
A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

1 SECTION 1. Section 281-17, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§281-17 Jurisdiction and powers.** (a) The liquor
4 commission, within its own county, shall have the sole
5 jurisdiction, power, authority, and discretion, subject only to
6 this chapter:

7 (1) To grant, refuse, suspend, and revoke any licenses for
8 the manufacture, importation, and sale of liquors;

9 (2) To take appropriate action against a person who,
10 directly or indirectly, manufactures, sells, or
11 purchases any liquor without being authorized pursuant
12 to this chapter; provided that in counties which have
13 established by charter a liquor control adjudication
14 board, the board shall have the jurisdiction, power,
15 authority, and discretion to hear and determine
16 administrative complaints of the director regarding
17 violations of the liquor laws of the State or of the



- 1 rules of the liquor commission, and impose penalties
2 for violations thereof as may be provided by law;
- 3 (3) To control, supervise, and regulate the manufacture,
4 importation, and sale of liquors by investigation,
5 enforcement, substance-abuse treatment, prevention,
6 and education; provided that any substance-abuse-
7 treatment, prevention, or educational program shall be
8 [~~limited to licensees and their employees and shall~~
9 ~~be~~] financed through the money collected from the
10 assessment of fines against licensees[+] and licensee
11 fees;
- 12 (4) From time to time to make, amend, and repeal such
13 rules, not inconsistent with this chapter, as in the
14 judgment of the commission seem appropriate for
15 carrying out this chapter and for the efficient
16 administration thereof, and the proper conduct of the
17 business of all licensees, including every matter or
18 thing required to be done or which may be done with
19 the approval or consent or by order or under the
20 direction or supervision of or as prescribed by the
21 commission; which rules, when adopted as provided in
22 chapter 91 shall have the force and effect of law;



- 1 (5) Subject to chapter 76, to appoint and remove an
2 administrator, who may also be appointed an
3 investigator and who shall be responsible for the
4 operations and activities of the staff. The
5 administrator may hire and remove hearing officers,
6 investigators, and clerical or other assistants as its
7 business may from time to time require, to prescribe
8 their duties, and fix their compensation; to engage
9 the services of experts and persons engaged in the
10 practice of a profession, if deemed expedient. Every
11 investigator, within the scope of the investigator's
12 duties, shall have the powers of a police officer;
- 13 (6) To limit the number of licenses of any class or kind
14 within the county, or the number of licenses of any
15 class or kind to do business in any given locality,
16 when in the judgment of the commission such
17 limitations are in the public interest;
- 18 (7) To prescribe the nature of the proof to be furnished,
19 the notices to be given, and the conditions to be met
20 or observed in case of the issuance of a duplicate
21 license in place of one alleged to have been lost or



- 1 destroyed, including a requirement of any indemnity
2 deemed appropriate to the case;
- 3 (8) To fix the hours between which licensed premises of
4 any class or classes may regularly be open for the
5 transaction of business, which shall be uniform
6 throughout the county as to each class respectively;
- 7 (9) To prescribe all forms to be used for the purposes of
8 this chapter not otherwise provided for in this
9 chapter, and the character and manner of keeping of
10 books, records, and accounts to be kept by licensees
11 in any matter pertaining to their business;
- 12 (10) To investigate violations of this chapter, chapter
13 244D and, notwithstanding any law to the contrary,
14 violations of the applicable department of health's
15 allowable noise levels, through its investigators or
16 otherwise, to include covert operations, and to report
17 violations to the prosecuting officer for prosecution
18 and, where appropriate, the director of taxation to
19 hear and determine complaints against any licensee;
- 20 (11) To prescribe, by rule, the terms, conditions, and
21 circumstances under which persons or any class of
22 persons may be employed by holders of licenses;



1 (12) To prescribe, by rule, the term of any license or
2 solicitor's and representative's permit authorized by
3 this chapter, the annual or prorated amount, the
4 manner of payment of fees for the licenses and
5 permits, and the amount of filing fees; and

6 (13) To prescribe, by rule, the circumstances and penalty
7 for the unauthorized manufacturing or selling of any
8 liquor.

9 (b) Subject only to this chapter, the commission or board
10 and each member thereof shall have the same powers respecting
11 the administering of oaths, compelling the attendance of
12 witnesses and the production of documentary evidence, and
13 examining the witnesses as are possessed by a circuit court,
14 except that the commission or board and each member thereof
15 shall not be bound by the strict legal rules of evidence. In
16 addition, the commission or board shall have the power to
17 require the production of, and to examine any books, papers, and
18 records of any licensee which may pertain to the licensee's
19 business under the license or which may pertain to a matter at a
20 hearing before the commission or board or to an investigation by
21 the commission or board.



1 The commission shall also have the power to provide funding
2 to the county for public and private programs that are intended
3 to prevent and treat substance abuse within the county.

4 The exercise by the commission or board of the power,
5 authority, and discretion vested in it pursuant to this chapter
6 shall be final and shall not be reviewable by or appealable to
7 any court or tribunal, except as otherwise provided in this
8 chapter or chapter 91."

9 SECTION 2. Section 281-17.5, Hawaii Revised Statutes, is
10 amended by amending subsection (b) to read as follows:

11 "(b) Any such liquor license fees or any moneys collected
12 or received by any liquor commission under this chapter may only
13 be used for substance-abuse education, prevention, treatment
14 programs, and costs and expenses directly relating to
15 operational and administrative costs actually incurred by the
16 liquor commission collecting or receiving such liquor license
17 fees or moneys. Such fees or moneys shall not be used for any
18 costs or expenses other than those directly relating to its
19 operation and administration, except as otherwise provided by
20 law."

21 SECTION 2. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 3. This Act shall take effect on July 1, 2009.

2

INTRODUCED BY:



JAN 28 2009



Report Title:

Liquor Commission; Substance-abuse treatment and prevention

Description:

Allows the Liquor Commission of each county to undertake substance-abuse-treatment and prevention activities.

