

REFERENCE TITLE: beer kegs; registration.

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2219

Introduced by
Representatives McClure, Lopes, Mason: Anderson, Barto, Crandall,
Gallardo, Konopnicki, Meza, Pearce, Senator Gray C

AN ACT

AMENDING TITLE 4, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 4-244.01; RELATING TO LIQUOR PROHIBITIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 4, chapter 2, article 3, Arizona Revised Statutes, is
3 amended by adding section 4-244.01, to read:

4 4-244.01. Keg sales; requirements; unlawful activity;
5 definitions

6 A. A LICENSEE SHALL NOT SELL MALT BEVERAGES BY THE KEG EXCEPT AS
7 PROVIDED IN SUBSECTIONS B, C AND D OF THIS SECTION. THE DEPARTMENT MAY TAKE
8 ACTION AGAINST PERSONS WHO VIOLATE THIS SECTION, INCLUDING REVOCATION OF A
9 LICENSE ISSUED PURSUANT TO THIS TITLE. ANY ACTION TAKEN BY THE DEPARTMENT
10 PURSUANT TO THIS SECTION DOES NOT PROHIBIT CRIMINAL PROSECUTION FOR SALE TO
11 UNDERAGE PERSONS.

12 B. EACH LICENSEE WHO SELLS KEGS CONTAINING MALT BEVERAGES SHALL
13 REQUIRE EACH PURCHASER OF A KEG CONTAINING MALT BEVERAGES TO PRESENT AN
14 ARIZONA DRIVER LICENSE OR OTHER PROPER IDENTIFICATION AT THE TIME OF
15 PURCHASE. THE PURCHASER MUST SIGN A STATEMENT AT THE TIME OF PURCHASE THAT
16 AFFIRMS THE ACCURACY OF THE PURCHASER'S NAME AND ADDRESS AND THE LOCATION
17 WHERE THE CONTENTS OF THE KEG WILL BE CONSUMED AND THAT ACKNOWLEDGES THAT A
18 VIOLATION OF SECTION 4-241 MAY RESULT IN CIVIL LIABILITY OR CRIMINAL
19 PROSECUTION, OR BOTH. THE LICENSEE SHALL RETAIN THE IDENTIFICATION FORM AND
20 THE PURCHASER'S SIGNED STATEMENT FOR A MINIMUM OF SIX MONTHS FOLLOWING THE
21 SALE OF THE KEG. FOR EACH KEG SOLD, THE LICENSEE SHALL RECORD THE FOLLOWING:

- 22 1. THE DATE OF THE SALE.
- 23 2. THE SIZE OF THE KEG SOLD.
- 24 3. THE KEG IDENTIFICATION NUMBER.
- 25 4. THE AMOUNT OF THE CONTAINER DEPOSIT.
- 26 5. THE NAME OF THE PURCHASER.
- 27 6. THE ADDRESS OF THE PURCHASER.
- 28 7. THE DATE OF BIRTH OF THE PURCHASER.
- 29 8. THE FORM OF IDENTIFICATION PRESENTED BY THE PURCHASER.

30 C. EACH KEG CONTAINING MALT BEVERAGES THAT IS SOLD BY A LICENSEE SHALL
31 BE LABELED WITH THE NAME AND ADDRESS OF THE LICENSEE, THE KEG IDENTIFICATION
32 NUMBER AND THE LICENSE NUMBER OF THE PREMISES. THE DEPARTMENT SHALL ADOPT
33 RULES THAT PRESCRIBE THE FORM OF THE LABEL OR TAG PRESCRIBED BY THIS
34 SUBSECTION. THE LABEL OR TAG SHALL BE SUPPLIED BY THE DEPARTMENT TO THE
35 LICENSEE AND SHALL BE SECURELY AFFIXED TO THE KEG BY THE LICENSEE. THE
36 DEPARTMENT MAY CHARGE AND COLLECT A FEE FROM THE LICENSEE FOR THE LABEL OR
37 TAG. THE LICENSEE MAY PASS ON THE COST OF THE LABEL OR TAG TO THE PURCHASER.

38 D. THE DEPARTMENT SHALL PROVIDE WRITTEN GUIDELINES TO LICENSEES ABOUT
39 THE INFORMATION TO BE RECORDED ON THE IDENTIFICATION FORM PRESCRIBED IN
40 SUBSECTION B OF THIS SECTION. THE LICENSEE SHALL RECORD THE DATE OF THE
41 RETURN OF THE KEG BY THE PURCHASER ON THE IDENTIFICATION FORM PRESCRIBED IN
42 SUBSECTION B OF THIS SECTION. IF THERE IS NO LABEL OR TAG AFFIXED TO THE KEG
43 THAT IS RETURNED BY THE PURCHASER OR IF THE IDENTIFICATION NUMBER IS NOT
44 LEGIBLE, THE LICENSEE SHALL INDICATE THIS FACT ON THE IDENTIFICATION FORM.
45 THE LICENSEE SHALL NOT REFUND A CONTAINER DEPOSIT FOR A KEG THAT IS RETURNED

1 WITHOUT THE REQUIRED LABEL OR TAG OR IF THE IDENTIFICATION NUMBER IS NOT
2 INTACT OR IS NOT LEGIBLE.

3 E. THE REMOVAL OF A KEG LABEL OR TAG BEFORE THE KEG IS LAWFULLY
4 RETURNED TO THE LICENSEE BY THE PURCHASER IS UNLAWFUL. THE POSSESSION OF A
5 KEG WITHOUT A KEG LABEL OR TAG AND IDENTIFICATION NUMBER IS UNLAWFUL.

6 F. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 1
7 MISDEMEANOR.

8 G. FOR THE PURPOSES OF THIS SECTION:

9 1. "KEG" MEANS ANY BREWERY SEALED CONTAINER OR BARREL CONTAINING, BY
10 LIQUID VOLUME, MORE THAN FIVE GALLONS OF MALT BEVERAGE.

11 2. "LICENSEE" MEANS ANY PERSON WHO HOLDS A VALID LICENSE ISSUED
12 PURSUANT TO THIS TITLE THAT IS OF A TYPE THAT LAWFULLY ENTITLES THE LICENSEE
13 TO SELL MALT BEVERAGES BY THE KEG.