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## A BILL FOR AN ACT

RELATING TO LIQUOR COMMISSIONS.

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

1           SECTION 1. Section 281-17, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) The liquor commission, within its own county, shall  
4 have the sole jurisdiction, power, authority, and discretion,  
5 subject only to this chapter:

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

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



1           (3) To control, supervise, and regulate the manufacture,  
2           importation, and sale of liquors by investigation,  
3           enforcement, and education; provided that any  
4           educational program shall be limited to licensees and  
5           their employees and shall be financed through the  
6           money collected from the assessment of fines against  
7           licensees;

8           (4) From time to time to make, amend, and repeal such  
9           rules, not inconsistent with this chapter, as in the  
10          judgment of the commission seem appropriate for  
11          carrying out this chapter and for the efficient  
12          administration thereof, and the proper conduct of the  
13          business of all licensees, including every matter or  
14          thing required to be done or which may be done with  
15          the approval or consent or by order or under the  
16          direction or supervision of or as prescribed by the  
17          commission; which rules, when adopted as provided in  
18          chapter 91 shall have the force and effect of law;

19          (5) Subject to chapter 76, to appoint and remove an  
20          administrator, who may also be appointed an  
21          investigator and who shall be responsible for the  
22          operations and activities of the staff. The



1 administrator may hire and remove hearing officers,  
2 investigators, and clerical or other assistants as its  
3 business may from time to time require, to prescribe  
4 their duties, and fix their compensation; to engage  
5 the services of experts and persons engaged in the  
6 practice of a profession, if deemed expedient. Every  
7 investigator, within the scope of the investigator's  
8 duties, shall have the powers of a police officer;

9 (6) To limit the number of licenses of any class or kind  
10 within the county, or the number of licenses of any  
11 class or kind to do business in any given locality,  
12 when in the judgment of the commission such  
13 limitations are in the public interest;

14 (7) To prescribe the nature of the proof to be furnished,  
15 the notices to be given, and the conditions to be met  
16 or observed in case of the issuance of a duplicate  
17 license in place of one alleged to have been lost or  
18 destroyed, including a requirement of any indemnity  
19 deemed appropriate to the case;

20 (8) To fix the hours between which licensed premises of  
21 any class or classes may regularly be open for the



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



manner of payment of fees for the licenses and permits, and the amount of filing fees; [~~and~~]

(13) To prescribe, by rule, limitations on licensed premises regarding the expression and conduct of patrons therein; provided that the rules shall comply with constitutional provisions regarding government regulation of expression as though the rule was being directly enforced against patrons; and

~~(13)~~ (14) To prescribe, by rule, the circumstances and penalty for the unauthorized manufacturing or selling of any liquor."

SECTION 2. By not later than July 1, 2011, each county liquor commission shall adopt or amend rules regarding the expression or conduct of patrons in premises licensed to sell liquor for consumption thereon. The rules of each county liquor commission shall include a definition of the term "dancing".

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Mele Cannon

[Signature]  
Ray G. Hanshaw



H.B. NO. 2818

*Gentia Thelen*

JAN 27 2010



**Report Title:**

Liquor Commissions; Rules; Dancing

**Description:**

Requires county liquor commissions to adopt or amend rules regarding conduct of patrons and to define the term "dancing."

