

State of Arizona
Department of Liquor Licenses and Control

800 W. Washington 5th Floor
Phoenix, Arizona 85007
(602) 542-5141

Sampling Privileges Form

- Liquor Store (series 9)
 Beer and Wine Store (series 10)

Applicant's Name: _____ (check one) Owner Agent

Mailing Address: _____
Street Address or P.O. Box City State County Zip Code

Business Phone Number: _(_____)_____ Email: _____

Business Name: _____ Current License #: _____

Physical Location of Business:

Street Address City State County Zip Code

I, _____, understand that, upon approval, sampling privileges for the liquor license identified above will require compliance with the following:

Initial Here

- _____ 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 ounce 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.
- _____ 9. Upon approval of this form, a license for a liquor store with sampling privileges (series 9S) or a beer and wine store with sampling privileges (series 10S) will be issued and mailed to the licensee's address of record. The license must be displayed in a conspicuous public area of the licensed premises that is readily accessible for inspection by any peace officer, distributor, wholesaler or member of the public. (A.R.S. §4-261.01)

_____ 10. Liquor store license sampling privileges are not transferable.

_____ 11. I have read, understand, and assume responsibility for compliance with A.R.S. §4-206.01.

A.R.S. §4-206.01. Bar, beer and wine bar or liquor store licenses; number permitted; fee; sampling privileges

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 ounce 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.

I, _____, attest that I am the OWNER/AGENT filing this form, that I have read, and assume responsibility for compliance with, A.R.S. §4-206.01 at the licensed establishment named on page 1, and verify all statements I have made on this document to be true, correct and complete. I understand that I am responsible for the \$100 issuance fee and the annual \$ 60 renewal fee for these sampling privileges. Sampling privilege renewal fees are due at the same time as the renewal for the "current license #" identified on page 1 of this application.

_____, _____, _____ / /
Signature, Title Date

Notarized Signature

The forgoing instrument was acknowledged before me this _____ of _____, _____ year.
day month

Notary Public: _____
Signature

My commission expires: _____, _____, _____
day month year

For DLLC Use Only

S License #: _____ Date of issuance: _____/_____/_____

Issuance fee applicable? Yes No \$100 issuance fee collected

Initials: _____

**Sampling Privilege Laws
Effective July 20, 2011**

To alleviate any confusion, this excerpt from A.R.S. §4-206.01 is highlighted on this routing form because it relates to fees charged by local governing bodies:

A.R.S. §4-206.01(J) A CITY OR TOWN SHALL NOT CHARGE ANY FEE RELATING TO THE ISSUANCE OR RENEWAL OF A SAMPLING PRIVILEGE.

For your convenience, the remainder of the new sampling privilege laws are included below:

A.R.S. §4-206.01. Bar, beer and wine bar or liquor store licenses; number permitted; fee; sampling privileges

- A. The director shall determine the total number of spirituous liquor licenses by type and in each county. The director shall publish a listing of that information as determined by the director.
- B. In each county, the director shall issue additional bar, beer and wine bar or liquor store licenses at the rate of one of each type for each additional ten thousand person increase over the population in that county as of July 1, 2010. For THE purposes of this subsection, the population of a county is deemed to be the population estimated by the OFFICE OF EMPLOYMENT AND POPULATION STATISTICS WITHIN THE ARIZONA DEPARTMENT OF ADMINISTRATION as of July 1 of each year.
- C. A person issued a license authorized by subsection B of this section shall pay an additional issuance fee equal to the license's fair market value that shall be paid to the state general fund. The fair market value shall be defined to mean the mean value of licenses of the same type sold on the open market in the same county during the prior twelve months, but if there are not three or more such sales then the fair market value shall be determined by three appraisals furnished to the department by independent professional appraisers employed by the director.
- D. The director shall employ professional appraisal services to determine the fair market value of bar, beer and wine bar or liquor store licenses.
- E. If more than one person applies for an available license, a priority of applicants shall be determined by a random selection method prescribed by the director.
- F. After January 1, 2011, bar licenses and beer and wine bar licenses shall be issued and used only if the clear primary purpose and actual primary use is for on-sale retailer privileges. The off-sale privileges associated with a bar license and a beer and wine bar license shall be limited to use, which is clearly auxiliary to the ACTIVE primary on-sale privilege. A bar license or a beer and wine bar license shall not be issued or used if the associated off-sale use, by total retail SPIRITUOUS liquor sales, exceeds THIRTY per cent of the sales price of on-sale spirituous liquors by the licensee at that location. FOR DUAL LICENSES ISSUED PURSUANT TO A SINGLE SITE OR WHERE A SECOND LICENSE IS ISSUED TO A SITE WHICH ALREADY HAS A SPIRITUOUS LIQUOR LICENSE, OTHER THAN SETTLEMENT LICENSES ISSUED PURSUANT TO LAWS 2010, CHAPTER 85, SECTION 4, AS AMENDED BY THIS ACT, THE APPLICANT SHALL HAVE THE BURDEN OF ESTABLISHING THAT PUBLIC CONVENIENCE AND THE BEST INTEREST OF THE COMMUNITY WILL BE SERVED BY THE ISSUANCE OF THE LICENSE.
- G. The director may issue a beer and wine store license to the holder of a beer and wine bar license simultaneously at the same premises. An applicant for a beer and wine bar license and a beer and wine store license may consolidate the application and may apply for both licenses at the same time. The holder of each license shall fully comply with all applicable provisions of this title. A beer and wine bar license and beer and wine store license on the same premises shall be owned by and issued to the same licensee.
- H. The director may issue a beer and wine bar license to the holder of a liquor store license issued simultaneously at the same premises. An applicant for a liquor store license and a beer and wine bar license may consolidate the application and may apply for both licenses at the same time. The holder of each license shall fully comply with all applicable provisions of this title. A liquor store license and a beer and wine bar license on the same premises shall be owned by and issued to the same licensee.
- I. The director may issue a restaurant license to the holder of a beer and wine bar license issued simultaneously at the same premises. An applicant for a restaurant license and a beer and wine bar license may consolidate the application and may apply for both licenses at the same time. The holder of each license shall fully comply with all applicable provisions of this title. A restaurant license and a beer and wine bar license on the same premises shall be owned by and issued to the same licensee. The limitation set forth in subsection F OF THIS SECTION with respect to the off-sale privileges of the beer and wine bar licenses shall be measured against the on-sales of beer and wine sales of the establishment. For purposes of compliance with section 4-205.02, subsection H, paragraph 2, it shall be conclusively presumed that all on premises sales of spirituous liquors are made under the authority of the restaurant license.
- 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 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 ounce 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.
- K. If a beer and wine bar license and a beer and wine store license are issued at the same premises, for purposes of reporting liquor purchases under each license, all spirituous beverages purchased for sampling are conclusively presumed to be purchased under the beer and wine bar license and all spirituous liquor sold off-sale are conclusively presumed to be purchased under the beer and wine store license.
- L. THE DIRECTOR MAY ISSUE A BEER AND WINE STORE LICENSE TO THE HOLDER OF A BAR LICENSE SIMULTANEOUSLY AT THE SAME PREMISES. AN APPLICANT FOR A BEER AND WINE STORE LICENSE AND A BAR LICENSE MAY CONSOLIDATE THE APPLICATION AND MAY APPLY FOR BOTH LICENSES AT THE SAME TIME. THE HOLDER OF EACH LICENSE SHALL FULLY COMPLY WITH ALL APPLICABLE PROVISIONS OF THIS TITLE. A BEER AND WINE STORE LICENSE AND A BAR LICENSE ON THE SAME PREMISES SHALL BE OWNED BY AND ISSUED TO THE SAME LICENSEE. IF A BEER AND WINE STORE LICENSE AND A BAR LICENSE ARE ISSUED AT THE SAME PREMISES, FOR PURPOSES OF REPORTING LIQUOR PURCHASES UNDER EACH LICENSE, ALL OFF-SALE BEER AND WINE SALES ARE CONCLUSIVELY PRESUMED TO BE PURCHASED UNDER THE BEER AND WINE STORE LICENSE