUMENT, A DESIGNATION OF THE OFFICE OR POSITION
19 THAT THE PERSON HOLDS WITHIN THE ORGANIZATION AND A COPY OF THE WRITTEN
20 APPOINTMENT OF THE PERSON TO SPEAK ON BEHALF OF THE ORGANIZATION. IF THE
21 WRITTEN ARGUMENTS ARE FILED BY A NEIGHBORHOOD ASSOCIATION, BLOCK WATCH OR
22 OTHER UNINCORPORATED ASSOCIATION, WRITTEN ARGUMENTS MUST BE ACCOMPANIED BY A
23 LETTER OF AUTHORITY DESIGNATING THAT PERSON AS A SPOKESPERSON."

24 Line 17, strike "BASED"; strike line 18; line 19, strike "A LICENSE"

25 Lines 23 and 24, strike "AT ANY TIME, THE BOARD MAY" insert "THE DIRECTOR MAY
26 REQUEST THE BOARD"

27 Line 37, strike "FIFTEEN" insert "THIRTY"

28 Page 6, line 38, strike "IT SHALL BE PRESUMED" insert "THERE SHALL BE A REBUTTABLE
29 PRESUMPTION"

1 Line 39, after "COMMUNITY" insert "AT THAT LOCATION"

2 Page 6, line 41 after the period insert "THE PRESUMPTION SHALL NOT APPLY ONCE THE
3 LICENSED LOCATION HAS NOT BEEN IN USE FOR MORE THAN ONE HUNDRED EIGHTY DAYS
4 AND THE PRESUMPTION SHALL NOT EXTEND TO THE PERSONAL QUALIFICATIONS OF THE
5 APPLICANT."

6 Page 9, line 3, strike "nonretail"

7 Between lines 26 and 27, insert:

8 "Sec. 5. Section 4-203.02, Arizona Revised Statutes, is amended to
9 read:

10 4-203.02. Special event license; rules

11 A. The director may, subject to the approval of the board of
12 supervisors of a county for events to be held in an unincorporated area or
13 the governing body of a city or town for events to be held in a city or town,
14 issue on a temporary basis:

15 1. A daily on-sale special event license authorizing the sale of
16 spirituous liquor for consumption on the premises where sold. The fee for
17 the license is twenty-five dollars per day. The director shall transfer the
18 monies collected to the department of health services for the purpose
19 prescribed in title 36, chapter 18, article 2.

20 2. A daily off-sale special event license authorizing a charitable
21 auction for the sale of spirituous liquor for consumption off premises.

22 B. The director may only issue the special event license to a
23 political party or campaign committee supporting a candidate for public
24 office or a ballot measure, an organization formed for a specific charitable
25 or civic purpose, a fraternal organization in existence for over five years
26 with a regular membership or a religious organization.

27 C. An organization selling spirituous liquor under a special event
28 license pursuant to subsection A, paragraph 1 of this section shall purchase
29 such spirituous liquor from the holder of a license authorized to sell
30 off-sale, or, in the case of a nonprofit organization which has obtained a
31 special event license for the purpose of charitable fund raising activities,
32 the nonprofit organization may receive the spirituous liquor from a

1 wholesaler as a donation, except that a licensee licensed pursuant to
2 subsection A, paragraph 2 of this section may receive spirituous liquor from
3 a donor when the donor receives no remuneration or payment of any kind,
4 directly or indirectly, other than any tax benefits that might result.

5 D. An organization that is issued a license pursuant to subsection A,
6 paragraph 2 of this section shall receive at least seventy-five per cent of
7 the gross receipts of the auction. Up to twenty-five per cent of the gross
8 receipts of a special event auction conducted pursuant to subsection A,
9 paragraph 2 of this section may be used to pay reasonable and necessary
10 expenses incurred in connection with the auction. All expenses shall be
11 supported by written contracts, invoices or receipts, which shall be made
12 available to the director on request.

13 E. The director may adopt those rules the director determines are
14 necessary to implement and administer this section including a limitation on
15 the number of times during a calendar year a qualified organization may apply
16 for and be issued a license under this section. The qualified organization
17 issued a license pursuant to subsection A, paragraph 1 of this section must
18 receive at least twenty-five per cent of the gross revenues of the special
19 events, which shall be supported by a contract between the parties to be
20 supplied at the time of application.

21 F. An organization that is issued a license pursuant to subsection A,
22 paragraph 2 of this section shall not sell more than twenty cases of
23 spirituous liquor annually under a special event license.

24 G. Section 4-201 does not apply to the licenses provided for under
25 this section.

26 H. A LICENSED WHOLESALER MAY DONATE SPIRITUOUS LIQUOR DIRECTLY TO AN
27 ORGANIZATION THAT IS ISSUED A LICENSE PURSUANT TO SUBSECTION A. THE LICENSED
28 WHOLESALER SHALL IN SUCH INSTANCES ISSUE A NET ZERO COST BILLING INVOICE IN
29 THE NAME OF THE SPECIAL EVENT LICENSEE. ALL LICENSEES MAKING OR RECEIVING
30 SPIRITUOUS LIQUOR DONATIONS REMAIN SUBJECT TO THE APPLICABLE LIMITATIONS AND
31 REQUIREMENTS SET FORTH IN THIS TITLE AND IN THE RULES PROMULGATED BY THE
32 DEPARTMENT.

I. A LICENSED WHOLESALER MAY TEMPORARILY LEAVE A DELIVERY VEHICLE AND OTHER ITEMS OF EQUIPMENT NECESSARY FOR THE SALE OR SERVICE OF SPIRITUOUS LIQUOR ON THE PREMISES OF A LICENSED SPECIAL EVENT FOR THE DURATION OF THE EVENT AND UP TO ONE BUSINESS DAY BEFORE AND AFTER THE EVENT.

J. A LICENSED WHOLESALER MAY LEAVE SPIRITUOUS LIQUOR PRODUCTS AT A SPECIAL EVENT IF THE PRODUCTS ARE PROPERLY DESCRIBED ON A PRELIMINARY BILLING INVOICE FROM THE WHOLESALER THAT IS ISSUED IN THE NAME OF THE OFF-SALE RETAILER WHICH ALSO NAMES THE SPECIAL EVENT LICENSEE. THE LICENSED WHOLESALER HAS UP TO FIVE BUSINESS DAYS AFTER THE SPECIAL EVENT ENDS TO MAKE ANY NECESSARY BILLING ADJUSTMENTS AND ISSUE A FINAL BILLING INVOICE TO THE OFF-SALE RETAILER WHICH ALSO NAMES THE SPECIAL EVENT LICENSEE."

Renumber to conform

Page 11, line 4, before the first "The" insert:

"A."

Line 11, after the period insert "THE DIRECTOR MAY DISPOSE OF SEIZED SPIRITUOUS LIQUOR IN WHOLE OR IN PART BY PROVIDING THE SPIRITUOUS LIQUOR TO LAW ENFORCEMENT FOR TRAINING PURPOSES ONLY.

B."

Line 13, after "OR" strike remainder of line; strike lines 14 through 16, insert "DISPOSED OF AS PROVIDED IN THIS SECTION. THE LICENSED WHOLESALER THAT DISTRIBUTES THE SPIRITUOUS LIQUOR BRAND IN THAT SALES TERRITORY MAY, BUT IS NOT REQUIRED TO, ACCEPT A RETURN OF THE LIQUOR AT NO COST FOR DISPOSAL OR TO ENABLE IT TO BE RETURNED TO THE SUPPLIER."

Page 12, line 33, strike "department of"

Line 34, strike "COMMERCE" insert "OFFICE OF EMPLOYMENT AND POPULATION STATISTICS WITHIN THE ARIZONA DEPARTMENT OF ADMINISTRATION"

Page 13, line 12, after the period insert "FOR DUAL LICENSES ISSUED PURSUANT TO A SINGLE SITE OR WHERE A SECOND LICENSE IS ISSUED TO A SITE WHICH ALREADY HAS A SPIRITUOUS LIQUOR LICENSE, OTHER THAN SETTLEMENT LICENSES ISSUED PURSUANT TO LAWS 2010, CHAPTER 85, SECTION 4, AS AMENDED BY THIS ACT, THE APPLICANT SHALL HAVE THE BURDEN OF ESTABLISHING THAT PUBLIC CONVENIENCE AND THE BEST INTEREST OF THE COMMUNITY WILL BE SERVED BY THE ISSUANCE OF THE LICENSE."

1 Strike pages 18 through 21

2 Page 22, strike lines 1 through 10, insert:

3 Sec. 13. Section 4-210.01, Arizona Revised Statutes, is amended to
4 read:

5 4-210.01. Authority to impose civil penalty: training

6 A. In lieu of or in addition to the suspension or revocation of or
7 refusal to renew a license authorized by section 4-210, subsection A, the
8 director may impose a civil penalty of not less than two hundred nor more
9 than three thousand dollars for each violation. The licensee is entitled to
10 appeal the decision of the director to the board. The board may affirm,
11 modify or reverse the finding and decision of the director and may decrease
12 the civil penalty imposed by the director.

13 B. THE DIRECTOR MAY ESTABLISH PAYMENT OF THE CIVIL PENALTY AS
14 AUTHORIZED IN SUBSECTION A OF THIS SECTION, BY THE LICENSEE IN THE FORM OF A
15 SINGLE PAYMENT OR INSTALLMENT PAYMENTS.

16 ~~B.~~ C. In addition to the imposition of any other penalty authorized
17 by this title, the director may impose a requirement that the licensee or
18 other person attend a training program approved by the department.

19 Renumber to conform

20 Line 19, after the period insert "A CITY, TOWN OR COUNTY MAY ENFORCE LAWFUL
21 ZONING REQUIREMENTS. ZONING SHALL NOT BE A BASIS FOR PROTESTING OR DENYING A
22 LICENSE UNDER THIS TITLE."

23 Page 25, line 1, strike "~~dated and signed~~" insert "dated and signed"

24 Page 27, strike lines 18 through 43, insert:

25 "Sec. 17. Section 4-244, Arizona Revised Statutes, is amended to read:

26 4-244. Unlawful acts

27 It is unlawful:

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

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

1 3. For a distiller, vintner, brewer or wholesaler knowingly to sell,
2 dispose of or give spirituous liquor to any person other than a licensee
3 except in sampling wares as may be necessary in the ordinary course of
4 business, except in donating spirituous liquor to a nonprofit organization
5 which has obtained a special event license for the purpose of charitable fund
6 raising activities or except in donating spirituous liquor with a cost to the
7 distiller, brewer or wholesaler of up to ~~one~~ FIVE hundred dollars in a
8 calendar year to an organization that is exempt from federal income taxes
9 under SUBSECTIONS (3), (4), (6) OR (7) OF section 501(c) of the internal
10 revenue code and not licensed under this title.

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

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

19 6. For a person to take or solicit orders for spirituous liquors
20 unless the person is a salesman or solicitor of a licensed wholesaler, a
21 salesman or solicitor of a distiller, brewer, vintner, importer or broker or
22 a registered retail agent.

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

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

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

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

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

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

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

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

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

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

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

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

19 (e) An unpaid volunteer of a special event licensee under section
20 4-203.02 may purchase and consume spirituous liquor while not engaged in
21 waiting on or serving spirituous liquor to customers at the special event.
22 This subdivision does not apply to an unpaid volunteer whose responsibilities
23 include verification of a person's legal drinking age, security or the
24 operation of any vehicle or heavy machinery.

25 14. For a licensee or other person to serve, sell or furnish spirituous
26 liquor to a disorderly or obviously intoxicated person, or for a licensee or
27 employee of the licensee to allow or permit a disorderly or obviously
28 intoxicated person to come into or remain on or about the premises, except
29 that a licensee or an employee of the licensee may allow an obviously
30 intoxicated person to remain on the premises for a period of time of not to
31 exceed thirty minutes after the state of obvious intoxication is known or
32 should be known to the licensee in order that a nonintoxicated person may

1 transport the obviously intoxicated person from the premises. For the
2 purposes of this section, "obviously intoxicated" means inebriated to the
3 extent that a person's physical faculties are substantially impaired and the
4 impairment is shown by significantly uncoordinated physical action or
5 significant physical dysfunction that would have been obvious to a reasonable
6 person.

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

10 16. For a licensee or employee to knowingly permit any person on or
11 about the licensed premises to give or furnish any spirituous liquor to any
12 person under twenty-one years of age or knowingly permit any person under
13 twenty-one years of age to have in the person's possession spirituous liquor
14 on the licensed premises.

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

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

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

28 20. For a person to consume spirituous liquor in a public place,
29 thoroughfare or gathering. The license of a licensee permitting a violation
30 of this paragraph on the premises shall be subject to revocation. This
31 paragraph does not apply to the sale of spirituous liquors on the premises of
32 and by an on-sale retailer. This paragraph also does not apply to a person

1 consuming beer from a broken package in a public recreation area or on
2 private property with permission of the owner or lessor or on the walkways
3 surrounding such private property or to a person consuming beer or wine from
4 a broken package in a public recreation area as part of a special event or
5 festival that is conducted under a license secured pursuant to section
6 4-203.02 or 4-203.03.

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

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

14 23. For an on-sale retailer or employee to conduct drinking contests,
15 to sell or deliver to a person an unlimited number of spirituous liquor
16 beverages during any set period of time for a fixed price, to deliver more
17 than thirty-two ounces of beer, one liter of wine or four ounces of distilled
18 spirits in any spirituous liquor drink to one person at one time for that
19 person's consumption or to advertise any practice prohibited by this
20 paragraph.

21 24. For a licensee or employee to knowingly permit the unlawful
22 possession, use, sale or offer for sale of narcotics, dangerous drugs or
23 marijuana on the premises.

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

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

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

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

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

10 (a) Hotel or motel guest room accommodations.

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

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

16 30. For a licensee or employee to knowingly permit a person in
17 possession of a firearm other than a peace officer or a member of a sheriff's
18 volunteer posse while on duty who has received firearms training that is
19 approved by the Arizona peace officer standards and training board, the
20 licensee or an employee of the licensee acting with the permission of the
21 licensee to remain on the licensed premises or to serve, sell or furnish
22 spirituous liquor to a person in possession of a firearm while on the
23 licensed premises of an on-sale retailer. It shall be a defense to action
24 under this paragraph if the licensee or employee requested assistance of a
25 peace officer to remove such person. This paragraph shall not apply to:

26 (a) Hotel or motel guest room accommodations.

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

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

1 31. For any person in possession of a firearm while on the licensed
2 premises of an on-sale retailer to consume spirituous liquor.

3 32. For a licensee or employee to knowingly permit spirituous liquor to
4 be removed from the licensed premises, except in the original unbroken
5 package. This paragraph shall not apply to either of the following:

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

10 (b) A person who is in licensed premises that have noncontiguous
11 portions that are separated by a public or private walkway or driveway and
12 who takes spirituous liquor from one portion of the licensed premises across
13 the public or private walkway or driveway directly to the other portion of
14 the licensed premises.

15 33. For a person who is obviously intoxicated to buy or attempt to buy
16 spirituous liquor from a licensee or employee of a licensee or to consume
17 spirituous liquor on licensed premises.

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

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

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

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

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

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

5 40. For a retailer to knowingly allow a customer to bring spirituous
6 liquor onto the licensed premises, except that an on-sale retailer may allow
7 a wine and food club to bring wine onto the premises for consumption by the
8 club's members and guests of the club's members in conjunction with meals
9 purchased at a meeting of the club that is conducted on the premises and that
10 at least seven members attend. An on-sale retailer who allows wine and food
11 clubs to bring wine onto its premises under this paragraph shall comply with
12 all applicable provisions of this title and any rules adopted pursuant to
13 this title to the same extent as if the on-sale retailer had sold the wine to
14 the members of the club and their guests. For the purposes of this
15 paragraph, "wine and food club" means an association that has more than
16 twenty bona fide members paying at least six dollars per year in dues and
17 that has been in existence for at least one year.

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

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

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

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

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

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

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

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

Renumber to conform

Page 30 between lines 5 and 6, insert:

"Sec. 20. Section 4-262, Arizona Revised Statutes, is amended to read:

4-262. Display of license

All ~~on-sale~~ RETAIL licensees shall display the liquor license in a conspicuous public area of the licensed premises that is readily accessible for inspection by any peace officer, distributor, wholesaler or member of the public."

Renumber to conform

Page 31, line 7, after the period strike remainder of line; strike line 8; line 9,

strike "COLLECTED IN VIOLATION OF THIS SECTION." insert "FOR A FIVE YEAR PERIOD FOLLOWING THE UNLAWFUL COLLECTION OF THE FEE,"

Page 32, line 37, strike "OR TOWN" insert ", TOWN OR COUNTY"

Line 38, strike "REPLACEMENT LICENSES AND" insert "ANY"

Line 39, after "SECTION" insert "AND MAY NOT COLLECT ANY FEE ASSOCIATED WITH THE ORIGINAL PLACEMENT LICENSE"

Amend title to conform

JAVAN D. MESNARD

1460-f5-mesnard

1:41 PM

04/11/2011

H:jmb