

Arizona Title 4

Off 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 Liquor License (off Premise)

Series 9 – Liquor Store – All Spirituous Liquor

A liquor store license allows a licensee to sell all spirituous liquors, only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises (4-101 and 4-209).

Series 10 – Beer and Wine Store

A beer and wine store license allows the licensee to sell beer and wine (no other spirituous liquor), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off of the premises (A.R.S. §§ 4-101 and 4-209).

- ✧ Beer and wine store premises containing less than five thousand square feet must dedicate at least seventy five percent of retail shelf space to the sale of spirituous liquor in order to be eligible for sampling privileges.

Placement of Sign

Each liquor licensee shall conspicuously post a sign within 20 feet of each register where sales of liquor are made.

Age for retail sales

16 year olds supervised by a person 21 years or older
19 year olds

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.

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.

Purchase and Storage Requirements

Purchasing alcohol must be paid for by the deliver from a wholesaler

Exceptions – Dom Farm Winery or Microbrewery

Management, Employee and Records Requirements

Must keep records of bills and invoices for at least two years.

Management must keep a log of all employees' names, birth date, hire date, address, place of birth and work related responsibilities.

Hours of Legal Operations

6 A.M. – 2 A.M.

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

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.

Sampling

An applicant for a liquor store license or a beer and wine store license and the licensee of a liquor store license or a beer and wine store license may apply for sampling privileges associated with the license. A beer and wine store premises shall contain at least five thousand square feet in order to be eligible for sampling privileges. A person desiring a sampling privilege associated with a liquor store license shall apply to the director on a form prescribed and furnished by the director. The application for sampling privileges may be filed for an existing license or may be submitted with an initial license application. The request for sampling approval, the review of the application and the issuance of approval shall be conducted under the same procedures for the issuance of a spirituous liquor license prescribed in section 4-201. After a sampling privilege has been issued for a liquor store license or a beer and wine store license, the sampling privilege shall be noted on the license itself and in the records of the department. The sampling rights associated with a license are not transferable. The director may charge a fee for processing the application for sampling privileges and a renewal fee as provided in this section. A city or town shall not charge any fee relating to the issuance or renewal of a sampling privilege. Notwithstanding section 4-244, paragraph 19, a liquor store licensee that holds a license with sampling privileges may provide spirituous liquor sampling subject to the following requirements:

- ✧ Any open product shall be kept locked by the licensee when the sampling area is not staffed.
- ✧ The licensee is otherwise subject to all other provisions of this title. The licensee is liable for any violation of this title committed in

- connection with the sampling.
- ✔ The licensed retailer shall make sales of sampled products from the licensed retail premises.
- ✔ The licensee shall not charge any customer for the sampling of any products.
- ✔ The sampling shall be conducted under the supervision of an employee of a sponsoring distiller, vintner, brewer, wholesaler or retail licensee.
- ✔ Accurate records of sampling products dispensed shall be retained by the licensee.
- ✔ Sampling shall be limited to three ounces of beer or cooler-type products, one ounce of wine and one ounce of distilled spirits per person, per brand, per day.
- ✔ The sampling shall be conducted only on the licensed premises.

Illegally obtaining liquor by underage person

If a licensee, an employee of the licensee or any other person questions or has reason to question that the person ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure the serving or delivery of spirituous liquor or entering a portion of a licensed premises when the primary use is the sale or service of spirituous liquor is under the legal drinking age, the licensee, employee of the licensee or other person shall do all of the following:

1. Demand identification from the person.
2. Examine the identification to determine that the identification reasonably appears to be a valid, unaltered identification that has not been defaced.
3. Examine the photograph in the identification and determine that the person reasonably appears to be the same person in the identification.
4. Determine that the date of birth in the identification indicates the person is not under the legal drinking age.

A licensee or an employee of the licensee who follows the procedures prescribed in subsection A of this section and who records and retains a record of the person's identification on this particular visit is not in violation of subsection J of this section or section 4-244, paragraph 9 or 22. This defense applies to actions of the licensee and all employees of the licensee after the procedure has been employed during the particular visit to the licensed premises by the person. A licensee or an employee of the licensee is not required to demand and examine identification of a person pursuant to subsection A of this section if, during this visit to the licensed premises by the person, the licensee or any employee of the licensee has previously followed the procedure prescribed in subsection A of this section.

A licensee or an employee who has not recorded and retained a record of the identification prescribed by subsection B of this section is presumed not to have followed any of the elements prescribed in subsection A of this section.

Off Sale Retail

An off-sale retail licensee or employee of an off-sale retail licensee shall require an instrument of identification from any customer who appears to be under twenty-seven years of age and who is using a drive-through or other physical feature of the licensed premises that allows a customer to purchase spirituous liquor without leaving the customer's vehicle.

The following written instruments are the only acceptable types of identification:

1. An unexpired driver license issued by any state, the District of Columbia, any territory of the United States or Canada if the license includes a picture of the licensee and the person's date of birth. A driver license issued to a person who is under twenty-one years of age is no longer an acceptable type of identification under this paragraph thirty days after the person turns twenty-one years of age.
2. An unexpired non-operating identification license issued pursuant to section 28-3165 or an equivalent form of identification license issued by any state, the District of Columbia, any territory of the United States or Canada if the license includes a picture of the person and the person's date of birth. An unexpired non-operating license issued to a person who is under twenty-one years of age is no longer an acceptable type of identification under this paragraph thirty days after the person turns twenty-one years of age.
3. An unexpired armed forces identification card that includes the person's picture and date of birth.
4. A valid unexpired passport or a valid unexpired resident alien card that contains a photograph of the person and the person's date of birth.

Under the Legal Age

A person who is under the legal drinking age and who misrepresents the person's age to any person by means of a written instrument of identification with the intent to induce a person to sell, serve, give or furnish spirituous liquor contrary to law is guilty of a class 1 misdemeanor. A person who is under the legal drinking age and who solicits another person to purchase, sell, give, serve or furnish spirituous liquor contrary to law is guilty of a class 3 misdemeanor.

A person who is under the legal drinking age and who uses a fraudulent or false written instrument of identification or identification of another person or uses a valid license or identification of another person to gain access to a licensed establishment is guilty of a class 1 misdemeanor.

A person who uses a driver or non-operating identification license in violation of subsection L or N of this section is subject to suspension of the driver or non-operating identification license as provided in section 28-3309. A person who does not have a valid driver or non-operating identification license and who uses a driver or non-operating identification license of another in violation of subsection C or E of this section has the person's right to apply for a driver or non-operating identification license suspended as provided by section 28-3309.

A person who knowingly influences the sale, giving or serving of spirituous liquor to a person under the legal drinking age by misrepresenting the age of such person or who orders, requests, receives or procures spirituous liquor from any licensee, employee or other person with the intent of selling, giving or serving it to a person under the legal drinking age is guilty of a class 1 misdemeanor. A licensee or employee of a licensee who has actual knowledge that a person is under the legal drinking age and who admits the person into any portion of the licensed premises in violation of section 4-244, paragraph 22 is in violation of this subsection. In addition to other penalties provided by law, a judge may suspend a driver license issued to or the driving privilege of a person for not more than thirty days for a first conviction and not more than six months for a second or subsequent conviction under this subsection.

A person who is of legal drinking age and who is an occupant of unlicensed premises is guilty of a class 1 misdemeanor if both of the following apply:

1. The person knowingly allows a gathering on such unlicensed premises of two or more persons who are under the legal drinking age and who are neither:
 - (a) Members of the immediate family of such person.
 - (b) Permanently residing with the person.
2. The person knows or should know that one or more of the persons under the legal drinking age is in possession of or consuming spirituous liquor on the unlicensed premises.

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:

1. 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.