
A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 281, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§281- Direct shipment of wine by wineries. (a) Any
5 person holding:

6 (1) A general excise tax license from the department of
7 taxation; and

8 (2) Either:

9 (A) A class 1 license to manufacture wine under
10 section 281-31; or

11 (B) A license to manufacture wine issued by another
12 state,

13 may pay any applicable fees and obtain a direct wine shipper
14 permit from the liquor commission of the county where the wine
15 will be shipped authorizing the holder to directly ship wine to
16 persons in the county pursuant to this section.

17 (b) The holder of a direct wine shipper permit may sell
18 and annually ship to any person twenty-one years of age or older



1 in the county that issued the permit, no more than twenty-four
2 nine-liter cases of wine for personal use only and not for
3 resale, and shall:

4 (1) Ship wine directly to the person only in containers
5 that are conspicuously labeled with the words:
6 "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 YEARS OR
7 OLDER REQUIRED FOR DELIVERY.";

8 (2) Require that the carrier of the shipment obtain the
9 signature of any person twenty-one years of age or
10 older before delivering the shipment;

11 (3) Report no later than January 31 of each year to the
12 liquor commission in each county where a direct wine
13 shipper permit is held, the total amount of wine
14 shipped to persons in the county during the preceding
15 calendar year;

16 (4) Pay all applicable general excise and gallonage taxes.
17 For gallonage tax purposes, all wine sold under a
18 direct wine shipper permit shall be deemed to be wine
19 sold in the state; and

20 (5) Be subject to audit by the liquor commission of each
21 county in which a permit is held.



1 (c) The holder of a license to manufacture wine issued by
2 another state may annually renew a direct wine shipper permit by
3 providing the liquor commission that issued the permit with a
4 copy of the license and paying any fees. The holder of a class
5 1 license to manufacture wine under section 281-31 may renew a
6 direct wine shipper permit concurrently with the class 1 license
7 by complying with any applicable laws and paying any fees.

8 (d) The sale and shipment of wine directly to a person in
9 this state by a person that does not possess a valid direct wine
10 shipper permit is prohibited. Knowing violation of this law is
11 a misdemeanor."

12 SECTION 2. Section 281-33.1, Hawaii Revised Statutes, is
13 amended by amending subsection (i) to read as follows:

14 "(i) An unlicensed adult person shall not be required to
15 obtain a permit under this section to receive shipments of
16 liquor pursuant to section [281-33.5.] 281- ."

17 SECTION 3. Section 281-33.5, Hawaii Revised Statutes, is
18 repealed.

19 [~~"§281-33.5 Reciprocal shipments of wine. Notwithstanding~~
20 ~~any other law to the contrary, the holder of a license to~~
21 ~~manufacture wine in another state that affords holders of a~~
22 ~~class 1 license to manufacture wine under section 281-31 an~~



1 ~~equal reciprocal shipping privilege, may ship for personal use~~
2 ~~and not for resale not more than three cases of wine of its own~~
3 ~~manufacture per year, with each case containing not more than~~
4 ~~nine liters, to any resident twenty one years of age or older.~~
5 ~~Out of state wine manufacturers that are authorized to ship wine~~
6 ~~under this section shall submit, to the appropriate liquor~~
7 ~~commission, a shipping invoice for each delivery into this~~
8 ~~State. Delivery of a shipment into this State under this~~
9 ~~section shall not be deemed to constitute a sale in this~~
10 ~~State."]~~

11 SECTION 4. The liquor commissions in each county shall
12 begin issuing direct wine shipper permits no later than January
13 1, 2007.

14 SECTION 5. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 6. This Act shall take effect upon its approval.
17

INTRODUCED BY: mw

JAN 20 2006



HB 1968

Report Title:

Direct Shipment of Wine

Description:

Requires wine direct shippers to obtain a permit to ship wine to Hawaii residents.

