



City Council Weekly Information Packet

Friday, August 4, 2023

Includes the following documents/information:

- 1) City Council Events Schedule
- 2) State and Federal Updates & Grant Opportunities
- 3) Proposed Tobacco Ordinance – Operational Considerations

Tues	Aug 15	12:00 p.m. – 1:00 p.m.	International Green Construction Code Virtual Public Meeting Location: Zoom Link https://us06web.zoom.us/meeting/register/tZYvd-GprDwrHdDyeIUtF5O667aRJK9n6-j
Tues	Aug 15	6:00 p.m. – 7:00 p.m.	International Green Construction Code In-Person Meeting Location: Tempe Public Library 3500 S. Rural road Tempe, AZ
Wed	Aug 16	5:30 p.m. – 6:30 p.m.	Community Conversation with Councilmember Joel Navarro and Councilmembers Berdetta Hodge and Doreen Garlid Location: Tempe History Museum 809 E. Southern Avenue Tempe, AZ
Wed	Aug 16	6:00 p.m. – 7:30 p.m.	Pat Tillman Anniversary Dinner Location: Sun Devil Stadium -Legends Club 500 E. Veteran’s Way Tempe, AZ
Tues	Aug 22	4:00 p.m. – 6:30 p.m.	Community Meet and Greet Location: Tempe History Museum 809 E. Southern Ave Tempe, AZ
Fri	Aug 25	11:30 a.m. – 1:30 p.m.	ASU Chamber Kickoff Luncheon Location: ASU Stadium 500 E. Veteran’s Way Tempe, AZ
Sat	Sept 9	10:00 a.m. – 12:00 p.m.	Breakfast with Berdetta; Berdetta’s Birthday Bash Location: Tempe History Museum 809 E. Southern Avenue Tempe, AZ
Tues	Sept 12	5:00 p.m. – 7:00 p.m.	MYAC Kick-Off Retreat Location: Tempe History Museum 2500 S. Rural Road Tempe, AZ
Tues	Sept 12	6:00 p.m. – 8:00 p.m.	Arts in the Parks Kick Off Event: Meyer Park Location: Meyer Park 2727 S. Dorset Lane Tempe, AZ

Wed	Sept 13	6:00 p.m. – 8:00 p.m.	Arts in the Parks Kick Event: Scudder Park Location: Scudder Park 5805 S. Lakeshore Drive Tempe, AZ
Thur	Sept 14	6:00 p.m. – 8:00 p.m.	Arts in the Parks Kick Off Event: Corbell Park Location: Corbell Park 7300 S. Lakeshore Drive Tempe, AZ
Sat	Sept 16	2:00 p.m. – 8:00 p.m.	City of Tempe Football Night Location: Arizona State University 500 E. Veteran’s Way Tempe, AZ
Mon	Sept 18	6:00 p.m. – 8:00 p.m.	Arts in the Parks Kick Off Event: Indian Bend Park Location: Indian Bend Park 1250 E. Marigold Lane Tempe, AZ
Tues	Sept 19	6:00 p.m. – 8:00 p.m.	Arts in the Parks Kick Off Event: Mary and Moses Green Park Location: Mary and Moses green Park 9325 W. Warner Ranch Drive Tempe, AZ
Wed	Sept 20	6:00 p.m. – 8:00 p.m.	Arts in the Parks Kick Off Event: Optimist Park Location: Optimist Park 2000 E. Sesame Street Tempe, AZ
Fri	Sept 22	4:00 p.m. – 11:59 p.m.	Boots in the Park Location: Tempe Beach Park 80 W. Rio Salado Parkway Tempe, AZ
Wed	Sept 27	5:30 p.m. – 9:00 p.m.	40 th Annual Don Carlos Humanitarian Awards Location: SRP Pera Club 1 E. Continental Drive Tempe, AZ
Sat	Nov 11	10:00 a.m. – 1:00 p.m.	Diwali and Veterans Day Assembly Location: Kyrene Del Norte Dual Language Academy

			1331 E. Redfield Drive Tempe, AZ
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08/04/2023 JR

MEMORANDUM



TO: Mayor and City Council
THROUGH: Rosa Inchausti, City Manager
FROM: Marge Zylla, Government Relations Officer
DATE: August 4, 2023
SUBJECT: State and Federal Update & Grant Opportunities

Below are summaries of recent actions and announcements at the state and federal level:

- State Legislative Update
- Grant Opportunities

Please let me know if there are follow-up questions for Tempe's federal lobbyist. Also, please let me know if Tempe staff members are pursuing federal grants so we can arrange for letters of support from our Congressional delegation.

State Legislative Update

This Monday, 7/31/23, the state legislature adjourned the 2023 state legislative session (also referred to as: adjourned sine die). The session was the longest session in state history, lasting over 200 days. Throughout the session, 1,675 bills were introduced, 348 bills were passed, 205 have been signed into law, and 143 have been vetoed.

The final legislative actions are outlined below. This memo does not feature the multi-page attachment with the hundreds of bills that the city tracks and organizes by department since it is virtually identical to the most recent bill list attachment follows the state legislative update memo at [this link](#). The updates on the bills outlined below (SB 1102 and SB 1131) would not be reflected in the aforementioned link.

The tracking list that follows the memo linked above includes the summaries of bills that may be of interest to Tempe. These lists are not entirely exhaustive. Readers can use the search/find tool (keyboard shortcut: press "Ctrl" and the "F" key) to search for terms of interest, like "fireworks", "rentals", "zoning", "safety", etc. Readers can also search the list by department to quickly be brought to the header under which there is a sublist of bills that may impact a specific area of city operations, for example: "Community Development" or "FMR".

Prop400E legislation (SB 1102)

State legislative leadership and the Governor's Office negotiated language that would allow for the implementation of the unanimously-approved regional transportation plan through a continuation of the current countywide ½ cent sales tax for transportation, if approved by the voters of Maricopa County. It is not identical to the language that was endorsed by the cities last session and earlier this session, but the outline is workable to deliver the regional transportation plan if passed. This language was amended onto SB 1102.

Tempe has consistently expressed support for legislation that would give the voters in Maricopa County the opportunity to weigh in on Prop400E. The city updated to their position to support SB 1102 to reflect the amendment. SB 1102 was passed by the legislature on 7/31/23 and has been signed by the Governor. Voters in Maricopa County would weigh in on this ½ cent tax continuation on the November 2024 ballot.

Residential rental tax repeal (SB 1131)

SB 1131 (residential leases; municipal tax exemption) was passed by the legislature mid-June, however, it was transmitted from the legislature to the Governor on 7/31/23. Tempe has opposed this proposal, as this bill and in other formats, throughout the session. A similar proposal passed earlier this session was vetoed by the Governor. After the passage of SB 1131, vetoes were requested by a number of cities and entities. The veto request from Mayor Woods to the Governor is available on page 12 of the City Council Weekly Information Packet at [this link](#). This bill (like SB 1184 which was vetoed earlier this session), eliminates the tax paid by the businesses engaged in residential rental. The Governor signed SB 1131 this week. The language in SB 1131 notes that the residential rental tax repeal would begin 1/1/2025.

The city's framework for responses to legislative proposals is the Council supported Tempe State Legislative Principles, which are available at [this link](#).

Grant Opportunities

Arizona Commission on the Arts Public Meeting for Grant Recommendations

The Arizona Commission on the Arts will conduct a [public meeting](#) on August 9, 2023 from 1:00 to 3:00 PM to adopt the FY2024 budget and grant award recommendations for several of their grant programs, including the Creative Capacity Grants. The meeting is in person at the Commission office and audio of the meeting will be [live-streamed](#).

Arizona Public Service Community Impact Grants

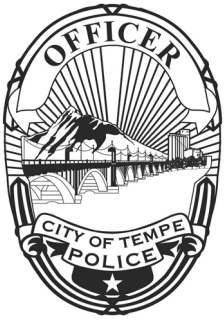
Grant requests are open until October 15th

About the grant:

<https://www.aps.com/en/About/Community/In-the-Community/Community-Impact-Grants>

Application:

<https://us.grantrequest.com/Login.aspx?ReturnUrl=%2fapplication.aspx%3fSA%3dSNA%26FID%3d35073%26sid%3d2265&SA=SNA&FID=35073&sid=2265>



Memorandum

Tempe Police Department

TO: Josie Montenegro, Assistant Chief
FROM: Kim Hale, Commander
DATE: August 2nd, 2023

SUBJECT: Proposed Tobacco Ordinance – Operational Considerations

Chief Montenegro,

This memorandum is intended to furnish the Executive Team and City Council, via the "Friday Packet", with an update on the proposed tobacco ordinance, specifically the amendments to "...CHAPTER 16A CREATING A REQUIREMENT FOR A NEW TOBACCO SELLER'S LICENSE...", and its potential operational impacts on the Police Department. The memo will encompass a historical review of the path leading to the current proposed ordinance, a comprehensive explanation of the purpose of regulatory licensing, along with recommendations for its operational implementation and subsequent effects on staffing and budget. Additionally, it will provide suggestions on how the City of Tempe can bolster our endeavors in educating and enforcing tobacco laws and ordinances while also addressing and mitigating the impacts arising from the implementation of the proposed tobacco licensing ordinance on the Police Department.

Historical

The newly proposed tobacco licensing ordinance requires Tempe retailers who currently sell tobacco products, and any who desire to sell tobacco products in the future, to obtain a tobacco license from our Tax & License Division. It also raises the age to purchase tobacco products to 21 years, matching the federal law. Initially, additional provisions in the proposed licensing ordinance included a ban on retailers from selling flavored tobacco products, particularly flavored vaping products. However, after conducting multiple public meetings and carefully reviewing input from various stakeholders, it was concluded that a prudent approach to strengthen tobacco product regulation would involve initially focusing on the tobacco licensing provision and raising the minimum age for purchasing tobacco products to 21 years. There is no ban or prohibition on retailers from selling flavored tobacco products in the current proposed

tobacco licensing ordinance. (See attached proposed tobacco licensing ordinance for details).

Regulatory Licensing

Some of the main functions of a regulatory license in any industry are to identify those entities that sell products that have potential risks to the public's safety and general well-being. Requiring a license to retail specific products helps to both identify intended entities and provide some protections to the public. With knowledge that a retailer is granted a license by a city, the affected community has expectations that the retailer will be required to maintain certain standards and abide by the regulatory laws and ordinances. This in-turn requires authorities to monitor and enforce compliance with applicable laws and regulations. Failure to adhere to the terms of the license should result in penalties, fines, or revocation of the license.

Different industries or professions, like the liquor industry, have specific requirements for obtaining a license. These requirements may include education, training, experience, background checks, or other qualifications that demonstrate the applicant's suitability, reliability, and competency for the licensed activity. Overall, regulatory licenses play a crucial role in ensuring legal compliance, protecting public safety, maintaining quality standards, and instilling consumer confidence in various industries and professions. Currently, Arizona tobacco retailers are regulated by the Arizona Attorney General's Office (AG), the Federal Drug Administration (FDA), Department of Health Services (DHA), and the Arizona Department of Revenue (ADOR).

Arizona Attorney General's Office (AG): The Attorney General's Office maintains a longstanding Tobacco Enforcement Unit, which collaborates closely with the Arizona Department of Health Services to implement and oversee the Counter Strike program. This initiative involves youth volunteers, accompanied by specialized investigators from the Attorney General's Office, conducting undercover visits to tobacco retailers with the aim of purchasing tobacco products. The primary objective of the program is to curtail youth access to tobacco in retail establishments by meticulously monitoring retailer compliance with state laws that explicitly prohibit the sale of tobacco products to minors. Moreover, the program serves as a platform to facilitate and encourage local enforcement efforts in alignment with these laws. Together, with the support of youth volunteers, the Arizona Department of Health Services, and local law enforcement agencies, the Attorney General's Tobacco Enforcement Unit diligently monitors retailer compliance with state laws that pertain to the sale of tobacco products, including electronic cigarettes, to minors.

The Arizona Department of Health Services (DHS) offers the Arizona Retail Tobacco Training (ARTT) as a complimentary educational program, collaboratively developed by the DHS, the Attorney General's Office, and County Health Departments throughout the state. This program is designed specifically for tobacco retailers and their staff, aiming to enhance their knowledge and compliance with relevant regulations.

Federal Drug Administration (FDA): Moreover, DHS has allocated a dedicated employee to actively participate in a Federal Drug Administration (FDA) task force focused on tobacco enforcement. This task force works closely with the AG's Strike Force to coordinate tobacco retailer audits and enforcement efforts, employing the assistance of undercover youth volunteers.

Through these initiatives, the Arizona Department of Health Services (DHS) and the Attorney General's (AG) departments demonstrate unwavering commitment to ensuring tobacco retailers' strict adherence to legal requirements, as mandated by the Synar Amendment. The Synar Amendment, enacted by Congress, is designed to effectively reduce youth access to tobacco. It imposes a legal obligation on States to enforce laws that prohibit the sale or distribution of tobacco products to individuals under 18 years of age (now 21 years of age under federal law). Compliance with the Synar Amendment is a prerequisite for States to receive their full Substance Abuse Prevention and Treatment Block Grant (SABG) awards.

The collective efforts encompassing education, required audits, and enforcement measures contribute significantly to safeguarding public health. Through these comprehensive measures, the DHS and AG's departments work diligently to protect the well-being of the community and uphold legal standards in regard to tobacco retail practices.

Arizona Department of Revenue (DOR): In accordance with Arizona's state law, ensures that distributors intending to acquire or possess tobacco products for the purpose of sale or distribution within Arizona must apply for and obtain a tobacco distributor license from the department. The Arizona Department of Revenue is responsible for conducting both administrative audits and criminal investigations pertaining to tobacco luxury tax evasion, fraudulent tax activity, and the trafficking of contraband tobacco products.

Operational Implementation: As previously mentioned, tobacco retailers are currently receiving education alongside audits and enforcement measures to discourage the sale of tobacco to individuals under 21 years of age. The audits and enforcement pertaining to underage sales are already being conducted jointly by the AG and the FDA. To further enhance these efforts, it is recommended that the final draft of our ordinance supports

the fostering of a partnership between Tempe PD and the AG's office. This collaboration aims to bolster education, audits, and enforcement targeting tobacco retailers selling to individuals under 21 years old. The Arizona Attorney General's Tobacco Enforcement Unit seeks to establish an improved partnership with Tempe PD, with the primary objective of reducing tobacco sales to underage individuals.

By aligning with the AG's Tobacco Enforcement Unit, we can capitalize on the following advantages:

- Leveraging an existing youth undercover program, which involves high liability and requires personnel management.
- Employing a force multiplier by having one Tempe Officer accompany an AG's office Detective during inspections (a minimum of two sworn officers are required for each inspection).
- Accessing existing educational resources to direct Tempe retailers.
- Ensuring well-coordinated, equitable enforcement to audit a statistically significant representative sample of Tempe retailers annually. SAMHSA/SYNAR mandates the AG's Office to report their sampling methodology and results of the annual Synar survey in the Annual Synar Report. This includes Arizona's sampling methodology, Synar survey results, Synar inspection report, and the Synar inspection protocols.
- Establishing the AG's Tobacco Enforcement Unit (TEU) as the primary agency responsible for criminal investigations and enforcement, with Tempe PD providing support and relaying the audit results to Tempe's Tax & License Division (T&L). Tax & License can then take appropriate administrative actions based on their review of the facts and circumstances.

The Arizona Attorney General's Office Tobacco Enforcement Unit (TEU) possesses a wealth of exceptional resources, both for themselves and tobacco retailers. Their track record of conducting tobacco audits and enforcement throughout the State is commendable. By forging a partnership and leveraging their existing program, we not only elevate the effectiveness of our enforcement efforts but also unlock the potential for force multipliers and budgetary savings. It is worth noting that very few, if any, regulated industries undergo audits or inspections at 100% of their locations. Collaborating with the TEU would enable us to conduct a significant number of coordinated inspections, streamline enforcement efforts, and access valuable educational resources for the benefit of tobacco retailers and the community.

Staffing: Based on the operational implementation model described earlier, the staffing needed to collaborate and synchronize audit and enforcement activities with the AG's TEU would be kept to a minimum. On a daily/nightly basis, when audits and

enforcement operations take place in Tempe, a designated tobacco-trained officer from a predetermined squad – currently chosen from the Office of Community Policing – would be integrated into the TEU. Their role would involve conducting an estimated 8-12 audits per shift, repeating this process 8-12 times annually, resulting in an average of 104 audits each year. (See Table 1 below) It is important to note that Tempe is home to approximately 156 State-licensed tobacco retailers.

Year	Inspections	Failures	Failure Rate
2019	90	24	27%
2021	104	15	14%
2022	118	14	12%
3 Year Average	104	18	19%

Budget Impact: Based on an annual average of 104 inspections, Table 2 presents a comprehensive breakdown of the tobacco inspections. The table specifies the number of inspections conducted during each shift, along with the corresponding hours worked per shift. Additionally, 104 administrative hours, equivalent to 1 hour per inspection, are allocated to account for report writing, impounding, and follow-up with Tax & License. The administrative hours are anticipated to take place on a subsequent shift during the work week.

Considering the coordination of multiple shifts involving 2-3 agencies over the course of a year, it is expected that certain shifts, or portions thereof, may require additional coverage leading to overtime. To accommodate such situations, an average of 12 hours of overtime per year has been budgeted to provide adequate support for these operational requirements.

Shifts	1	2	3	4	5	6	7	8	9	10	Total
Inspections	11	10	11	10	11	10	11	10	10	10	104
Hours	10	10	10	10	10	10	10	10	10	10	100
Admin Hours	11	10	11	10	11	10	11	10	10	10	104
Overtime	Average										12
Total											204

Retailers that did not pass the audit and were found to have sold tobacco products to an undercover youth would be subject to a re-inspection, following the guidelines of the proposed ordinance. Table 3 presents a comprehensive summary of all associated costs

for the tobacco enforcement/compliance program. This encompasses inspection hours, re-inspection hours, and administrative hours, all billed at an average annual salary of \$56.98 (inclusive of benefits). Additionally, 12 annual budgeted overtime hours are included, billed at a rate of \$85.47.

Table 3	
Number of Inspection Hours Worked	204
Re-Inspections as Per Ordinance	18 average failures per year
Re-Inspections Hours	20
Administrative Hours	18
Total On-Duty Hours	204 + 20 + 18 = 242 hours
Average Overtime Hrs.	12 x \$85.47 = \$1025.64
Average Hourly Salary / \$56.98 x 242	13,789.16 + 1025.64 = \$14,814.80
Total Annual Estimated Cost	
\$14,814.80	

Additional Recommendations: Regarding re-inspections, the proposed ordinance suggests conducting an "unannounced compliance check" within 60 days. However, based on the experience of the Attorney General's Office and the time required to adjudicate criminal cases, it is advisable to extend this timeframe. A 60-day re-inspection could lead to additional potential violations before the retailer has an opportunity to see a judge or undergo an educational course, that could be mandated by the courts. Given that voluntary compliance is the primary objective of the audit and enforcement program, it is recommended to allow ample time for the criminal process to conclude and education to take place. Thus, the recommendation is to schedule a re-inspection within 6 months.

Furthermore, the proposed ordinance stipulates that retailers must complete applications for tobacco retail licenses, while emphasizing that providing false information on the application constitutes a violation (Sec. 16A-197). This implies that some form of background checks will be conducted on the applications and/or the licensees. Since the Police Department's Licensing Specialist already has a full workload, it is advised that any desired background checks on the application information or the applicants themselves be carried out by either an employee from Tax & License or a third-party vendor. This approach will ensure efficient processing while managing the workload effectively.

When granting a liquor license under Title 4-203.A, it is specified that the licensee must demonstrate their capability, qualification, and reliability before obtaining the license. It is strongly recommended that the City of Tempe applies the same standard to all applicants seeking a license to retail tobacco products. To establish their reliability, one

measure could involve ensuring that the payment of all back taxes, fines, and fees owed to the City has occurred.

To further demonstrate capability, all applicants and their designated managers should be mandated to provide proof of having completed the AG's tobacco education course. The submission of certificates indicating course completion could accompany their applications. Additionally, applicants should personally attest that all employees handling the cash register will be required to undertake the tobacco education course within 90 days of their employment start date, as a condition of their continued employment.

By implementing this approach and front-loading tobacco education, we can anticipate an improvement in our audit and compliance results, contributing to a more responsible and well-informed retail environment for tobacco products.

Respectfully submitted,

Cmdr. Kim Hale

Below are PD Pertinent Excerpts from the Proposed Tobacco Ordinance

SEC. 16A-194. – ADMINISTRATION AND LICENSE

- (A) THE FINANCIAL SERVICES DIRECTOR SHALL DESIGNATE A LICENSING OFFICER(S) FROM THE TAX & LICENSE DIVISION FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE.
- (B) THE ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE, INCLUDING THE DUTY OF PRESCRIBING FORMS, IS VESTED IN THE LICENSING OFFICER(S) OF THE TAX & LICENSE DIVISION.
- (C) THE POLICE CHIEF OR DESIGNEE SHALL RENDER ASSISTANCE IN THE ENFORCEMENT OF THIS ARTICLE AS REQUIRED BY THE LICENSING OFFICER(S) AS FOLLOWS:
 - (1) IF A COMPLAINT IS RECEIVED BY THE CITY, THE LICENSING OFFICER(S) WILL WORK WITH THE POLICE DEPARTMENT, COMMUNITY DEVELOPMENT DEPARTMENT, OR ANY OTHER DEPARTMENT DESIGNATED BY THE CITY MANAGER OR THEIR DESIGNEE TO VERIFY THE COMPLAINT, IF NECESSARY.
 - (2) POLICE CHIEF OR DESIGNEE SHALL NOTIFY THE LICENSING OFFICER(S) IF A TOBACCO SALES ESTABLISHMENT HAS FAILED TO COMPLY WITH OR IS IN VIOLATION OF APPLICABLE PROVISIONS OF THIS ARTICLE.
 - (3) NOTHING HEREIN IS INTENDED TO PROHIBIT OR RESTRICT THE POLICE CHIEF OR DESIGNEE FROM PROVIDING ADDITIONAL ASSISTANCE FROM THEIR NORMAL DUTIES AND RESPONSIBILITIES OR AS REQUESTED BY THE LICENSING OFFICER(S).

SEC. 16A-195. – APPLICATION FOR A TOBACCO SALES LICENSE AND LICENSE FEES.

- (A) AN APPLICATION FOR A TOBACCO SALES LICENSE OR FOR ITS RENEWAL MAY BE DENIED BASED ON ANY OF THE FOLLOWING:
 - (1) THE APPLICANT GIVES FALSE INFORMATION OR MAKES A MATERIAL MISREPRESENTATION OF FACT IN THE APPLICATION FOR A TOBACCO SALES LICENSE. INTENTIONALLY PROVIDING FALSE INFORMATION OR A MATERIAL MISREPRESENTATION SHALL BE A VIOLATION OF THIS ARTICLE;

Sec. 16A-197. FEES.

(A) REINSPECTION FEE. IF A TOBACCO SALES ESTABLISHMENT IS FOUND TO BE IN VIOLATION OF THIS ARTICLE, A REINSPECTION FEE OF THREE HUNDRED DOLLARS (\$300.00) WILL BE ASSESSED. THE POLICE DEPARTMENT, COMMUNITY DEVELOPMENT DEPARTMENT, OR ANY OTHER DEPARTMENT DESIGNATED BY THE CITY MANAGER OR THEIR DESIGNEE SHALL PERFORM AN UNANNOUNCED COMPLIANCE CHECK OF THE TOBACCO ESTABLISHMENT WITHIN SIXTY (60) DAYS OF THE VIOLATION.

Sec. 16A-199. UNLAWFUL ACTIVITIES.

(A) IT SHALL BE UNLAWFUL TO OPERATE A TOBACCO SALES ESTABLISHMENT WITHOUT A VALID LICENSE ISSUED PURSUANT TO THIS ARTICLE. UPON RECEIPT, THE LICENSE MUST BE DISPLAYED ON THE PREMISES IN A MANNER AS TO BE READILY VISIBLE TO PATRONS.

(B) IT SHALL BE UNLAWFUL TO SELL OR DISTRIBUTE ANY TOBACCO PRODUCT TO ANY PERSON UNDER THE AGE OF TWENTY-ONE (21).

(1) BEFORE SELLING OR DISTRIBUTING A TOBACCO PRODUCT TO ANY INDIVIDUAL WHO APPEARS UNDER THE AGE OF THIRTY (30), A TOBACCO SALES ESTABLISHMENT OR THE EMPLOYEE OF SUCH A TOBACCO SALES ESTABLISHMENT MUST EXAMINE A VALID GOVERNMENT-ISSUED IDENTIFICATION CARD AND VERIFY THAT THE INDIVIDUAL IS AT LEAST TWENTY-ONE (21) YEARS OLD.

(2) FOR THE PURPOSES OF THIS SECTION, A VALID GOVERNMENT-ISSUED IDENTIFICATION CARD IS ONE SET FORTH IN A.R.S. §4-241(K).

(3) ANY INDIVIDUAL DETERMINED TO BE IN VIOLATION OF THIS SECTION MAY BE SUBJECT TO THE PENALTIES ESTABLISHED IN A.R.S. § 13-3622.

(C) IT SHALL BE UNLAWFUL TO CONTINUE THE SALE OF TOBACCO PRODUCTS UPON THE SUSPENSION OR REVOCATION OF A LICENSE TO SELL TOBACCO PRODUCTS. IF A LICENSE IS SUSPENDED OR REVOKED, THE TOBACCO SALES ESTABLISHMENT MUST REMOVE THE LICENSE FROM DISPLAY AND THE RETAIL AREA. THE TOBACCO SALES ESTABLISHMENT MUST ALSO IMMEDIATELY STOP THE SALE OF ANY TOBACCO PRODUCTS.

(D) IN ADDITION TO THE VIOLATIONS OUTLINED IN THIS ARTICLE, A TOBACCO SALES LICENSEE THAT VIOLATES ANY OTHER FEDERAL OR STATE LAW RELATING TO TOBACCO PRODUCT SALES IS SUBJECT TO THE PENALTIES PROSCRIBED IN SECTION 16A-200, INCLUDING REINSPECTION FEES AND THE SUSPENSION AND/OR REVOCATION OF THEIR TOBACCO SALES LICENSE.