
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- Alcohol servers; mandatory training. (a) In
5 addition to the powers of the liquor commission under section
6 281-17, the liquor commission shall conduct mandatory training
7 for alcohol servers employed by licensees holding all classes of
8 liquor licenses, except a manufacturers' license or wholesale
9 dealers' license. The mandatory training program shall consist
10 of, among other things, instruction in:

- 11 (1) Recognizing alcohol intoxication;
12 (2) Dealing with intoxicated customers;
13 (3) Section 281-78; and
14 (4) The liability of a liquor establishment for serving
15 intoxicated customers.

16 Every alcohol server employed by a licensee covered by this
17 section shall be required to complete a mandatory training
18 program within thirty days of the date of commencement of



1 employment; provided that the alcohol server shall be required
2 to complete the mandatory training program for each licensee
3 with whom the alcohol server is employed at any one time.

4 (b) For purposes of subsection (a), an alcohol server is a
5 person who:

6 (1) Takes orders for alcohol beverages, beer, or wine to
7 be consumed on-premises;

8 (2) Delivers alcohol beverages, beer, or wine to customers
9 for consumption on-premises;

10 (3) Opens alcoholic beverages, beer, or wine or pours
11 alcohol beverages, beer, or wine into a customer's
12 glass at the customers' table in the licensed premise;

13 (4) Draws beer or wine from a tap or alcohol from a
14 dispensing device on the licensed premise;

15 (5) Manages the licensed premise; or

16 (6) Is a bartender at the licensed premise.

17 (c) The liquor commission shall keep a record of every
18 employee who completes the mandatory training under this
19 section, including the:

20 (1) Name, age, address, and phone number of the employee;

21 (2) Name, address, phone number, and license number of the
22 licensee with whom the employee is employed; and



1 (3) Date the employee commenced employment with the
2 licensee with whom the employee is employed.
3 The record shall be available for inspection at any time during
4 normal business hours by an investigator of the liquor
5 commission. The investigator may inquire into whether a
6 particular alcohol server has completed the mandatory training.

7 (d) The liquor commission may contract with a private
8 entity for purposes of providing the mandatory training."

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

11 "(a) Any liquor license fee or any increase in an existing
12 liquor license fee sought to be implemented by any commission
13 shall have, as its justification, a direct and proportionate
14 relationship to costs and expenses of the commission in its
15 control, supervision, or regulation of the manufacture,
16 importation, and sale of liquors, or otherwise directly relate
17 to actual costs and expenses of administration of the commission
18 as is set forth in this chapter[-]; provided that the cost of
19 providing mandatory training for alcohol servers shall be deemed
20 to meet the direct and proportionate relationship requirement.

21 (b) Any such liquor license fees or any moneys collected
22 or received by any liquor commission under this chapter may only



1 be used for costs and expenses directly relating to operational
 2 and administrative costs actually incurred by the liquor
 3 commission collecting or receiving such liquor license fees or
 4 moneys [-], including mandatory training for alcohol servers.

5 Such fees or moneys shall not be used for any costs or expenses
 6 other than those directly relating to its operation and
 7 administration, except as otherwise provided by law."

8 SECTION 3. For purposes of section 1 of this Act, article
 9 VIII, section 5 of the Constitution of the State of Hawaii,
 10 requiring the State to share in the costs of an increase in the
 11 level of service of mandated programs to the counties, shall be
 12 deemed satisfied under section 281-17.5, Hawaii Revised
 13 Statutes, which provides for the counties to collect liquor
 14 license fees.

15 SECTION 4. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on January 1, 2011.

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INTRODUCED BY: Will Espero
[Handwritten signatures: Gordon, Doug, Mike]
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Report Title:

Liquor Commission

Description:

Requires liquor commission to provide alcohol serves with mandatory training on serving alcohol.

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

