

REFERENCE TITLE: retail sales; proximity to schools

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1191

Introduced by
Senators Landrum Taylor: Rios

AN ACT

AMENDING SECTION 4-207, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 6, ARTICLE 14, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-798.06; RELATING TO RETAIL SALES IN PROXIMITY TO SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 4-207, Arizona Revised Statutes, is amended to
3 read:

4 4-207. Restrictions on licensing premises near school or church
5 buildings: definition

6 A. A retailer's license shall not be issued for any premises which
7 are, at the time the license application is received by the director, within
8 three hundred horizontal feet of a church, within three hundred horizontal
9 feet of a public or private school building with kindergarten programs or any
10 of grades one through twelve or within three hundred horizontal feet of a
11 fenced recreational area adjacent to such school building. This section does
12 not prohibit the renewal of a valid license issued pursuant to this title if,
13 on the date that the original application for the license is filed, the
14 premises were not within three hundred horizontal feet of a church, within
15 three hundred horizontal feet of a public or private school building with
16 kindergarten programs or any of grades one through twelve or within three
17 hundred horizontal feet of a fenced recreational area adjacent to such school
18 building.

19 B. Subsection A of this section does not apply to a:

- 20 1. Restaurant issued a license pursuant to section 4-205.02.
- 21 2. Special event license issued pursuant to section 4-203.02.
- 22 3. Hotel-motel issued a license pursuant to section 4-205.01.
- 23 4. Government license issued pursuant to section 4-205.03.
- 24 5. Fenced playing area of a golf course issued a license pursuant to
25 this article.

26 C. Notwithstanding subsection A of this section:

27 1. A spirituous liquor license which is validly issued and which is,
28 on the date an application for a transfer is filed, within three hundred
29 horizontal feet of a church, within three hundred horizontal feet of a public
30 or private school building with kindergarten programs or any of grades one
31 through twelve or within three hundred horizontal feet of a fenced
32 recreational area adjacent to such school building may be transferred person
33 to person pursuant to sections 4-201, 4-202 and 4-203 and remains in full
34 force until the license is terminated in any manner, unless renewed pursuant
35 to section 4-209, subsection A.

36 2. A person may be issued a spirituous liquor license pursuant to
37 sections 4-201, 4-202 and 4-203 of the same class for premises which have a
38 nontransferable spirituous liquor license validly issued if the premises are,
39 on the date an application for such license is filed, within three hundred
40 horizontal feet of a church, within three hundred horizontal feet of a public
41 or private school building with kindergarten programs or any of grades one
42 through twelve or within three hundred horizontal feet of a fenced
43 recreational area adjacent to such school building and the license remains in
44 full force until the license is terminated in any manner, unless renewed
45 pursuant to section 4-209, subsection A.

1 3. A person may NOT be issued a liquor store license pursuant to
2 sections 4-201, 4-202, 4-203 and 4-206.01 for premises which have a beer and
3 wine store license validly issued if the premises, on the date an application
4 for such license is filed, are within three hundred horizontal feet of a
5 church, within ~~three~~ FOUR hundred horizontal feet of a public or private
6 school building with kindergarten programs or any of grades one through
7 twelve or within ~~three~~ FOUR hundred horizontal feet of a fenced recreational
8 area adjacent to such school building ~~and the license remains in full force~~
9 ~~until the license is terminated in any manner, unless renewed pursuant to~~
10 ~~section 4-209, subsection A.~~

11 4. A PERSON SHALL NOT BE ISSUED A LIQUOR STORE LICENSE IF THE PREMISES
12 ARE WITHIN FOUR HUNDRED HORIZONTAL FEET OF A PUBLIC OR PRIVATE SCHOOL
13 BUILDING WITH KINDERGARTEN PROGRAMS OR ANY OF GRADES ONE THROUGH TWELVE OR
14 WITHIN FOUR HUNDRED HORIZONTAL FEET OF A FENCED RECREATIONAL AREA ADJACENT TO
15 SUCH SCHOOL BUILDING. THIS PARAGRAPH PROHIBITS THE RENEWAL OR TRANSFER OF A
16 VALID LIQUOR STORE LICENSE ISSUED PURSUANT TO THIS TITLE IF, ON THE DATE THAT
17 THE RENEWAL OR TRANSFER APPLICATION FOR THE LIQUOR STORE LICENSE IS FILED,
18 THE PREMISES ARE WITHIN FOUR HUNDRED HORIZONTAL FEET OF A PUBLIC OR PRIVATE
19 SCHOOL BUILDING WITH KINDERGARTEN PROGRAMS OR ANY OF GRADES ONE THROUGH
20 TWELVE OR WITHIN FOUR HUNDRED HORIZONTAL FEET OF A FENCED RECREATIONAL AREA
21 ADJACENT TO SUCH SCHOOL BUILDING.

22 D. For the purposes of this section, "church" means a building which
23 is erected or converted for use as a church, where services are regularly
24 convened, which is used primarily for religious worship and schooling and
25 which a reasonable person would conclude is a church by reason of design,
26 signs or architectural or other features.

27 Sec. 2. Title 36, chapter 6, article 14, Arizona Revised Statutes, is
28 amended by adding section 36-798.06, to read:

29 36-798.06. Sale of tobacco products prohibition; proximity to
30 schools; applicability

31 A. A RETAIL TOBACCO VENDOR SHALL NOT SELL, FURNISH, GIVE OR PROVIDE
32 TOBACCO PRODUCTS WITHIN FOUR HUNDRED HORIZONTAL FEET OF A PUBLIC OR PRIVATE
33 SCHOOL BUILDING WITH KINDERGARTEN PROGRAMS OR ANY GRADES ONE THROUGH TWELVE
34 OR WITHIN FOUR HUNDRED HORIZONTAL FEET OF A FENCED RECREATIONAL AREA ADJACENT
35 TO SUCH SCHOOL BUILDING.

36 B. THIS SECTION DOES NOT APPLY TO A RETAIL TOBACCO VENDOR THAT SELLS
37 TOBACCO PRODUCTS BEFORE THE EFFECTIVE DATE OF THIS ACT.