

JAN 20 2010

S.B. NO. 2086

A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

1 SECTION 1. Studies have established that alcohol
2 advertising exposure influences a youth's beliefs about alcohol
3 and his or her intention to drink. Studies also suggest that
4 advertising may have a direct impact on youth drinking practices
5 and drinking problems.

6 A national study published in 2006 concluded that greater
7 exposure to alcohol advertising contributes to an increase in
8 drinking among underage youth. The study specifically found
9 that for each additional advertisement a youth saw over the
10 monthly average of twenty-three, he or she drank one per cent
11 more.

12 A study from South Dakota found that exposure to in-store
13 beer displays in grade seven predicted onset of drinking by
14 grade nine, and exposure to magazine advertising for alcohol and
15 to beer concessions at sports or music events predicted
16 frequency of drinking in grade nine.



1 An econometric analysis using data from the National
2 Longitudinal Survey of Youth 1997 estimated that a twenty-eight
3 per cent reduction in alcohol advertising would reduce youth
4 monthly alcohol participation from twenty-five per cent to
5 between twenty-four per cent and twenty-one per cent, and would
6 reduce youth participation in binge drinking from twelve per
7 cent to between eleven per cent and eight per cent.

8 A review of the neuroscience, psychology, and marketing
9 literatures concluded that youth, because of how the human brain
10 develops, may be particularly attracted to branded products such
11 as alcohol that are association with risky behavior and that
12 provide, in their view, immediate gratification, thrills, or
13 social status. A USA Today survey found that youth say
14 advertisements have a greater influence on their desire to drink
15 in general than on their desire to buy a particular brand of
16 alcohol.

17 Three youth are killed each day when they drink alcohol and
18 drive, and at least six more die each day from other alcohol-
19 related causes. Alcohol use plays a substantial role in all
20 three leading causes of death among youth: unintentional
21 injuries (including motor vehicle fatalities and drowning),
22 suicides, and homicides. The United States Centers for Disease



1 Control and Prevention estimates that 4,554 underage deaths each
2 year are due to excessive alcohol use. Among youth, binge
3 drinkers and heavy drinkers are more than twice as likely as
4 non-drinkers to report having attempted to injure themselves or
5 having contemplated or attempted to commit suicide.

6 The purpose of this Act is to limit in-store alcohol
7 advertising to black and white, text only advertisements.

8 This Act is consistent with the First Amendment to the
9 United States Constitution. The limitations included will
10 directly and materially advance the State's substantial interest
11 in reducing the number of youth who participate in underage
12 drinking and in preventing the life-threatening consequences
13 associated with underage drinking. Less restrictive approaches
14 have not and will not be effective, and these reasonable
15 limitations will lead to a significant decrease in the number of
16 youth drinking and binge drinking.

17 SECTION 2. Section 281-44, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§281-44 Advertisements and signs upon licensed premises.**

20 (a) All licensed premises shall post a sign in or about the
21 premises containing and notifying all customers and other
22 persons of the possible sanctions that may be imposed for



1 operating a vehicle under the influence of an intoxicant under
2 sections 291E-41 and 291E-61. The sign shall be conspicuously
3 positioned in order to be seen by an ordinarily observant
4 person.

5 (b) ~~The~~ Notwithstanding any other law to the contrary,
6 the liquor commission may prescribe the character and extent of
7 all other advertisements, posters, or signs which may be posted
8 or maintained in or about the licensed premises [-]; provided
9 that any advertisement, poster, or sign which advertises any
10 intoxicating liquor and is posted or maintained in or about the
11 licensed premises shall consist of only black text on a white
12 background, unless the advertisement, poster, or sign is posted
13 or maintained in an adults-only facility and is not visible from
14 outside the facility.

15 (c) For the purposes of this section, "adults-only
16 facility" shall mean any facility where the retailer ensures
17 that no minor is present, or permitted to enter, at any time."

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

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1 SECTION 4. This Act shall take effect on July 1, 2010.

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Report Title:

Keiki Caucus; Intoxicating Liquor Advertisements; Limitations

Description:

Requires that any intoxicating liquor advertisement located in a retail store for which a liquor license has been issued only consist of black text on a white background; excepts adults-only facilities where minors are not permitted.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

