

PROPOSED  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 4001  
(Reference to printed bill)

Amendment instruction key:  
[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.  
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.  
[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.  
[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.  
<<Green carets>> indicate a section added to the bill.  
<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Heading change

3 The title heading of title 4, Arizona Revised Statutes, is  
4 changed from "ALCOHOLIC BEVERAGES" to "ALCOHOLIC BEVERAGES AND  
5 ALTERNATIVE NICOTINE PRODUCTS".

6 Sec. 2. Section 4-101, Arizona Revised Statutes, is amended  
7 to read:

8 4-101. Definitions

9 In this title, unless the context otherwise requires:

10 1. "Act of violence":

11 (a) Means an incident that consists of a riot, a fight, an  
12 altercation or tumultuous conduct and that meets at least one of the  
13 following criteria:

14 (i) Bodily injuries are sustained by any person and the  
15 injuries would be obvious to a reasonable person.

16 (ii) Is of sufficient intensity as to require the  
17 intervention of a peace officer to restore normal order.

18 (iii) A weapon is brandished, displayed or used.

19 (iv) A licensee or an employee or contractor of the licensee  
20 fails to follow a clear and direct lawful order from a law  
21 enforcement officer or a fire marshal.

22 (b) Does not include the use of nonlethal devices by a peace  
23 officer.

24 2. "Aggrieved party" means a person who resides at, owns or  
25 leases property within a one-mile radius of premises proposed to be  
26 licensed and who filed a written request with the department to  
27 speak in favor of or opposition to the issuance of the license not

1 later than sixty days after filing the application or fifteen days  
2 after action by the local governing body, whichever is sooner.

3 3. "ALTERNATIVE NICOTINE PRODUCT":

4 (a) MEANS ANY NONCOMBUSTIBLE PRODUCT THAT CONTAINS NICOTINE  
5 AND THAT IS INTENDED FOR HUMAN CONSUMPTION, WHETHER CHEWED,  
6 ABSORBED, DISSOLVED, INGESTED [INHALED] OR CONSUMED BY ANY OTHER  
7 MEANS.

8 (b) DOES NOT INCLUDE TOBACCO PRODUCTS OR ANY PRODUCT  
9 REGULATED AS A DRUG OR DEVICE BY THE UNITED STATES FOOD AND DRUG  
10 ADMINISTRATION UNDER CHAPTER V OF THE FEDERAL FOOD, DRUG, AND  
11 COSMETIC ACT.

12 ~~3.~~ 4. "Beer":

13 (a) Means any beverage obtained by the alcoholic  
14 fermentation, infusion or decoction of barley malt, hops, rice, bran  
15 or other grain, glucose, sugar or molasses, or any combination of  
16 them, and may include, as adjuncts in fermentation, honey, fruit,  
17 fruit juice, fruit concentrate, herbs, spices and other food  
18 materials.

19 (b) Includes beer aged in an empty wooden barrel previously  
20 used to contain wine or distilled spirits and as such is not  
21 considered a dilution or mixture of any other spirituous liquor.

22 ~~4.~~ 5. "Biometric identity verification device" means a  
23 device authorized by the department that instantly verifies the  
24 identity and age of a person by an electronic scan of a biometric of  
25 the person, through a fingerprint, iris image, facial image or other  
26 biometric characteristic, or any combination of these  
27 characteristics, that references the person's identity and age  
28 against any record described in section 4-241, subsection K, and  
29 that meets all of the following conditions:

30 (a) The authenticity of the record was previously verified by  
31 an electronic authentication process.

32 (b) The identity of and information about the record holder  
33 was previously verified through either:

34 (i) A secondary, electronic authentication process or set of  
35 processes using commercially available data, such as a public  
36 records query or a knowledge-based authentication quiz.

37 (ii) Using a state or federal government system of records  
38 for digital authentication.

39 (c) The authenticated record was securely linked to  
40 biometrics contemporaneously collected from the verified record  
41 holder and is stored in a centralized, highly secured, encrypted  
42 biometric database.

43 ~~5.~~ 6. "Board" means the state liquor board.

44 ~~6.~~ 7. "Bona fide guest" means:

45 (a) An individual who is personally familiar to the member,  
46 who is personally sponsored by the member and whose presence as a  
47 guest is in response to a specific and personal invitation.

1 (b) In the case of a club that meets the criteria prescribed  
2 in paragraph ~~8~~ 9, subdivision (a) of this section, a current member  
3 of the armed services of the United States who presents proper  
4 military identification and any member of a recognized veterans'  
5 organization of the United States and of any country allied with the  
6 United States during current or past wars or through treaty  
7 arrangements.

8 ~~7~~ 8. "Broken package" means any container of spirituous  
9 liquor on which the United States tax seal has been broken or  
10 removed or from which the cap, cork or seal placed on the container  
11 by the manufacturer has been removed.

12 ~~8~~ 9. "Club" includes any of the following organizations  
13 where the sale of spirituous liquor for consumption on the premises  
14 is made only to members, spouses of members, families of members,  
15 bona fide guests of members and guests at other events authorized in  
16 this title:

17 (a) A post, chapter, camp or other local unit composed solely  
18 of veterans and its duly recognized auxiliary that has been  
19 chartered by the Congress of the United States for patriotic,  
20 fraternal or benevolent purposes and that has, as the owner, lessee  
21 or occupant, operated an establishment for that purpose in this  
22 state.

23 (b) A chapter, aerie, parlor, lodge or other local unit of an  
24 American national fraternal organization that has, as the owner,  
25 lessee or occupant, operated an establishment for fraternal purposes  
26 in this state. An American national fraternal organization as used  
27 in this subdivision shall actively operate in at least thirty-six  
28 states or have been in active continuous existence for at least  
29 twenty years.

30 (c) A hall or building association of a local unit mentioned  
31 in subdivisions (a) and (b) of this paragraph of which all of the  
32 capital stock is owned by the local unit or the members and that  
33 operates the clubroom facilities of the local unit.

34 (d) A golf club that has more than fifty bona fide members  
35 and that owns, maintains or operates a bona fide golf links together  
36 with a clubhouse.

37 (e) A social club that has more than one hundred bona fide  
38 members who are actual residents of the county in which it is  
39 located, that owns, maintains or operates club quarters, that is  
40 authorized and incorporated to operate as a nonprofit club under the  
41 laws of this state, and that has been continuously incorporated and  
42 operating for a period of at least one year. The club shall have  
43 had, during this one-year period, a bona fide membership with  
44 regular meetings conducted at least once each month, and the  
45 membership shall be and shall have been actively engaged in carrying  
46 out the objects of the club. The club's membership shall consist of  
47 bona fide dues-paying members paying dues of at least \$6 per year,

1 payable monthly, quarterly or annually, which have been recorded by  
2 the secretary of the club, and the members at the time of  
3 application for a club license shall be in good standing having for  
4 at least one full year paid dues. At least fifty-one percent of the  
5 members shall have signified their intention to secure a social club  
6 license by personally signing a petition, on a form prescribed by  
7 the board, which shall also include the correct mailing address of  
8 each signer. The petition shall not have been signed by a member at  
9 a date earlier than one hundred eighty days before the filing of the  
10 application. The club shall qualify for exemption from the payment  
11 of state income taxes under title 43. It is the intent of this  
12 subdivision that a license shall not be granted to a club that is,  
13 or has been, primarily formed or activated to obtain a license to  
14 sell liquor, but solely to a bona fide club, where the sale of  
15 liquor is incidental to the main purposes of the club.

16 (f) An airline club operated by or for airlines that are  
17 certificated by the United States government and that maintain or  
18 operate club quarters located at airports with international status.

19 ~~9.~~ 10. "Company" or "association", when used in reference to  
20 a corporation, includes successors or assigns.

21 ~~10.~~ 11. "Control" means the power to direct or cause the  
22 direction of the management and policies of an applicant or  
23 licensee, whether through the ownership of voting securities or a  
24 partnership interest, by agreement or otherwise. Control is  
25 presumed to exist if a person has the direct or indirect ownership  
26 of or power to vote ten percent or more of the outstanding voting  
27 securities of the applicant or licensee or to control in any manner  
28 the election of one or more of the directors of the applicant or  
29 licensee. In the case of a partnership, control is presumed to mean  
30 the general partner or a limited partner who holds ten percent or  
31 more of the voting rights of the partnership. For the purposes of  
32 determining the percentage of voting securities owned, controlled or  
33 held by a person, there shall be aggregated with the voting  
34 securities attributed to the person the voting securities of an  
35 officer, partner, employee or agent of the person or a spouse,  
36 parent or child of the person. Control is also presumed to exist if  
37 a creditor of the applicant or licensee holds a beneficial interest  
38 in ten percent or more of the liabilities of the licensee. The  
39 presumptions in this paragraph regarding control are rebuttable.

40 ~~11.~~ 12. "Controlling person" means a person directly or  
41 indirectly possessing control of an applicant or licensee.

42 ~~12.~~ 13. "Craft distiller" means a distiller in the United  
43 States or in a territory or possession of the United States that  
44 holds a license pursuant to section 4-205.10.

45 ~~13.~~ 14. "Craft producer" means a licensed farm winery, a  
46 licensed microbrewery or a licensed craft distiller.

1           ~~14.~~ 15. "Department" means the department of liquor licenses  
2           and control.

3           ~~15.~~ 16. "Director" means the director of the department of  
4           liquor licenses and control.

5           ~~16.~~ 17. "Distilled spirits" includes alcohol, brandy,  
6           whiskey, rum, tequila, mescal, gin, absinthe, a compound or mixture  
7           of any of them or of any of them with any vegetable or other  
8           substance, alcohol bitters, bitters containing alcohol, fruits  
9           preserved in ardent spirits, and any alcoholic mixture or  
10          preparation, whether patented or otherwise, that may in sufficient  
11          quantities produce intoxication.

12          ~~17.~~ 18. "Employee" means any person who performs any service  
13          on licensed premises on a full-time, part-time or contract basis  
14          with consent of the licensee, whether or not the person is  
15          denominated an employee or independent contractor or  
16          otherwise. Employee does not include a person who is exclusively on  
17          the premises for musical or vocal performances, for repair or  
18          maintenance of the premises or for the delivery of goods to the  
19          licensee.

20          ~~18.~~ 19. "Farm winery" means a winery in the United States or  
21          in a territory or possession of the United States that holds a  
22          license pursuant to section 4-205.04.

23          ~~19.~~ 20. "Government license" means a license to serve and  
24          sell spirituous liquor on specified premises available only to a  
25          state agency, state board, state commission, county, city, town,  
26          community college or state university or the national guard or  
27          Arizona coliseum and exposition center on application by the  
28          governing body of the state agency, state board, state commission,  
29          county, city, town, community college or state university or the  
30          national guard or Arizona exposition and state fair board.

31          ~~20.~~ 21. "Legal drinking age" means twenty-one years of age  
32          or older.

33          ~~21.~~ 22. "License" means a license or an interim retail  
34          permit issued pursuant to this title.

35          ~~22.~~ 23. "Licensee" means a person who has been issued a  
36          license or an interim retail permit pursuant to this title or a  
37          special event licensee.

38          ~~23.~~ 24. "License fees" means fees collected for license  
39          issuance, license application, license renewal, interim permit  
40          issuance and license transfer between persons or locations.

41          ~~24.~~ 25. "Manager" means a natural person who meets the  
42          standards required of licensees and who has authority to organize,  
43          direct, carry on, control or otherwise operate a licensed business  
44          on a temporary or full-time basis.

45          ~~25.~~ 26. "Menu food item" means a food item from a regular  
46          menu, special menu or happy hour menu that is prepared by the  
47          licensee or the licensee's employee.

1           ~~26.~~ 27. "Microbrewery" means a brewery in the United States  
2 or in a territory or possession of the United States that meets the  
3 requirements of section 4-205.08.

4           ~~27.~~ 28. "Mixed cocktail":

5           (a) Means any drink combined at the premises of an authorized  
6 licensee that contains a spirituous liquor and that is combined with  
7 at least one other ingredient, which may include additional  
8 spirituous liquors, fruit juice, vegetable juice, mixers, cream,  
9 flavored syrup or other ingredients except water, and that when  
10 combined contains more than one-half of one percent of alcohol by  
11 volume.

12           (b) Does not include a drink sold in an original  
13 manufacturer's packaging or any drink poured from an original  
14 manufacturer's package without the addition of all of the cocktail's  
15 other ingredients at the premises of the licensed bar, liquor store  
16 or restaurant.

17           ~~[29.]~~ [29.] "NICOTINE":

18           (a) MEANS THE CHEMICAL SUBSTANCE NAMED 3-(1-METHYL-2-  
19 PYRROLIDINYL) PYRIDINE OR C(10)H(14)N(2).

20           (b) INCLUDES ANY SALT OR COMPLEX OF NICOTINE DERIVED FROM ANY  
21 SOURCE.]

22           ~~28.~~ ~~[29.]~~ ~~[30.]~~ "Off-sale retailer" means any person that  
23 operates a bona fide regularly established retail liquor store that  
24 sells spirituous liquors, wines and beer and any established retail  
25 store that sells commodities other than spirituous liquors and that  
26 is engaged in the sale of spirituous liquors only in the original  
27 unbroken package, to be taken away from the premises of the retailer  
28 and to be consumed off the premises.

29           ~~29.~~ ~~[30.]~~ ~~[31.]~~ "On-sale retailer" means any person  
30 operating an establishment where spirituous liquors are sold in the  
31 original container for consumption on or off the premises or in  
32 individual portions for consumption on the premises.

33           ~~30.~~ ~~[31.]~~ ~~[32.]~~ "Permanent occupancy" means the maximum  
34 occupancy of the building or facility as set by the office of the  
35 state fire marshal for the jurisdiction in which the building or  
36 facility is located.

37           ~~31.~~ ~~[32.]~~ ~~[33.]~~ "Person" includes a partnership, limited  
38 liability company, association, company or corporation, as well as a  
39 natural person.

40           ~~32.~~ ~~[33.]~~ ~~[34.]~~ "Premises" or "licensed premises":

41           (a) Means the area from which the licensee is authorized to  
42 sell, dispense or serve spirituous liquors under the provision of  
43 the license.

44           (b) Includes a patio that is not contiguous to the remainder  
45 of the premises or licensed premises if the patio is separated from  
46 the remainder of the premises or licensed premises by a public or  
47 private walkway or driveway not to exceed thirty feet, subject to

1 rules the director may adopt to establish criteria for noncontiguous  
2 premises.

3 ~~33.~~ ~~[34.]~~ ~~[35.]~~ "Registered alcohol delivery contractor":

4 (a) Means a person who delivers spirituous liquor to a  
5 consumer on behalf of a bar, beer and wine bar, liquor store, beer  
6 and wine store or restaurant.

7 (b) Does not include:

8 (i) A motor carrier as defined in section 28-5201.

9 (ii) An independent contractor, a subcontractor of an  
10 independent contractor, an employee of an independent contractor or  
11 an employee of a subcontractor as provided in section 4-203,  
12 subsection J.

13 ~~34.~~ ~~[35.]~~ ~~[36.]~~ "Registered mail" includes certified mail.

14 ~~35.~~ ~~[36.]~~ ~~[37.]~~ "Registered retail agent" means any person  
15 who is authorized pursuant to section 4-222 to purchase spirituous  
16 liquors for and on behalf of the person and other retail licensees.

17 ~~36.~~ ~~[37.]~~ ~~[38.]~~ "Repeated acts of violence" means:

18 (a) For licensed premises with a permanent occupancy of two  
19 hundred or fewer persons, two or more acts of violence occurring  
20 within seven days or three or more acts of violence occurring within  
21 thirty days.

22 (b) For licensed premises with a permanent occupancy of more  
23 than two hundred but not more than four hundred persons, four or  
24 more acts of violence within thirty days.

25 (c) For licensed premises with a permanent occupancy of more  
26 than four hundred but not more than six hundred fifty persons, five  
27 or more acts of violence within thirty days.

28 (d) For licensed premises with a permanent occupancy of more  
29 than six hundred fifty but not more than one thousand fifty persons,  
30 six or more acts of violence within thirty days.

31 (e) For licensed premises with a permanent occupancy of more  
32 than one thousand fifty persons, seven or more acts of violence  
33 within thirty days.

34 ~~37.~~ ~~[38.]~~ ~~[39.]~~ "Sell" includes soliciting or receiving an  
35 order for, keeping or exposing for sale, directly or indirectly  
36 delivering for value, peddling, keeping with intent to sell and  
37 trafficking in.

38 ~~38.~~ ~~[39.]~~ ~~[40.]~~ "Spirituous liquor" includes alcohol,  
39 brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer,  
40 any malt liquor or malt beverage, absinthe, a compound or mixture of  
41 any of them or of any of them with any vegetable or other substance,  
42 alcohol bitters, bitters containing alcohol, any liquid mixture or  
43 preparation, whether patented or otherwise, that produces  
44 intoxication, fruits preserved in ardent spirits, and beverages  
45 containing more than one-half of one percent of alcohol by volume.

46 ~~39.~~ ~~[40.]~~ ~~[41.]~~ "Tamperproof sealed" means designed to  
47 prevent consumption without the removal of a tamperproof cap, seal,

1 cork or closure that has a device, mechanism or adhesive that  
2 clearly shows whether a container has been opened.

3 ~~40.~~ ~~[41.]~~ ~~[42.]~~ "Vehicle" means any means of transportation  
4 by land, water or air, and includes everything made use of in any  
5 way for such transportation.

6 ~~41.~~ ~~[42.]~~ ~~[43.]~~ "Vending machine" means a machine that  
7 dispenses merchandise through the means of coin, token, credit card  
8 or other nonpersonal means of accepting payment for merchandise  
9 received.

10 ~~42.~~ ~~[43.]~~ ~~[44.]~~ "Veteran" means a person who has served in  
11 the United States air force, army, navy, marine corps or coast  
12 guard, as an active nurse in the services of the American red cross,  
13 in the army and navy nurse corps in time of war, or in any  
14 expedition of the armed forces of the United States, and who has  
15 received a discharge other than dishonorable.

16 ~~43.~~ ~~[44.]~~ ~~[45.]~~ "Voting security" means any security  
17 presently entitling the owner or holder of the security to vote for  
18 the election of directors of an applicant or a licensee.

19 ~~44.~~ ~~[45.]~~ ~~[46.]~~ "Wine" means the product obtained by the  
20 fermentation of grapes, other agricultural products containing  
21 natural or added sugar or cider or any such alcoholic beverage  
22 fortified with grape brandy and containing not more than twenty-four  
23 percent of alcohol by volume.

24 Sec. 3. Section 4-112, Arizona Revised Statutes, is amended  
25 to read:

26 4-112. Powers and duties of board and director of  
27 department of liquor licenses and control;  
28 investigations; county and municipal  
29 regulation; definition

30 A. The board shall:

31 1. Grant and deny applications in accordance with ~~the~~  
32 ~~provisions of~~ this title.

33 2. Adopt rules in order to carry out ~~the provisions of~~ this  
34 section.

35 3. Hear appeals and hold hearings as provided in this  
36 section.

37 B. Except as provided in subsection A of this section, the  
38 director shall administer ~~the provisions of~~ this title, ~~including~~  
39 **AND SHALL DO THE FOLLOWING:**

40 1. ~~Adopting~~ **ADOPT** rules:

41 (a) ~~For carrying~~ **TO CARRY** out ~~the provisions of~~ this title.

42 (b) ~~For the proper~~ **TO PROPERLY** conduct ~~of~~ the business to be  
43 carried on under each specific type of spirituous liquor license.

44 (c) To enable and assist state officials and political  
45 subdivisions to collect taxes levied or imposed in connection with  
46 spirituous liquors.

1 (d) ~~For the issuance~~ TO ISSUE and ~~revocation of~~ REVOKE  
2 certificates of registration of retail agents, including provisions  
3 governing the shipping, storage and delivery of spirituous liquors  
4 by registered retail agents, the keeping of records and the filing  
5 of reports by registered retail agents.

6 (e) To establish requirements for licensees under section  
7 4-209, subsection B, paragraph 12.

8 2. Subject to title 41, chapter 4, article 4, ~~employing~~  
9 EMPLOY necessary personnel and ~~fixing~~ FIX their compensation  
10 pursuant to section 38-611.

11 3. ~~Keeping~~ KEEP an index record that is a public record open  
12 to public inspection and that contains the name and address of each  
13 licensee and the name and address of any person having an interest,  
14 either legal or equitable, in each license as shown by any written  
15 document that is placed on file in the office of the board.

16 4. ~~Providing~~ PROVIDE the board with supplies and personnel as  
17 directed by the board.

18 5. ~~Responding~~ RESPOND in writing to any law enforcement  
19 agency that submits an investigative report to the department  
20 relating to a violation of this title, setting forth what action, if  
21 any, the department has taken or intends to take on the report and,  
22 if the report lacks sufficient information or is otherwise defective  
23 for use by the department, what the agency must do to remedy the  
24 report.

25 6. ~~Taking~~ TAKE steps that are necessary to maintain effective  
26 liaison with the department of public safety and all local law  
27 enforcement agencies ~~in the enforcement of~~ TO ENFORCE this title,  
28 including the laws of this state against the consumption of  
29 spirituous liquor by persons under the legal drinking age OR THE  
30 SALE OR POSSESSION OF ALTERNATIVE NICOTINE PRODUCTS BY PERSONS UNDER  
31 TWENTY-ONE YEARS OF AGE.

32 7. ~~Providing~~ PROVIDE training to law enforcement agencies in  
33 ~~the proper investigation~~ PROPER INVESTIGATION and reporting ~~of~~  
34 violations of this title.

35 C. The director shall establish within the department a  
36 separate investigations unit ~~that has as its~~ WHOSE sole  
37 responsibility ~~the investigation of~~ IS INVESTIGATING compliance with  
38 this title, including ~~the investigation of~~ INVESTIGATING licensees  
39 alleged to have sold or distributed spirituous liquor in any form to  
40 persons under the legal drinking age OR HAVE SOLD OR DISTRIBUTED  
41 ALTERNATIVE NICOTINE PRODUCTS TO A PERSON WHO IS UNDER TWENTY-ONE  
42 YEARS OF AGE. Investigations conducted by this unit may include  
43 covert undercover investigations.

44 D. All employees of the department of liquor licenses and  
45 control, except members of the state liquor board and the director  
46 of the department, shall be employed by the department in the manner  
47 prescribed by the department of administration.

1 E. The director may enter into a contract or agreement with  
2 any public agency for any joint or cooperative action as provided  
3 for by title 11, chapter 7, article 3.

4 F. The board or the director may take evidence, administer  
5 oaths or affirmations, issue subpoenas requiring attendance and  
6 testimony of witnesses, cause depositions to be taken and require by  
7 subpoena duces tecum the production of books, papers and other  
8 documents that are necessary ~~for the enforcement of~~ TO ENFORCE this  
9 title. Proceedings held during the course of a confidential  
10 investigation are exempt from title 38, chapter 3, article 3.1. If  
11 a person refuses to obey a subpoena or fails to answer questions ~~as~~  
12 provided by this subsection, the board or the director may apply to  
13 the superior court in the manner provided in section 12-2212. The  
14 board or director may serve subpoenas by personal service or  
15 certified mail, return receipt requested.

16 G. The director may:

17 1. Examine books, records and papers of a licensee.

18 2. Require applicants, licensees, employees who serve, sell  
19 or furnish spirituous liquors to retail customers, managers and  
20 managing agents to take training courses approved by the director in  
21 spirituous liquor handling and spirituous liquor laws and rules.  
22 The director shall adopt rules that set standards for approving  
23 training courses. The director may suspend or revoke the previous  
24 approval of trainers who do not adhere to course administration  
25 requirements prescribed by the department or who do not meet course  
26 standards. If the director suspends or revokes the previous  
27 approval of a trainer pursuant to this paragraph, the trainer may  
28 appeal to the board pursuant to section 4-210.02 as if the  
29 suspension or revocation was a sanction against a licensee. ~~After~~  
30 ~~January 1, 2019,~~ The rules for on-sale retailer basic training and  
31 on-sale retailer management training shall include security  
32 procedures for security personnel assigned to monitor admission of  
33 patrons, interaction with patrons, calls to law enforcement and  
34 strategies for use of force and for the use of de-escalation  
35 techniques. If the retailer uses a registered security guard, the  
36 retailer shall attempt to verify the validity and status of the  
37 security guard's registration certificate. The department's  
38 licensed investigators may participate and receive compensation as  
39 lecturers at approved training courses within this state's  
40 jurisdiction that are conducted by other entities but shall not  
41 participate in in-house training programs for licensees.

42 3. Delegate to employees of the department authority to  
43 exercise powers of the director in order to administer the  
44 department.

45 4. Regulate signs that advertise a spirituous liquor product  
46 at licensed retail premises.

1           5. Cause to be removed from the marketplace spirituous liquor  
2           OR ALTERNATIVE NICOTINE PRODUCTS that may be contaminated.

3           6. Regulate the age and conduct of erotic entertainers at  
4           licensed premises. The age limitation governing these erotic  
5           entertainers may be different from other employees of the licensee.

6           7. Issue and enforce cease and desist orders against any  
7           person or entity that sells beer, wine, ~~or~~ spirituous liquor without  
8           an appropriate license or permit.

9           8. Confiscate wines carrying a label including a reference to  
10          Arizona or any Arizona city, town or place unless at least  
11          seventy-five percent by volume of the grapes used in making the wine  
12          were grown in this state.

13          9. Accept and expend private grants of monies, gifts and  
14          devises for conducting educational programs for parents and students  
15          on the repercussions of underage alcohol consumption OR THE SALE OR  
16          POSSESSION OF ALTERNATIVE NICOTINE PRODUCTS BY A PERSON WHO IS UNDER  
17          TWENTY-ONE YEARS OF AGE. State general fund monies shall not be  
18          expended for the purposes of this paragraph. If the director does  
19          not receive sufficient monies from private sources to carry out the  
20          purposes of this paragraph, the director shall not provide the  
21          educational programs prescribed in this paragraph. Grant monies  
22          received pursuant to this paragraph are nonlapsing and do not revert  
23          to the state general fund at the close of the fiscal year.

24          10. Procure fingerprint scanning equipment and provide  
25          fingerprint services to license applicants and licensees. The  
26          department may charge a fee for providing these services.

27          11. Accept electronic signatures on all department and  
28          licensee forms and documents and applications. The director may  
29          adopt requirements that would require facsimile signatures to be  
30          followed by original signatures within a specified time period.

31          12. ~~For use after January 1, 2019,~~ Adopt a form that is  
32          required to be used by all on-sale retailers that hire or designate  
33          employees to serve as security personnel. All security personnel  
34          job applicants and employees for on-sale retailers shall complete  
35          the form, which shall be notarized, before assignment to a security  
36          role. The form shall require the applicant or other person to  
37          disclose whether in the previous five years the person has been a  
38          registered sex offender or pled guilty ~~TO~~, pled no contest ~~TO~~ or  
39          been convicted of any offense that constitutes assault, homicide,  
40          domestic violence, sexual misconduct, misconduct involving a deadly  
41          weapon or a drug violation that constitutes the illegal sale,  
42          manufacturing, cultivation or transportation for sale of marijuana,  
43          a dangerous drug or a narcotic drug. A licensee may not hire or  
44          assign to a role as security personnel any person who fails to  
45          complete the form or ~~if the~~ WHOSE form discloses one of the listed  
46          offenses within the previous five years. The licensee shall  
47          maintain on file affidavits of all security personnel hired or

1 designated by the licensee. The form may not be required for a  
2 peace officer who is certified by the Arizona peace officer  
3 standards and training board or other security personnel who hold a  
4 current security guard registration certificate or armed security  
5 guard registration certificate issued pursuant to title 32, chapter  
6 26.

7 H. A county or municipality may enact and enforce ordinances  
8 regulating the age and conduct of erotic entertainers at licensed  
9 premises in a manner at least as restrictive as rules adopted by the  
10 director.

11 I. For the purposes of this section, "security personnel":

12 1. Includes individuals whose primary assigned  
13 responsibilities include the security and safety of employees and  
14 patrons of an on-sale retailer premises. ~~Security personnel~~

15 2. Does not include a person whose primary responsibilities  
16 include checking the identification cards of patrons to determine  
17 compliance with age requirements.

18 Sec. 4. Section 4-118, Arizona Revised Statutes, is amended  
19 to read:

20 4-118. Inspection of premises

21 The director, the director's agents and any peace officer ~~may~~,  
22 in enforcing ~~the provisions of~~ this title, ~~MAY~~ visit during the  
23 hours in which the premises are occupied and inspect the premises of  
24 a licensee OR AN ALTERNATIVE NICOTINE PRODUCTS LICENSEE.

25 Sec. 5. Section 4-205.02, Arizona Revised Statutes, is  
26 amended to read:

27 4-205.02. Restaurant license; issuance; regulatory  
28 provisions; expiration; off-sale leases and  
29 permits; fee; definitions

30 A. The director may issue a restaurant license to any  
31 restaurant in this state that is regularly open for serving food to  
32 guests for compensation and that has suitable kitchen facilities  
33 connected with the restaurant for keeping, cooking and preparing  
34 foods required for ordinary meals.

35 B. The director shall issue the license in the name of the  
36 restaurant on application for the license by the owner or lessee of  
37 the restaurant, if the applicant is otherwise qualified to hold a  
38 spirituous liquor license. The holder of such a license is subject  
39 to the penalties prescribed for any violation of the law relating to  
40 alcoholic beverages.

41 C. The holder of a restaurant license may sell and serve  
42 spirituous liquors solely for consumption on the licensed premises.  
43 For the purpose of this subsection, "licensed premises" may include  
44 rooms, areas or locations in which the restaurant normally sells or  
45 serves spirituous liquors pursuant to regular operating procedures  
46 and practices and that are contiguous to the restaurant or a  
47 noncontiguous patio pursuant to section 4-101, paragraph ~~32~~ 33. For

1 the purposes of this subsection, a restaurant licensee must submit  
2 proof of tenancy or permission from the landowner or lessor for all  
3 property to be included in the licensed premises.

4 D. In addition to other grounds prescribed in this title on  
5 which a license may be revoked, the director may require the holder  
6 of a restaurant license issued pursuant to this section to surrender  
7 the license in any case in which the licensee ceases to operate as a  
8 restaurant, as prescribed in subsection A of this section. The  
9 surrender of a license pursuant to this subsection does not prevent  
10 the director from revoking the license for other grounds prescribed  
11 in this title or for making deliberate material misrepresentations  
12 to the department regarding the licensee's equipment, service or  
13 entertainment items or seating capacity in applying for the  
14 restaurant license.

15 E. Neither the director nor the board may initially issue a  
16 restaurant license if either finds that there is sufficient evidence  
17 that the operation will not satisfy the criteria adopted by the  
18 director for issuing a restaurant license described in section  
19 4-209, subsection B, paragraph 12. The director shall issue a  
20 restaurant license only if the applicant has submitted a plan for  
21 the operation of the restaurant. The plan shall be completed on  
22 forms provided by the department and shall include listings of all  
23 restaurant equipment and service items, the restaurant seating  
24 capacity and other information requested by the department to  
25 substantiate that the restaurant will operate in compliance with  
26 this section.

27 F. The holder of the license described in section 4-209,  
28 subsection B, paragraph 12 who intends to alter the seating capacity  
29 or dimensions of a restaurant facility shall notify the department  
30 in advance on forms provided by the department.

31 G. The director may charge a fee for site inspections  
32 conducted before the issuance of a restaurant license.

33 H. A restaurant applicant or licensee may apply for a permit  
34 allowing for the sale of beer for consumption off the licensed  
35 premises pursuant to section 4-244, paragraph 32, subdivision (c) on  
36 a form prescribed and furnished by the director. The department  
37 shall not issue a permit to a restaurant applicant or licensee that  
38 does not meet the requirements in section 4-207, subsection A.  
39 Section 4-207, subsection B does not apply to this subsection. The  
40 permit shall be issued only after the director has determined that  
41 the public convenience requires and that the best interest of the  
42 community will be substantially served by the issuance of the  
43 permit, considering the same criteria adopted by the director for  
44 issuing a restaurant license described in section 4-209, subsection  
45 B, paragraph 12. The amount of beer sold under the permit shall not  
46 exceed ten percent of gross revenue of spirituous liquor sold by the  
47 establishment. After the permit has been issued, the permit shall

1 be noted on the license itself and in the records of the department.  
2 The director may charge a fee for processing the application for the  
3 permit and a renewal fee.

4 I. Notwithstanding any rule adopted by the department,  
5 business establishments that relied on a form issued by the  
6 department that provides for a small restaurant exemption for fifty  
7 or fewer seats before January 31, 2019 are allowed to continue to  
8 maintain the capacity of fifty or fewer seats for the duration of  
9 the business. The rights of a business establishment subject to  
10 this section are not transferable.

11 J. Notwithstanding section 4-203, subsection E, section 4-207  
12 and section 4-210, subsection A, paragraph 6, through December 31,  
13 2025, a restaurant applicant or licensee may apply to the department  
14 for a lease for the privilege of selling mixed cocktails for  
15 consumption off the licensed premises pursuant to ~~section 4-203.06~~  
16 ~~and~~ section 4-244, paragraph 32, subdivision (d).

17 K. Notwithstanding section 4-207, beginning January 1, 2026,  
18 a restaurant applicant or licensee may apply for a permit to allow  
19 the sale of mixed cocktails for consumption off the licensed  
20 premises pursuant to section 4-203.07 and section 4-244, paragraph  
21 32, subdivision (d), on a form prescribed and furnished by the  
22 director. The sale of mixed cocktails for consumption off the  
23 licensed premises must be accompanied by the sale of menu food items  
24 for consumption on or off the licensed premises. The department  
25 shall issue the permit only after the director has determined that  
26 the public convenience requires and that the best interest of the  
27 community will be substantially served by issuing the permit. All  
28 permit holders and their employees, managers and agents must  
29 complete alcohol training pursuant to section 4-112, subsection G,  
30 paragraph 2. After the department issues the permit, the permit  
31 shall be noted on the license itself and in the records of the  
32 department. The director may establish and charge a fee for  
33 processing the permit application and a renewal fee.

34 L. A restaurant licensee shall cease selling spirituous  
35 liquor, including mixed cocktails, for off-premises consumption when  
36 the licensee ceases regular kitchen service for food.

37 M. For the purposes of this section:

38 1. "Gross revenue":

39 (a) Means the revenue derived from all sales of food and  
40 spirituous liquor on the licensed premises, regardless of whether  
41 the sales of spirituous liquor are made under a restaurant license  
42 issued pursuant to this section or under any other license that has  
43 been issued for the premises pursuant to this article.

44 (b) Includes revenue derived from spirituous liquor sold for  
45 off-sale consumption.

1           2. "Restaurant" means an establishment that derives at least  
2 forty percent of its gross revenue from the sale of food, including  
3 sales of food for consumption off the licensed premises if the  
4 amount of these sales included in the calculation of gross revenue  
5 from the sale of food does not exceed fifteen percent of all gross  
6 revenue of the restaurant.

7           Sec. 6. Section 4-244, Arizona Revised Statutes, is amended  
8 to read:

9           4-244. Unlawful acts; definition

10          It is unlawful:

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

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

19           3. For a distiller, vintner, brewer or wholesaler knowingly  
20 to sell, dispose of or give spirituous liquor to any person other  
21 than a licensee except in sampling wares as may be necessary in the  
22 ordinary course of business, except in donating spirituous liquor to  
23 a nonprofit organization that has obtained a special event license  
24 for the purpose of charitable fundraising activities or except in  
25 donating spirituous liquor with a cost to the distiller, brewer or  
26 wholesaler of up to \$500 in a calendar year to an organization that  
27 is exempt from federal income taxes under section 501(c) (3), (4),  
28 (6) or (7) of the internal revenue code and not licensed under this  
29 title.

30           4. For a distiller, vintner or brewer to require a wholesaler  
31 to offer or grant a discount to a retailer, unless the discount has  
32 also been offered and granted to the wholesaler by the distiller,  
33 vintner or brewer.

34           5. For a distiller, vintner or brewer to use a vehicle for  
35 trucking or transporting spirituous liquors unless there is affixed  
36 to both sides of the vehicle a sign showing the name and address of  
37 the licensee and the type and number of the person's license in  
38 letters not less than three and one-half inches in height.

39           6. For a person to take or solicit orders for spirituous  
40 liquors unless the person is a salesman or solicitor of a licensed  
41 wholesaler, a salesman or solicitor of a distiller, brewer, vintner,  
42 importer or broker or a registered retail agent.

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

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

4           9. Except as provided in paragraphs 10 and 11 of this  
5 section, for a licensee or other person to sell, furnish, dispose of  
6 or give, or cause to be sold, furnished, disposed of or given, to a  
7 person under the legal drinking age or for a person under the legal  
8 drinking age to buy, receive, have in the person's possession or  
9 consume spirituous liquor. This paragraph does not prohibit the  
10 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  
12 premises who is at least eighteen years of age, package or carry  
13 merchandise, including spirituous liquor, in unbroken packages, for  
14 the convenience of the customer of the employer, if the employer  
15 sells primarily merchandise other than spirituous liquor.

16           10. For a licensee to employ a person under eighteen years of  
17 age to manufacture, sell or dispose of spirituous liquors. This  
18 paragraph does not prohibit the employment by an off-sale retailer  
19 of persons who are at least sixteen years of age to check out, if  
20 supervised by a person on the premises who is at least eighteen  
21 years of age, package or carry merchandise, including spirituous  
22 liquor, in unbroken packages, for the convenience of the customer of  
23 the employer, if the employer sells primarily merchandise other than  
24 spirituous liquor.

25           11. For an on-sale retailer to employ a person under eighteen  
26 years of age in any capacity connected with the handling of  
27 spirituous liquors. This paragraph does not prohibit the employment  
28 by an on-sale retailer of a person under eighteen years of age who  
29 cleans up the tables on the premises for reuse, removes dirty  
30 dishes, keeps a ready supply of needed items and helps clean up the  
31 premises.

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

36           13. For an employee of a retail licensee, during that  
37 employee's working hours or in connection with such employment, to  
38 give to or purchase for any other person, accept a gift of, purchase  
39 for the employee or consume spirituous liquor, except that:

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

44           (b) An employee of an on-sale retail licensee, during that  
45 employee's working hours or in connection with the employment, while  
46 the employee is not engaged in waiting on or serving customers, may  
47 taste samples of beer or wine of not more than four ounces per day

1 or distilled spirits of not more than two ounces per day provided by  
2 an employee of a wholesaler or distributor who is present at the  
3 time of the sampling.

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

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

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

25 (f) A representative of a producer or wholesaler  
26 participating at a special event under section 4-203.02 may consume  
27 small amounts of the products of the producer or wholesaler on the  
28 premises of the special event for the purpose of quality control.

29 14. For a licensee or other person to serve, sell or furnish  
30 spirituous liquor to a disorderly or obviously intoxicated person,  
31 or for a licensee or employee of the licensee to allow a disorderly  
32 or obviously intoxicated person to come into or remain on or about  
33 the premises, except that a licensee or an employee of the licensee  
34 may allow an obviously intoxicated person to remain on the premises  
35 for not more than thirty minutes after the state of obvious  
36 intoxication is known or should be known to the licensee for a  
37 nonintoxicated person to transport the obviously intoxicated person  
38 from the premises. For the purposes of this section, "obviously  
39 intoxicated" means inebriated to the extent that a person's physical  
40 faculties are substantially impaired and the impairment is shown by  
41 significantly uncoordinated physical action or significant physical  
42 dysfunction that would have been obvious to a reasonable person.

43 15. For an on-sale or off-sale retailer or an employee of  
44 such retailer or an alcohol delivery contractor to sell, dispose of,  
45 deliver or give spirituous liquor to a person between the hours of  
46 2:00 a.m. and 6:00 a.m., except that:

1 (a) A retailer with off-sale privileges may receive and  
2 process orders, accept payment or package, load or otherwise prepare  
3 spirituous liquor for delivery at any time, if the actual deliveries  
4 to customers are made between the hours of 6:00 a.m. and 2:00 a.m.,  
5 at which time section 4-241, subsections A and K apply.

6 (b) The governor, in consultation with the governor's office  
7 of highway safety and the public safety community in this state, may  
8 issue an executive order that extends the closing time until  
9 3:00 a.m. for spirituous liquor sales in connection with a  
10 professional or collegiate national sporting championship event held  
11 in this state.

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

17 17. For an on-sale retailer or an employee of such retailer  
18 to allow a person to consume or possess spirituous liquors on the  
19 premises between the hours of 2:30 a.m. and 6:00 a.m., except that  
20 if the governor extends the closing time for a day for spirituous  
21 liquor sales pursuant to paragraph 15 of this section it is unlawful  
22 for an on-sale retailer or an employee of such retailer on that day  
23 to allow a person to consume or possess spirituous liquor on the  
24 premises between the hours of 3:30 a.m. and 6:00 a.m.

25 18. For an on-sale retailer to allow an employee or for an  
26 employee to solicit or encourage others, directly or indirectly, to  
27 buy the employee drinks or anything of value in the licensed  
28 premises during the employee's working hours. An on-sale retailer  
29 shall not serve employees or allow a patron of the establishment to  
30 give spirituous liquor to, purchase liquor for or drink liquor with  
31 any employee during the employee's working hours.

32 19. For an off-sale retailer or employee to sell spirituous  
33 liquor except in the original unbroken container, to allow  
34 spirituous liquor to be consumed on the premises or to knowingly  
35 allow spirituous liquor to be consumed on adjacent property under  
36 the licensee's exclusive control.

37 20. For a person to consume spirituous liquor in a public  
38 place, thoroughfare or gathering. The license of a licensee  
39 allowing a violation of this paragraph on the premises shall be  
40 subject to revocation. This paragraph does not apply to the sale of  
41 spirituous liquors on the premises of and by an on-sale retailer.  
42 This paragraph also does not apply to a person consuming beer or  
43 wine from a broken package in a public recreation area or on private  
44 property with permission of the owner or lessor or on the walkways  
45 surrounding such private property or to a person consuming beer or  
46 wine from a broken package in a public recreation area as part of a

1 special event or festival that is conducted under a license secured  
2 pursuant to section 4-203.02 or 4-203.03.

3 21. For a person to possess or to transport spirituous liquor  
4 that is manufactured in a distillery, winery, brewery or rectifying  
5 plant contrary to the laws of the United States and this state. Any  
6 property used in transporting such spirituous liquor shall be  
7 forfeited to ~~the~~ THIS state and shall be seized and disposed of as  
8 provided in section 4-221.

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

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

36 (b) If the owner, lessee or occupant of the premises is a  
37 club as defined in section 4-101, paragraph ~~8~~ 9, subdivision (a)  
38 and the person under the legal drinking age is any of the following:

39 (i) An active duty military service member.

40 (ii) A veteran.

41 (iii) A member of the United States army national guard or  
42 the United States air national guard.

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

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

46 23. For an on-sale retailer or employee to conduct drinking  
47 contests, to sell or deliver to a person an unlimited number of

1 spirituous liquor beverages during any set period of time for a  
2 fixed price, to deliver more than fifty ounces of beer, one liter of  
3 wine or four ounces of distilled spirits in any spirituous liquor  
4 drink to one person at one time for that person's consumption or to  
5 advertise any practice prohibited by this paragraph. This paragraph  
6 does not prohibit an on-sale retailer or employee from selling and  
7 delivering an opened, original container of distilled spirits if:

8 (a) Service or pouring of the spirituous liquor is provided  
9 by an employee of the on-sale retailer. A licensee shall not be  
10 charged for a violation of this paragraph if a customer, without the  
11 knowledge of the retailer, removes or tampers with a locking device  
12 on a bottle delivered to the customer for bottle service and the  
13 customer pours the customer's own drink from the bottle, if when the  
14 licensee becomes aware of the removal or tampering of the locking  
15 device the licensee immediately installs a functioning locking  
16 device on the bottle or removes the bottle and lock from bottle  
17 service.

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

21 24. For a licensee or employee to knowingly allow the  
22 unlawful possession, use, sale or offer for sale of narcotics,  
23 dangerous drugs or marijuana on the premises. For the purposes of  
24 this paragraph, "dangerous drug" has the same meaning prescribed in  
25 section 13-3401.

26 25. For a licensee or employee to knowingly allow  
27 prostitution or the solicitation of prostitution on the premises.

28 26. For a licensee or employee to knowingly allow unlawful  
29 gambling on the premises.

30 27. For a licensee or employee to knowingly allow trafficking  
31 or attempted trafficking in stolen property on the premises.

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

36 29. For any person other than a peace officer while on duty  
37 or off duty or a member of a sheriff's volunteer posse while on duty  
38 who has received firearms training that is approved by the Arizona  
39 peace officer standards and training board, a retired peace officer  
40 as defined in section 38-1113 or an honorably retired law  
41 enforcement officer who has been issued a certificate of firearms  
42 proficiency pursuant to section 13-3112, subsection T, the licensee  
43 or an employee of the licensee acting with the permission of the  
44 licensee to be in possession of a firearm while on the licensed  
45 premises of an on-sale retailer. This paragraph does not include a  
46 situation in which a person is on licensed premises for a limited  
47 time in order to seek emergency aid and such person does not buy,

1 receive, consume or possess spirituous liquor. This paragraph does  
2 not apply to:

3 (a) Hotel or motel guest room accommodations.

4 (b) Exhibiting or displaying a firearm in conjunction with a  
5 meeting, show, class or similar event.

6 (c) A person with a permit issued pursuant to section 13-3112  
7 who carries a concealed handgun on the licensed premises of any  
8 on-sale retailer that has not posted a notice pursuant to section  
9 4-229.

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

25 (a) Hotel or motel guest room accommodations.

26 (b) Exhibiting or displaying a firearm in conjunction with a  
27 meeting, show, class or similar event.

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

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

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

41 (a) A person who removes a bottle of wine that has been  
42 partially consumed in conjunction with a purchased meal from  
43 licensed premises if a cork is inserted flush with the top of the  
44 bottle or the bottle is otherwise securely closed.

45 (b) A person who is in licensed premises that have  
46 noncontiguous portions that are separated by a public or private  
47 walkway or driveway and who takes spirituous liquor from one portion

1 of the licensed premises across the public or private walkway or  
2 driveway directly to the other portion of the licensed premises.

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

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

11 (ii) The container is sealed and displays a government  
12 warning label.

13 (d) A bar or liquor store licensee that prepares a mixed  
14 cocktail or a restaurant licensee that ~~feases the privilege to sell~~  
15 ~~mixed cocktails for consumption off the licensed premises pursuant~~  
16 ~~to section 4-203.06 or~~ holds a permit pursuant to section 4-203.07  
17 and section 4-205.02, subsection K and that prepares a mixed  
18 cocktail and transfers it to a clean container composed of a  
19 material approved by a national sanitation organization with a  
20 maximum capacity that does not exceed thirty-two ounces and not for  
21 consumption on the premises if all of the following apply:

22 (i) The licensee or licensee's employee fills the container  
23 with the mixed cocktail on the licensed premises of the bar, liquor  
24 store or restaurant.

25 (ii) The container is tamperproof sealed by the licensee or  
26 the licensee's employee and displays a government warning label.

27 (iii) The container clearly displays the bar's, liquor  
28 store's or restaurant's logo or name.

29 (iv) For a restaurant licensee licensed pursuant to section  
30 4-205.02, the sale of mixed cocktails for consumption off the  
31 licensed premises is accompanied by the sale of menu food items for  
32 consumption on or off the licensed premises.

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

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

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

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

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

3           38. For a licensee to use a vending machine ~~for the purpose~~  
4 ~~of dispensing~~ TO DISPENSE spirituous liquor.

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

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

24           41. For a person who is under twenty-one years of age to have  
25 in the person's body any spirituous liquor. In a prosecution for a  
26 violation of this paragraph:

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

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

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

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

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

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



1           3. PROOF OF THE APPLICANT'S COMPLIANCE WITH A PROGRAM THAT  
2 TRAINS AND EDUCATES ALTERNATIVE NICOTINE PRODUCT RETAILERS ON  
3 FEDERAL AND STATE ALTERNATIVE NICOTINE PRODUCTS LAWS.

4           4. PROOF THAT THE APPLICANT HAS A METHOD FOR SCANNING OR  
5 ANOTHER METHOD OF CHECKING IDENTIFICATIONS FOR AGE VERIFICATION FOR  
6 THE SALE OF ALTERNATIVE NICOTINE PRODUCTS THAT COMPLIES WITH SECTION  
7 ~~[4-406]~~ [4-405].

8           B. THE DIRECTOR MAY DETERMINE THE FEE FOR A LICENSE ISSUED  
9 PURSUANT TO THIS SECTION. A LICENSE ISSUED PURSUANT TO THIS SECTION  
10 IS VALID FOR ONE YEAR.

11           C. A LICENSE ISSUED PURSUANT TO THIS SECTION AUTHORIZES THE  
12 LICENSEE TO SELL ALTERNATIVE NICOTINE PRODUCTS ONLY AT THE LOCATION  
13 PROVIDED ON THE LICENSE.

14           D. A LICENSE TO SELL ALTERNATIVE NICOTINE PRODUCTS IS NOT  
15 TRANSFERABLE. THE LICENSEE SHALL REPORT ANY CHANGE IN OWNERSHIP OF  
16 THE BUSINESS OF THE LICENSEE, DIRECTLY OR INDIRECTLY, AS DEFINED BY  
17 RULE, TO THE DIRECTOR WITHIN THIRTY DAYS AFTER THE CHANGE IN  
18 OWNERSHIP.

19           E. A LICENSE TO SELL ALTERNATIVE NICOTINE PRODUCTS MAY NOT BE  
20 LEASED OR SUBLEASED.

21           [F. A PERSON THAT IS LICENSED BY THE DEPARTMENT TO SELL  
22 SPIRITUOUS LIQUOR AND WHO IS SELLING ALTERNATIVE NICOTINE PRODUCTS  
23 AS OF THE EFFECTIVE DATE OF THIS SECTION IS EXEMPT FROM THE  
24 LICENSING FEE REQUIREMENT PRESCRIBED IN SUBSECTION B OF THIS  
25 SECTION.]

26           G. A PERSON THAT SELLS ALTERNATIVE NICOTINE PRODUCTS WITHOUT  
27 A LICENSE AS REQUIRED BY THIS SECTION IS GUILTY OF A CLASS 5 FELONY  
28 AND:

29           1. SHALL PAY A FINE OF AT LEAST \$10,000.

30           2. IS PROHIBITED FROM SELLING, GIVING OR FURNISHING  
31 ALTERNATIVE NICOTINE PRODUCTS FOR A PERIOD OF ONE YEAR.

32           3. IS SUBJECT TO ANY OTHER PUNISHMENT DEEMED APPROPRIATE BY  
33 THE DIRECTOR.]

34           4-402. Manufacture of alternative nicotine products:  
35                           license required; application requirements;  
36                           fee; violation; classification

37           A. A PERSON MAY NOT MANUFACTURE ALTERNATIVE NICOTINE PRODUCTS  
38 [THAT ARE FOR SALE] IN THIS STATE WITHOUT A LICENSE ISSUED PURSUANT  
39 TO THIS SECTION. A PERSON DESIRING A LICENSE TO MANUFACTURE  
40 ALTERNATIVE NICOTINE PRODUCTS [THAT ARE FOR SALE] IN THIS STATE  
41 SHALL APPLY TO THE DIRECTOR ON A FORM FURNISHED BY THE DIRECTOR.  
42 THE APPLICANT SHALL PROVIDE ALL OF THE FOLLOWING:

43           1. THE APPLICANT'S MANUFACTURING BUSINESS ADDRESS, TELEPHONE  
44 NUMBER, EMAIL ADDRESS AND IF THE APPLICANT IS AN ENTITY, THE NAME OF  
45 THE SENIOR OFFICER.

46           2. PROOF OF MANUFACTURING LIABILITY INSURANCE COVERAGE.

1           3. PROOF OF THE APPLICANT'S COMPLIANCE WITH THE PREVENT ALL  
2 CIGARETTE TRAFFICKING ACT OF 2009 (P.L. 111-154; 124 STAT. 1087; 15  
3 UNITED STATES CODE SECTION 376a).

4           4. THE APPLICANT'S PRODUCT CATALOG OF ALTERNATIVE NICOTINE  
5 PRODUCTS THAT THE APPLICANT INTENDS TO MANUFACTURE [AND THAT WILL BE  
6 FOR SALE] IN THIS STATE. THE PRODUCT CATALOG SHALL INCLUDE ALL OF  
7 THE FOLLOWING:

8           (a) THE ALTERNATIVE PRODUCT NAME, CATEGORY, NICOTINE STRENGTH  
9 AND FLAVORS.

10           (b) A COPY OR IMAGE OF THE NICOTINE PRODUCT'S PACKAGING AND  
11 WARNING LABEL.

12           (c) A TOXICOLOGY REPORT FOR THE NICOTINE PRODUCT, IF  
13 REQUESTED BY THE DEPARTMENT.

14           ~~[(d) A THIRD-PARTY INSPECTION REPORT FROM A STATE-APPROVED~~  
15 ~~INSPECTION OR AUDITING FIRM THAT SHOWS THE CONSUMABLE MATERIAL OF~~  
16 ~~THE ALTERNATIVE NICOTINE PRODUCTS THAT ARE INTENDED FOR MANUFACTURE~~  
17 ~~IN THIS STATE, AS OF JANUARY 1, 2028, IS PROCESSED OR BLENDED,~~  
18 ~~FINISHED OR FILLED AND PACKAGED AT EITHER A FACILITY THAT IS~~  
19 ~~REGISTERED WITH THE UNITED STATES FOOD AND DRUG ADMINISTRATION OR~~  
20 ~~CERTIFIED AS A GOOD MANUFACTURING PRACTICES FACILITY THAT IS LOCATED~~  
21 ~~IN THE UNITED STATES.]~~

22           ~~[(e) AN AFFIDAVIT INDICATING THAT THE APPLICANT UNDERSTANDS~~  
23 ~~THAT ON OR BEFORE JANUARY 1, 2028, THE CONSUMABLE MATERIAL OF AN~~  
24 ~~ALTERNATIVE NICOTINE PRODUCT MANUFACTURED AND SOLD IN THIS STATE~~  
25 ~~SHALL BE ENTIRELY MANUFACTURED AND ASSEMBLED IN THE UNITED STATES.]~~

26           B. THE DIRECTOR MAY DETERMINE THE FEE FOR A LICENSE ISSUED  
27 PURSUANT TO THIS SECTION. A LICENSE IS VALID FOR ONE YEAR.

28           C. A LICENSEE SHALL PAY TO THE DEPARTMENT AN ANNUAL FEE FOR  
29 EACH ~~[STOCK-KEEPING]~~ [STOCKKEEPING] UNIT OF EACH ALTERNATIVE  
30 NICOTINE PRODUCT ~~[THAT]~~ THE LICENSEE WILL MANUFACTURE [AND THAT ARE  
31 FOR SALE] IN THIS STATE. THE DIRECTOR MAY DETERMINE THE ANNUAL  
32 ~~[STOCK-KEEPING]~~ [STOCKKEEPING] UNIT FEE THAT IS REQUIRED PURSUANT TO  
33 THIS SUBSECTION.

34           D. A LICENSE TO MANUFACTURE ALTERNATIVE NICOTINE PRODUCTS  
35 [THAT ARE FOR SALE IN THIS STATE] IS NOT TRANSFERABLE. THE LICENSEE  
36 SHALL REPORT ANY CHANGE IN OWNERSHIP OF THE BUSINESS OF THE  
37 LICENSEE, DIRECTLY OR INDIRECTLY, AS DEFINED BY RULE, TO THE  
38 DIRECTOR WITHIN THIRTY DAYS AFTER THE CHANGE IN OWNERSHIP.

39           E. A LICENSE TO MANUFACTURE ALTERNATIVE NICOTINE PRODUCTS MAY  
40 NOT BE LEASED OR SUBLEASED.

41           [F. A PERSON THAT MANUFACTURES ALTERNATIVE NICOTINE PRODUCTS  
42 FOR SALE IN THIS STATE WITHOUT A LICENSE AS REQUIRED BY THIS SECTION  
43 IS GUILTY OF A CLASS 5 FELONY AND:

44           1. SHALL PAY A FINE OF AT LEAST \$10,000.

45           2. SHALL ATTEND A DIRECTOR-APPROVED ALTERNATIVE NICOTINE  
46 PRODUCT RETAILER EDUCATIONAL COURSE.

1           3. IS PROHIBITED FROM SELLING, GIVING OR FURNISHING  
2 ALTERNATIVE NICOTINE PRODUCTS FOR A PERIOD OF ONE YEAR.

3           4. IS SUBJECT TO ANY OTHER PUNISHMENT DEEMED APPROPRIATE BY  
4 THE DIRECTOR.]

5           4-403. Selling, delivering or giving of alternative  
6 nicotine products to underage persons;  
7 violation; classification

8           A. A LICENSEE OR A LICENSEE'S EMPLOYEE MAY NOT SELL  
9 ALTERNATIVE NICOTINE PRODUCTS TO A PERSON WHO IS UNDER TWENTY-ONE  
10 YEARS OF AGE.

11           B. ON THE RECEIPT OF NOTICE OF A VIOLATION OF SUBSECTION A OF  
12 THIS SECTION, THE DIRECTOR SHALL PROVIDE NOTICE OF THE ALLEGED  
13 VIOLATION TO THE LICENSEE WHO IS ALLEGED TO HAVE COMMITTED THE  
14 VIOLATION. AFTER A HEARING, IF A LICENSEE IS FOUND TO HAVE  
15 COMMITTED A VIOLATION OF THIS SECTION, THE FOLLOWING PENALTIES  
16 APPLY:

17           1. THE DIRECTOR SHALL ORDER A LICENSEE THAT COMMITS A FIRST  
18 VIOLATION OF THIS SECTION TO ATTEND A DIRECTOR-APPROVED ALTERNATIVE  
19 NICOTINE PRODUCTS RETAILER EDUCATIONAL COURSE THAT HAS BEEN APPROVED  
20 BY THE DIRECTOR AND PAY A CIVIL PENALTY OF AT LEAST \$500 BUT NOT  
21 MORE THAN \$750.

22           2. A LICENSEE THAT COMMITS A SECOND VIOLATION OF THIS SECTION  
23 AT THE SAME LICENSED LOCATION WITHIN TWENTY-FOUR MONTHS IS GUILTY OF  
24 A CLASS 3 MISDEMEANOR AND:

25           (a) SHALL PAY A FINE OF AT LEAST \$2,000 BUT NOT MORE THAN  
26 \$3,000.

27           (b) SHALL ATTEND A DIRECTOR-APPROVED ALTERNATIVE NICOTINE  
28 PRODUCTS RETAILER EDUCATIONAL COURSE.

29           (c) IS SUBJECT TO ANY OTHER PUNISHMENT DEEMED APPROPRIATE BY  
30 THE DIRECTOR.

31           3. A LICENSEE THAT COMMITS A THIRD VIOLATION OF THIS SECTION  
32 AT THE SAME LICENSED LOCATION WITHIN TWENTY-FOUR MONTHS IS GUILTY OF  
33 A CLASS 1 MISDEMEANOR AND:

34           (a) SHALL PAY A CIVIL PENALTY OF AT LEAST \$10,000.

35           (b) SHALL ATTEND A DIRECTOR-APPROVED ALTERNATIVE NICOTINE  
36 PRODUCTS RETAILER EDUCATIONAL COURSE.

37           (c) IS PROHIBITED FROM SELLING, GIVING OR FURNISHING  
38 ALTERNATIVE NICOTINE PRODUCTS FOR A PERIOD OF ONE HUNDRED TWENTY  
39 DAYS.

40           (d) IS SUBJECT TO ANY OTHER PUNISHMENT DEEMED APPROPRIATE BY  
41 THE DIRECTOR.

42           4. A LICENSEE THAT COMMITS A FOURTH OR SUBSEQUENT VIOLATION  
43 OF THIS SECTION AT THE SAME LICENSED LOCATION WITHIN TWENTY-FOUR  
44 MONTHS IS GUILTY OF A CLASS 6 FELONY AND:

45           (a) SHALL PAY A FINE OF AT LEAST \$10,000.

46           (b) SHALL ATTEND A DIRECTOR-APPROVED ALTERNATIVE NICOTINE  
47 PRODUCTS EDUCATIONAL COURSE.

1 (c) IS PROHIBITED FROM SELLING, GIVING OR FURNISHING  
2 ALTERNATIVE NICOTINE PRODUCTS FOR A PERIOD OF ONE YEAR.

3 (d) IS SUBJECT TO ANY OTHER PUNISHMENT DEEMED APPROPRIATE BY  
4 THE DIRECTOR.

5 5. A RETAILER THAT COMMITS A FOURTH OR SUBSEQUENT VIOLATION  
6 OF THIS SECTION AT THE SAME LICENSED LOCATION WITHIN TWELVE MONTHS  
7 IS GUILTY OF A CLASS 5 FELONY AND:

8 (a) SHALL PAY A FINE OF AT LEAST \$10,000.

9 (b) SHALL ATTEND A DIRECTOR-APPROVED ALTERNATIVE NICOTINE  
10 PRODUCT RETAILER EDUCATIONAL COURSE.

11 (c) IS PROHIBITED FROM SELLING, GIVING OR FURNISHING  
12 ALTERNATIVE NICOTINE PRODUCTS FOR A PERIOD OF ONE YEAR.

13 (d) IS SUBJECT TO ANY OTHER PUNISHMENT DEEMED APPROPRIATE BY  
14 THE DIRECTOR.

15 C. IF THE DIRECTOR ORDERS A LICENSEE TO ATTEND AN ALTERNATIVE  
16 NICOTINE PRODUCTS RETAILER EDUCATIONAL COURSE, EACH OWNER AND PERSON  
17 WHO SERVES IN A MANAGERIAL POSITION AND AT LEAST ONE PERSON WHO  
18 SERVES IN A NONMANAGERIAL POSITION SHALL ATTEND THE COURSE.

19 ~~[4-404. Alternative nicotine products; requirements~~

20 ~~A. ALL ALTERNATIVE NICOTINE PRODUCTS MANUFACTURED AND SOLD IN~~  
21 ~~THIS STATE MUST MEET EITHER OF THE FOLLOWING:~~

22 ~~1. THE ALTERNATIVE NICOTINE PRODUCT HAS RECEIVED A WRITTEN~~  
23 ~~MARKETING ORDER FROM THE UNITED STATES FOOD AND DRUG ADMINISTRATION.~~

24 ~~2. THE CONSUMABLE MATERIAL OF THE ALTERNATIVE NICOTINE~~  
25 ~~PRODUCT WAS EITHER PROCESSED OR BLENDED, FINISHED OR FILLED AND~~  
26 ~~PACKAGED AT A FACILITY THAT IS REGISTERED WITH THE UNITED STATES~~  
27 ~~FOOD AND DRUG ADMINISTRATION OR CERTIFIED AS A GOOD MANUFACTURING~~  
28 ~~PRACTICES FACILITY THAT IS LOCATED IN THE UNITED STATES.~~

29 ~~B. ON OR BEFORE JANUARY 1, 2028, THE CONSUMABLE MATERIAL OF~~  
30 ~~AN ALTERNATIVE NICOTINE PRODUCT SOLD IN THIS STATE SHALL BE ENTIRELY~~  
31 ~~MANUFACTURED AND ASSEMBLED IN THE UNITED STATES.]~~

32 ~~[4-405.]~~ ~~[4-404.]~~ Alternative nicotine products  
33 marketing

34 A LICENSEE MAY NOT MARKET, ADVERTISE, SELL OR CAUSE TO BE SOLD  
35 AN ALTERNATIVE NICOTINE PRODUCT IN A CONTAINER THAT DOES ANY OF THE  
36 FOLLOWING:

37 1. DEPICTS A CARTOON-LIKE FICTIONAL CHARACTER THAT MIMICS A  
38 CHARACTER PRIMARILY AIMED AT ENTERTAINING.

39 2. IMITATES OR MIMICS A TRADEMARK OR TRADE DRESS OF A PRODUCT  
40 THAT IS OR HAS BEEN PRIMARILY MARKETED TO MINORS.

41 3. INCLUDES A SYMBOL THAT IS PRIMARILY USED TO MARKET  
42 PRODUCTS TO MINORS.

43 4. INCLUDES AN IMAGE OR THE NAME OF A CELEBRITY.

44 5. IS IN A PRODUCT SHAPE OR DESIGN THAT IS MEANT TO DISGUISE  
45 THE APPEARANCE OF THE ALTERNATIVE NICOTINE PRODUCT, INCLUDING THE  
46 SHAPE OR DESIGN OR ANY OF THE FOLLOWING:

47 (a) A SCHOOL OR OFFICE SUPPLY.

1 (b) A SMART PHONE, SMART WATCH OR SMART PHONE OR SMART WATCH  
2 CASE.

3 (c) HEADPHONES OR EAR BUDS.

4 (d) ANY ITEM OF CLOTHING.

5 (e) A BACKPACK.

6 (f) A COSMETIC OR COSMETIC CONTAINER.

7 (g) A TOY OR VIDEO GAME DEVICE.

8 (h) A FOOD OR BEVERAGE PRODUCT.

9 ~~[4-406.]~~ [4-405.] Sale of alternative nicotine  
10 products; identification requirements

11 A. IF A LICENSEE OR ANY OTHER PERSON QUESTIONS OR HAS REASON  
12 TO QUESTION THAT THE PERSON PURCHASING, ATTEMPTING TO PURCHASE OR  
13 OTHERWISE PROCURING OR ATTEMPTING TO PROCURE AN ALTERNATIVE NICOTINE  
14 PRODUCTS IS UNDER TWENTY-ONE YEARS OF AGE, THE LICENSEE OR OTHER  
15 PERSON SHALL DO ALL OF THE FOLLOWING:

16 1. DEMAND IDENTIFICATION FROM THE PERSON.

17 2. EXAMINE THE IDENTIFICATION TO DETERMINE THAT THE  
18 IDENTIFICATION REASONABLY APPEARS TO BE A VALID, UNALTERED  
19 IDENTIFICATION THAT HAS NOT BEEN DEFACED.

20 3. EXAMINE THE PHOTOGRAPH IN THE IDENTIFICATION AND DETERMINE  
21 THAT THE PERSON REASONABLY APPEARS TO BE THE SAME PERSON IN THE  
22 IDENTIFICATION.

23 4. DETERMINE THAT THE DATE OF BIRTH IN THE IDENTIFICATION  
24 INDICATES THE PERSON IS NOT UNDER TWENTY-ONE YEARS OF AGE.

25 5. SCAN THE PERSON'S IDENTIFICATION USING AN ELECTRONIC  
26 SCANNING DEVICE.

27 B. THE FOLLOWING WRITTEN INSTRUMENTS CONSTITUTE THE ONLY  
28 IDENTIFICATION THAT IS ACCEPTABLE UNDER SUBSECTION A OF THIS  
29 SECTION:

30 1. AN UNEXPIRED DRIVER LICENSE ISSUED BY THIS STATE. A  
31 DRIVER LICENSE THAT IS ISSUED TO A PERSON WHO IS UNDER TWENTY-ONE  
32 YEARS OF AGE DOES NOT CONSTITUTE ACCEPTABLE IDENTIFICATION THIRTY  
33 DAYS AFTER THE PERSON REACHES TWENTY-ONE YEARS OF AGE.

34 2. AN UNEXPIRED DRIVER LICENSE ISSUED BY ANY OTHER STATE, THE  
35 DISTRICT OF COLUMBIA, ANY TERRITORY OF THE UNITED STATES OR CANADA  
36 IF THE LICENSE INCLUDES A PICTURE OF THE PERSON AND THE PERSON'S  
37 DATE OF BIRTH.

38 3. AN UNEXPIRED NONOPERATING IDENTIFICATION LICENSE ISSUED  
39 PURSUANT TO SECTION 28-3165. AN UNEXPIRED NONOPERATING  
40 IDENTIFICATION LICENSE THAT IS ISSUED TO A PERSON WHO IS UNDER  
41 TWENTY-ONE YEARS OF AGE DOES NOT CONSTITUTE ACCEPTABLE  
42 IDENTIFICATION THIRTY DAYS AFTER THE PERSON REACHES TWENTY-ONE YEARS  
43 OF AGE.

44 4. A FORM OF IDENTIFICATION LICENSE ISSUED BY ANY OTHER  
45 STATE, THE DISTRICT OF COLUMBIA, ANY TERRITORY OF THE UNITED STATES  
46 OR CANADA IF THE LICENSE IS SUBSTANTIALLY EQUIVALENT TO A  
47 NONOPERATING IDENTIFICATION LICENSE ISSUED PURSUANT TO SECTION

House Amendments to H.B. 4001

1 28-3165 AND INCLUDES A PICTURE OF THE PERSON AND THE PERSON'S DATE  
2 OF BIRTH.

3 5. AN UNEXPIRED ARMED FORCES IDENTIFICATION CARD THAT  
4 INCLUDES THE PERSON'S PICTURE AND DATE OF BIRTH.

5 6. A VALID UNEXPIRED PASSPORT OR A VALID UNEXPIRED RESIDENT  
6 ALIEN CARD THAT CONTAINS A PHOTOGRAPH OF THE PERSON AND THE PERSON'S  
7 DATE OF BIRTH.

8 Enroll and engross to conform

9 Amend title to conform

JEFF WENINGER

4001WENINGER.docx

02/16/2026

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