H.B. NO. 1093

1

A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

1	SECTION 1. Section 281-33.6, Hawaii Revised Statutes, is
2	amended to read as follows:
3	"[+]§281-33.6[+] Direct shipment of wine by wineries. (a)
4	Any person holding:
5	(1) A general excise tax license from the department of
6	taxation; and
7	(2) Either:
8	(A) A class 1 license to manufacture wine under
9	section 281-31; or
10	(B) A license to manufacture wine issued by another
11	state,
12	may pay any applicable fees and obtain a direct wine shipper
13	permit from the liquor commission of the county to which the
14	wine will be shipped authorizing the holder to directly ship
15	wine to persons in the county pursuant to this section.
16	(b) The holder of a direct wine shipper permit may sell
17	and annually ship to any person twenty-one years of age or
18	older, in the county that issued the permit, no more than six
	HB LRB 07-1391.doc

H.B. NO. 1093

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1	nine-lite:	r cases of wine per household, less any wine previously
2	purchased	by direct shipment by the person's household during
3	that year,	, as stated by the person in accordance with paragraph
4	<u>(3),</u> for <u>p</u>	personal use only and not for resale[, and] <u>.</u> The
5	holder of	a direct wine shipping permit shall:
6	(1)	Ship wine directly to the person only in containers
7		that are conspicuously labeled with the words:
8		"CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 YEARS
9		OR OLDER REQUIRED FOR DELIVERY.";
10	(2)	Require that the carrier of the shipment obtain the
11		signature of any person twenty-one years of age or
12		older before delivering the shipment;
13	(3)	Require that any person purchasing wine via direct
14		shipment provide a written certification to the permit
15		holder and the liquor commission of the county that
16		issued the permit, stating the amount of wine
17		previously purchased by the person's household during
18		the year and acknowledging that no household may
19		purchase more than six nine-liter cases of wine per
20		year via direct shipment;
21	[(3)]	(4) Report, no later than January 31 of each year to
22		the liquor commission in each county where a direct



H.B. NO. 1093

wine shipper permit is held, the: total amount of 1 wine shipped to persons in the county during the 2 preceding calendar year [+], the identity and address 3 4 of each household to whom shipment was made during the preceding calendar year; and the quantity of wine 5 shipped to each household; 6 [(4)] (5) Pay all applicable general excise and gallonage 7 taxes. For gallonage tax purposes, all wine sold 8 9 under a direct wine shipper permit shall be deemed to be wine sold in the State; and 10 [(5)] (6) Be subject to audit by the liquor commission of 11 each county in which a permit is held. 12 The holder of a license to manufacture wine issued by 13 (C) another state may annually renew a direct wine shipper permit by 14 providing the liquor commission that issued the permit with a 15 copy of the license and paying all required fees. The holder of 16 17 a class 1 license to manufacture wine under section 281-31 may renew a direct wine shipper permit concurrently with the class 1 18 license by complying with all applicable laws and paying all 19 20 required fees.

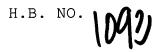
(d) The sale and shipment of wine directly to a person in
this State by a person that does not possess a valid direct wine HB LRB 07-1391.doc



1	shipper permit is prohibited. Knowingly violating this law is a
2	misdemeanor.
3	(e) No household shall purchase more than six nine-liter
4	cases of wine per year via direct shipment. Knowingly violating
5	this section is a misdemeanor.
6	[(c)] <u>(f)</u> The liquor [[]commission[]] in each county may
7	adopt rules [and regulations] necessary to carry out the intent
8	and purpose of this section."
9	SECTION 2. This Act does not affect rights and duties that
10	matured, penalties that were incurred, and proceedings that were
11	begun, before its effective date.
12	SECTION 3. Statutory material to be repealed is bracketed
13	and stricken. New statutory material is underscored.
14	SECTION 4. This Act shall take effect upon its approval.
15	INTRODUCED BY: Colving M. A.

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Report Title:

Direct Purchase/Shipment of Wine; Limits; Misdemeanor

Description:

Limits purchase of wine by direct shipment by a household to 6 9-liter cases per year. Allows wineries to ship no more than 6 9-liter cases of wine per year to a household, less any wine previously purchased by direct shipment by the household for that year. Makes violation a misdemeanor.

