**18 DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES**

**553 BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS**

**Chapter 101: OPERATION AND CONTROL OF ALL LICENSED PREMISES**

*(Note: this rule chapter was formerly 16-226 Ch. 1 of the Department of Public Safety, Liquor Licensing and Inspections Unit.)*

1. All licenses are issued subject to the provisions of the State Laws and Federal Alcohol Administration laws, municipal ordinances and rules and regulations made pursuant thereto, and all municipal, State and Federal licenses and permits required by such laws, ordinances or rules and regulations must be kept in full force and effect by licensees during the entire effective license period of the liquor license.

 A. All license applications shall include the complete and entire ownership in accordance with Title 28 A Section 651, 2A. All persons owning, and or operating with a financial interest in the operation shall be named as licensees, except bona fide employees.

 B. An applicant for a liquor license that is a corporation or a limited liability company may submit a master supplementary questionnaire file as long as there has been no material change in the original information provided to the department, and the corporation or Limited Liability Company has two or more licensed facilities located within the state. The initial master file must contain all the information required by the department. An applicant for a liquor license renewal must file a notarized affidavit stating there are no changes to the information contained in the original master file. If changes have occurred, then the master file must be updated and submitted to replace the existing master file.

2. Licenses erroneously issued by the Bureau of Liquor Enforcement will be considered void and must be returned to the Bureau on demand.

3. Wherever reference is made in the following rules and regulations to acts or omissions forbidden on the part of the licensee, corporation or individual, it shall be held and construed to mean acts of such licensee, corporation or individual or their clerk, servant or agent. Whoever is found in charge of a licensed premise or making service or waiting on trade in such licensed premise shall be prima facie construed to be a clerk, servant and agent of the licensee.

4. Violation of any Commission rule and regulation, State law or municipal ordinance, occurring on a licensed premise after legal hours of sale of liquor or on days when sale of liquor is forbidden by law, shall be grounds for suspension or revocation of license.

5. No licensee shall have or permit on his licensed premises any gaming devices, sealed tickets, punch board or any mechanism which dispenses money or other valuable thing which is redeemable or exchangeable for money or other valuable thing, other than premises properly licensed. Free replays shall not be considered a thing of value.

 A. All other types of machines or mechanisms designed for amusement or entertainment may be permitted on licensed premises. Pool tables may be used in designated areas as authorized by the Bureau. The licensee and the owner shall be required to furnish such additional information to the Bureau as the Bureau in its sole discretion deems necessary for proper supervision of such activity.

6. The use of any device or game of chance to aid directly in the sale or distribution of liquor is prohibited.

7. All premises licensed to sell liquor and adjoining premises used by the licensee in the operation of the business will be kept in a clean and sanitary condition at all times and will be licensed by the Department of Human Services or the Department of Agriculture.

 A. All premises licensed to sell alcoholic beverages for on premise consumption shall have toilet facilities available to the public and will be equipped in such a manner to comply with Human Services Rules.

8. No licensee shall permit or allow visibly intoxicated persons to remain on the licensed premises. No licensee shall show effects of, nor allow any of his employees, agents or entertainers to consume or to show any effect of liquor while on duty or performing on the licensed premises.

9. *(Repealed.)*

10. No licensee shall possess or permit possession, sale or consumption of any liquor on the licensed premises other than that which is permitted and purchased by the licensee in accordance with the license or licenses granted for said premises.

11. No licensee shall, without written consent of the Bureau, permit liquor to be kept or stored upon any premise other than those licensed and under the control of the Bureau. The Bureau shall have access to any additional premises where empty containers are kept.

12. All applications submitted to the Bureau will be voided after 1 year unless a license has been issued. All application fees may be refunded, with the exception of the filing fee, when an application is voided.

13. No licensee, his agent or employee, shall allow in or upon his licensed premises, any improper conduct, disorder, illegality, disturbances, lewdness, immoral activities, or language, songs, entertainment, literature, pictures, raffle tickets or advertising material of indecent, profane or obscene nature, or cause to have printed or distributed any lewd, immoral, indecent, or obscene literature, pictures or advertising material of indecent, profane or obscene nature, except that premises properly licensed may permit raffle tickets.

14. *(Repealed.)*

15. No licensee in this State shall purchase malt liquor, table or sparkling or fortified wine, or low alcohol spirits from any person who has not been issued the proper wholesale license. A wholesale or retail licensee whose license has been revoked, surrendered, or otherwise terminated, may, on approval from the Bureau, sell his entire stock of malt liquor, table, sparkling, or fortified wine, or low alcohol spirits, to another licensee. Nothing in this rule will prohibit a licensee from making purchases from a State Liquor Store in accordance with his license privilege.

 A. Any retail licensee whose license has been revoked, surrendered or otherwise terminated, may, on approval of the Bureau, sell his entire stock of spirits to another licensee.

 B. No malt liquor, table, sparkling or fortified wine, or low alcohol spirit, may be returned by a retail licensee unless the product is defective. Products deemed to be defective include leakers, partially filled containers, soiled or missing labels, defective containers, and outdated or discontinued merchandise. No refund may be made for any returned item. A defective bottle or package must be replaced with a like bottle or package or a credit may be issued for future purchases.

16. No alteration or repair to licensed premises which changes the physical character of the premises as reported in the application for license shall be made unless the licensee has received prior permission from the Bureau.

17. No person employed by any wholesale liquor licensee shall be eligible for a liquor license.

18. Wholesale licensees are prohibited from using escrow accounts involving the sale of malt beverages and table wines to retail accounts except by written authorization from the Bureau.

 A. Prepaid invoices are allowed.

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