

# Arizona Title 4

## On Premise - Cheat Sheet

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Arizona law R19-1-105, AAC states: "All licensees and their employees whose duties require or permit the handling of spirituous liquors shall be familiar with the liquor laws and the rules of the director and of the state liquor board. It is the responsibility of the licensee to (ensure) that all employees acquire the aforementioned knowledge."

### **Types of Licenses**

#### Series 3 – Micro Brewery

- This non-transferable liquor license allows for on & off-sale retail privileges for a licensed microbrewery, which manufactures or produces at least ten thousand (10,000) gallons, but less than three hundred ten thousand (310,000) gallons of beer annually. With this license, the Microbrewery may sell beer produced or manufactured on the premises for consumption on or off the premises, may make sales and deliveries of beer to persons licensed to sell beer, may serve beer produced or manufactured on the premises for the purpose of sampling. This licensee also has the option for growler sales.

#### Series 6 – Bar (All spirituous liquor)

- This liquor license is transferable from person to person and/or location to location within the same county only and allows the holder both on- & off-sale retail privileges. This license allows a bar retailer to sell and serve spirituous liquors, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises. A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of delivery. Off-sale ("To Go") package sales of spirituous liquor can be made on the bar premises as long as the area of off-sale operation does not utilize a separate entrance and exit from the ones provided for the bar. A hotel or motel with a Series 06 license may sell spirituous liquor in sealed containers in individual portions to its registered guests at any time by means of a

minibar located in the guest rooms of registered guests. The registered guest must be at least twenty-one (21) years of age. Access to the minibar is by a key or magnetic card device and not furnished to a guest between the hours of 1:00 a.m. and 6:00 a.m. Monday through Saturday and 1:00 a.m. and 10:00 a.m. on Sundays. This licensee also has the option for growler sales.

#### Series 7 – Beer and Wine

- This liquor license is transferable from person to person and/or location to location within the same county only and allows the holder both on- & off-sale retail privileges. This license allows a beer and wine bar retailer to sell and serve beer and wine, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises. A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Off-sale ("To Go") package sales can be made on the bar premises as long as the area of off-sale operation does not utilize a separate entrance and exit from the one provided for the bar. Payment must be made no later than the time of delivery. This licensee also has the option for growler sales.

#### Series 11 – Hotel Motel

- This non-transferable, on-sale retail privileges liquor license allows the holder of a hotel/motel license to sell and serve spirituous liquor solely for consumption on the premises of a hotel or motel that has a restaurant where food is served on the premises. The restaurant on the licensed premises must derive at least forty percent (40%) of its gross revenue from the sale of food. The holder of this license may sell spirituous liquor in sealed containers in individual portions to its registered guests at any time by means of a minibar located in the guest rooms of registered guests. The registered guest must be at least twenty-one (21) years of age. Access to the minibar is by a key or magnetic card device and not furnished to a guest between the hours of 2:00 a.m. and 6:00 a.m.

#### Series 12 - Restaurant

- This non-transferable, on-sale retail privileges liquor license allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food. Failure to meet the 40% food requirement shall result in revocation of the license. This license must serve food until 10 P.M. prior to the business operating solely as a bar.

- o Able to apply for a Growler license to be able to dispense tap beer for consumption off premise – G stamped on the license
- o Able to allow a customer, who ate a meal and drank a glass from the bottle of wine, to cork bottle flush with the bottle and leave premise with the bottle.

#### Series 14 – Private Club

- This non-transferable, on-sale retail privileges liquor license allows the holder of a club license to sell and serve spirituous liquor for consumption only on the premises owned, leased or occupied by the club, and only to bona fide members of the club and their bona fide guests. A "club" is defined in the statutes as including veterans and fraternal organizations and their building associations, golf, social and airline clubs.
  - o Must be an established club – A.R.S. 4-101 (7e)

#### Licensed Premises

"Business establishment or premises" means the real property and improvements from which an enterprise or organized undertaking is conducted regularly for profit.

It is illegal for opened alcoholic beverages to leave the place of business. The parking lot is not considered part of the licensed premise. However, a licensee may be held responsible for problems that occur within the parking lot of their establishment if they are aware of the problem.

It is wise for all licensed establishments to do routine sweeps through the parking lot to make sure that the parking lot is free of drunken patrons, debris (empty beer bottles, and other reason for an inspection), and or potential risks to the establishment (drug users, fights, etc...)

The doors of the establishment must remain unlocked until the last patron has left the premise.

A person may remain on the property to escort an employee out of the building.

#### Signs

Two signs must be posted within any on premise licensed establishment that within the state of Arizona.

- The establishments liquor license must be posted within the bar area.
- Pregnancy warning sign must be posted within the bar area.

### Pregnancy Warning sign

The sign required by this section shall contain the following language:

"Warning drinking alcoholic beverages, including distilled spirits, beer, coolers and wine, during pregnancy can cause birth defects."

The signs required by this section shall be composed of block, capital letters printed in black on white laminated paper at a minimum weight of one hundred ten pound index. The lettering shall consume a space at least six inches by nine inches. The letters comprising the word "warning" shall be at least three-fourths of a vertical inch and all other letters shall be at least one-half of a vertical inch.

### Fire Arms

Only the police are allowed to bring a weapon on to a licensed establishment. The owner and authorized employees are allowed to carry weapons.

### "No Fire Arm" Sign

A licensee who wants to prohibit the possession of firearms on his/her licensed premises may exercise that right by posting a sign, which complies with standards provided in Title 4.

Signs distributed by DLLC will have the director's signature and a DLLC watermark in the lower, right-hand corner. Printable version of the "NO FIREARMS ALLOWED" signs can be found on the DLLC website homepage. To comply with A.R.S. §4-229(C), posted signs must be on white, laminated, 110 pound index paper.

"NO FIREARMS ALLOWED" sign must be posted in a conspicuous location accessible to the general public and immediately adjacent to the liquor license posted on the licensed premises. Any additional "NO FIREARMS ALLOWED" signs you choose to display must be posted in a conspicuous location accessible to the general public. More than one sign may be posted on each licensed premises, but they must be posted at the primary business entrance(s) subject to local sign ordinances.

### "No Smoking" Sign

"No smoking" signs are not handled through the DLLC

However, through the Department of Health all establishments must post a "No Smoking" sign out of their front business window.

### "No Alcohol Beyond This Point" Sign

This is not a requirement by the DLLC. However, this is a useful tool in stopping patrons from exiting your establishment with alcoholic beverages.

The DLLC want to make certain that reasonable effort was made to avoid infractions. Every little bit helps.

#### Patrons removing Liquor from the Premise

A customer may purchase liquor in unbroken packages if the establishment has a Series 6 bar license or a Series 7 beer and wine license. Unfinished bottles of wine that have been re-corked, flush with the top of the wine bottle (if the wine was served with a meal) may also be removed.

Removing a broken package of alcohol from a licensed establishment is illegal. For whatever reason people come to this state and think it is Vegas. They think you can walk around outside with drink in hand and this is not legal.

#### GROWLERS

Series 3, 6, 7 Licensee may dispense beer in a "container" not exceeding one gallon and not for consumption on the premise. (244(32c))

- As long as – the licensee of the employees fill the container at the tap at the time of sale.
- The container must be sealed with a plastic adhesive and display a government warning label.
- **Series 12 licenses can apply for a growlers license.**
- **"Cider" is classified as a wine** – there are many apple flavored Malts which can be dispensed
- Sake is classified as a wine

#### (Liquor) Bottle Service

The server must pour the bottle of alcohol.

Bottle service-locking devices may be used but are not required. (4-244(24b))

#### Drugs, Gambling and Prostitution

It is illegal for a licensed establishment to knowingly allow drug usage/selling, gambling, or prostitution to occur on a property.

Especially if the employees know about it. If employees are knowingly promoting it or allowing it to occur on the property, an establishment may lose its liquor license.

### Gambling

Gambling is illegal in any licensed establishment (*gambling is any game of chance that requires no skill*). The DLLC does not regulate games that require skill including darts, pool, shuffleboard, foosball, etc. for the purposes of tournaments that are run by the establishment. *Raffles are not legal except in establishments possessing #14(private club) and #15(special event) liquor licenses.*

### Employees

It is illegal for a bartender or server to drink while on duty.

- An employee can be fined for doing so.

It is illegal for a bartender or a server to buy a drink for a guest. DLLC wants there to be some sort of (action/reaction) between manager and server.

- The management and the owner may purchase drinks for guests.

### Service limitations on Alcohol

A server of alcoholic beverage can serve to one guest at one time:

**50 ounces of Beer**

4 ounces of distilled spirits

1 liter of wine

or any combination there of

### Owner

The owner may drink on the licensed premise.

- If the owner is consuming alcohol it is illegal for the owner to serve alcohol.

### Entertainment With in Licensed Premises

Entertainment on a licensed premise may consume alcohol while on duty.

### Alcohol Sales to Pregnant Women

A licensed establishment has the right to refuse service to anyone.

However, if the employee expresses that they do not wish to server the person because she is pregnant this may cause a discrimination lawsuit.

### Violence on Licensed Premises

Three determining factors that violence has occurred on a licensed premises:

- Physical or bodily harm
- A weapon brandished

- Or if the police were used to break up a dispute.

If violence occurs on a licensed premise the DLLC must be notified within 7 days.

#### Repeated acts of violence

With a premise under 200 or less persons, 2 or more acts of violence within 7 days, or 3 within 30 days.

A premise Between 200 and 400 occupancy. 4 or more AoV in 30 days.

A premise between 400 – 600 occupancy. 5 AoV in 30 days.

A premise 600 – 1000 occupancy – 6 AoV in 30 days.

A premise 1000 occupancy or more – 7 AoV in 30 days.

#### **Title 4 Question and Answers**

How old do you need to be in the state of Arizona to serve liquor?

The legal age to drink alcohol is 21 years old.

How old do you need to be in the state of Arizona to sell liquor?

A server of alcoholic beverages must be 19 years old.

What time can you start selling alcohol in the morning?

What time can do you need to stop selling alcohol?

The legal hours sell alcoholic beverages - Monday thru Sunday 6 A.M. – 2 A.M.

How late can a person drink alcohol in a bar?

Legally, a person can consume alcohol on a licensed premise until 2:30 A.M.

How much can you serve to one person?

Any combination of 50 ounces of beer, 4 ounces of alcohol, and 1 liter of wine.

When can liquor be served on Election Day?

Election days are like any other day. There is no extra prohibition with respect to hours of operation.

May a restaurant licensee decide when to stop serving food and continue serving liquor?

No. The kitchen must remain open for complete food service until 10:00 p.m.

How old do you have to be to buy non-alcoholic beer?

No restriction. The Department of Liquor Licenses and Control does not control the sale of non-alcoholic beverages.

Can kids be in a bar?

Yes, if the person under the legal drinking age is accompanied by a spouse, parent or legal guardian of legal drinking age or is an on-duty employee of the licensee. A bar is described as an establishment with the primary purpose of the sale and consumption of liquor. [A.R.S. 4-244(22)(a)]

Under what circumstances may an underage person be in a bar?

Only when he or she is with a parent, legal guardian or spouse of legal age. An "on-duty" employee who is at least 19 years of age may also be in the bar. A bar is described as an establishment with the primary purpose of the sale and consumption of liquor.[A.R.S. 4-244(22)]

May an underage person consume alcohol on a licensed premise if he is with a parent who consents?

No. [A.R.S. 4-244(9,16)]

Is it legal for a customer to be on a licensed premise without proper identification?

Yes, however, if asked by the establishment to show proper I.D., the customer must produce it in order to be served. [A.R.S. 4-241(A)]

How many citations are issued to a license before a liquor license is revoked?

If it's serious enough, the first citation could result in revocation.

May an employee be held liable for serving an intoxicated person?

Yes. An employee could be held criminally liable. He also could be named in a civil lawsuit should an accident result.

May an employee be cited for serving an intoxicated person after having followed the employer's orders to do so?

Yes. [A.R.S. 4-244(14)]

May a bar owner drink alcoholic beverages in his own establishment?

Yes, when he is not serving customers. He may not be intoxicated or disorderly while on the premises. [A.R.S. 4-244(14)]

May a customer remove liquor from an on-sale establishment?

Yes. A customer may take liquor in unbroken packages if the establishment has a Bar(Series 06) license or a Beer and Wine Bar(Series



07) License. Unfinished bottles of wine that have been recorked, flush with the top of the wine bottle (if the wine was served with a meal) may also be removed. [A.R.S. 4-244(31)]

May a customer bring alcohol into a licensed establishment?

No. [A.R.S. 4-244(39)]

Is the parking lot legally considered part of a licensed premise?

No. [A.R.S. 4-101(24)]

Is a licensee responsible for problems that occur in his parking lot?

Yes, if he is aware of the problem. [A.R.S. 4-210(A)(10), A.A.C. R19-1-234]

May an employee of a licensed establishment drink while on duty?

No.

May a bartender or server buy a drink for a customer?

No. [A.R.S. 4-244(13)]

How long may an obviously intoxicated person remain in the bar?

Thirty minutes from the time the state of intoxication is known or should be known to the licensee or employee of the licensee. This allows time for a sober person to arrive at the premises and drive the intoxicated person home. [A.R.S. 4-244(14)]

Must an employee list be posted in an on-sale licensed establishment?

No. But it must be current and available if requested by law enforcement. [A.R.S. 4-119]

When may the front doors of a licensed establishment be locked?

When all persons other than the licensee and his employees on duty have left the premises or if a holder of a club license has been granted permission by the director. [A.R.S. 4-228]

Can you remove an open bottle of wine from a licensed establishment?

Patrons may re-cork and removed a partially consumed bottle of wine as long as it was purchased with a meal and the cork is replaced flush with the bottle.

(AZ 244.31)

Acceptable Forms of ID

A Non-expired form of:

(Paper) Temporary Arizona drivers license

Arizona Vertical DL or IC (for 30 days after the persons birthday)

All other vertical state DL or IC

A Drivers license or Identification from the United States (any of our territories) or Canada

A military ID

A Passport

Or an Alien Resident Card

Identifying an intoxicated Guest

Arizona Law states that as a server of alcoholic beverage you must be able to recognize "obvious intoxication"

Behavioral Cues

The changes in people's behavior after a few drinks are called cues. The commonly known cues are:

Inhibitions – Becoming talkative, Beginning to lose self – control and sometimes displaying loud behavior or mood swings all indicate lowered inhibitions.

Judgment – Behaving inappropriately, using foul language, telling off-color jokes, annoying people, becoming overly friendly, increasing the rate of consumption exhibits poor judgment.

Reactions – Glassy, unfocused eyes, talking and moving very slowly, forgetting things, losing their train of thought and slurred speech result from slowed reactions.

Coordination – Stumbling, swaying, dropping belongings and having trouble picking up a drink can indicate a loss of coordination.

Sale to Intoxicated Persons

An employee could be held criminally liable. He also could be named in a civil lawsuit should an accident result.

An employee may be cited for serving an intoxicated person after having followed the employer's orders to do so.

Commercial Coercion and Bribery

It is unlawful for a person engaged in the business of distiller, vintner, brewer, rectifier, blender or any other producer or wholesaler of any spirituous liquor, directly or indirectly, or through an affiliate:

- ☹ To require that a retailer purchase spirituous liquor from the producer or wholesaler to the exclusion, in whole or in part, of spirituous liquor sold or offered for sale by other persons.
- ☹ To induce a retailer by any form of commercial bribery to purchase spirituous liquor from the producer or wholesaler to the exclusion, in whole or in part, of spirituous liquor sold or offered for sale by other persons.

- ✔ To acquire an interest in property owned, occupied or used by the retailer in the retailer's business, or in a license with respect to the premises of the retailer.
- ✔ To furnish, give, rent, lend or sell to the retailer equipment, fixtures, signs, supplies, money, services or other things of value, subject to such exception as the rules adopted pursuant to this title may prescribe, having regard for established trade customs and the purposes of this subsection.
- ✔ To pay or credit the retailer for advertising, display or distribution service, except that the director may adopt rules regarding advertising in conjunction with seasonal sporting events.
- ✔ To guarantee a loan or repayment of a financial obligation of the retailer.
- ✔ To extend credit to the retailer on a sale of spirituous liquor.
- ✔ To require the retailer to take and dispose of a certain quota of spirituous liquor.

To offer or give a bonus, a premium or compensation to the retailer or any of the retailer's officers, employees or representatives.

#### Inspections of Premises

The state is allowed to inspect the property at any time during regular business hours.

Must be able to show records of all employees, liquor invoices and certifications

Employee Records must show DOB, Hire Date, Full Legal Name, Job Responsibility, and Address.

Liquor Invoices must go back at least two years and show that the products you are selling were bought from a wholesaler.

#### Covert Underage Buyer Program (C.U.B. Program)

Underage buyers sent into a business to purchase alcohol

Prevention

Staff Aware of the program

I.D. Checks

Don't break policies because someone forgot I.D.