

Sampling Instructions & Limits for Sampling
Permanent (9S & 10S licensees)
Temporary Wholesale/Producer-sponsored Sampling Events
updated 4/10/14

There are two types of sampling privileges available in Arizona and, each type of sampling has different serving allowances.

Section 1: deals with permanent, unlimited number of sampling available to licensees of liquor store (series 9) and beer and wine store (series 10) licensed establishments as referenced in A.R.S. §4-206.01 below. Link to application: http://www.azliquor.gov/forms/lic_S_form_access.pdf to be filled out by licensee.

Section 2: deals with temporary permission for a producer/wholesaler to hold a sampling event at a licensed retail location (maximum of 12-events per year) as referenced in A.R.S. §4-243 below. Link to application: http://www.azliquor.gov/forms/lic_samplingapp_access.pdf to be filled out by producer/wholesaler.

For your convenience, statutes for the temporary and permanent sampling privileges are included below.

Section 1: Sampling Instructions & Limits Per Brand, Per Individual for Permanent Sampling Privileges - "S" Licensees

(liquor license will have a "S" clearly marked on the face)

4-206.01 Bar, beer and wine bar or liquor store licenses: sampling privileges

- J. 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. Until January 1, 2015, 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 or beer and wine store licensee that holds a license with sampling privileges may provide spirituous liquor sampling subject to the following requirements:

1. Any open product shall be kept locked by the licensee when the sampling area is not staffed.
2. 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.
3. The licensed retailer shall make sales of sampled products from the licensed retail premises.
4. The licensee shall not charge any customer for the sampling of any products.
5. The sampling shall be conducted under the supervision of an employee of a sponsoring distiller, vintner, brewer, wholesaler or retail licensee.
6. Accurate records of sampling products dispensed shall be retained by the licensee.
7. Sampling shall be limited to three ounces of beer or cooler-type products, one and one-half ounces of wine and one ounce of distilled spirits per person, per brand, per day.
8. The sampling shall be conducted only on the licensed premises.

Section 2: Sampling Instructions & Limits Per Brand, Per Individual for Temporary Sampling Events

A.R.S. §4-243. Commercial coercion or bribery unlawful; exceptions

B. This section does not prohibit any distiller, vintner, brewer, rectifier, blender or other producer or wholesaler of any spirituous liquor from:

2. Providing samples to retail consumers at **on-sale premises establishments** according to the following procedures:
 - (a) Sampling operations shall be conducted under the supervision of an employee of the sponsoring producer or wholesaler.
 - (b) Sampling shall be limited to twelve ounces of beer or cooler products, six ounces of wine or two ounces of distilled spirits per person per brand.
 - (c) If requesting the on-sale retailer to prepare a drink for the consumer, the producer's or wholesaler's representative shall pay the retailer for the sample drink.
 - (d) The producer or wholesaler may not buy the on-sale retailer or the retailer's employees a drink during their working hours or while they are engaged in waiting on or serving customers.
 - (e) The producer or wholesaler may not give a keg of beer or any spirituous liquor or any other gifts or benefits to the on-sale retailer.
 - (f) All sampling procedures shall comply with federal sampling laws and regulations.
3. Providing samples to retail consumers on **an off-sale retailer's premises** according to the following procedures:
 - (a) Sampling shall be conducted by an employee of the sponsoring producer or wholesaler.
 - (b) The producer or wholesaler shall notify the department in writing or by electronic means not less than ten days before the sampling of the date, time and location of the sampling.
 - (c) Sampling shall be limited to three ounces of beer, one and one-half ounces of wine or one ounce of distilled spirits per person per day.

- (d) An off-sale retailer shall not permit sampling to be conducted on a licensed premises on more than twelve days in any calendar year.
- (e) Sampling shall be limited to one wholesaler or producer at any one off-sale retailer's premises on any day and shall not exceed three hours on any day.
- (f) A producer conducting sampling shall buy the sampled product from a wholesaler.
- (g) The producer or wholesaler shall not provide samples to any person who is under the legal drinking age.
- (h) The producer or wholesaler shall designate an area in which sampling is conducted that is in the portion of the licensed premises where spirituous liquor is primarily displayed and separated from the remainder of the off-sale retailer's premises by a wall, rope, door, cable, cord, chain, fence or other barrier. The producer or wholesaler shall not permit persons under the legal drinking age from entering the area in which sampling is conducted.
- (i) The producer or wholesaler may not provide samples to the retailer or the retailer's employees.
- (j) Sampling shall not be conducted in retail premises with a total of under five thousand square feet of retail space unless at least seventy-five per cent of the retailer's shelf space is dedicated to the sale of spirituous liquor.
- (k) The producer or wholesaler may not give spirituous liquor or any other gifts or benefits to the off-sale retailer.
- (l) All sampling procedures shall comply with federal sampling laws and regulations.