
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-** **Bringing home the bottle of wine.** A bottle of
5 wine brought onto a licensed or unlicensed premises by a
6 customer for consumption on the premises may be taken out of the
7 premises by that customer when leaving the premises without
8 regard to whether the wine in the bottle is partially consumed."

9 SECTION 2. Section 281-4, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§281-4** **Liquor consumption on unlicensed premises**
12 **prohibited, when[-]; noise control.** (a) It shall be unlawful
13 for any person who keeps or maintains any restaurant or other
14 premises where food, beverages, or entertainment are provided,
15 or brought in by patrons or guests, whether for compensation or
16 not, or to which members of the public, or members of an
17 organization, resort for food, refreshment, or entertainment,

1 and who is not a licensee of the commission under this chapter,
2 to promote, encourage, aid, or permit the consumption of liquor
3 on the premises, except during the hours between which licensed
4 premises of dispensers are permitted to be open for the
5 transaction of business in the county where the premises are
6 located.

7 (b) It shall be unlawful for any person who is present at
8 any restaurant or other premises where food, beverages, or
9 entertainment are sold, provided, or brought in by patrons or
10 guests, or to which members of the public, or members of an
11 organization, resort for food, refreshment, or entertainment,
12 and which premises are not licensed by the commission under this
13 chapter, to consume any liquor on the premises, except during
14 the hours between which licensed premises of dispensers are
15 permitted to be open for the transaction of business in the
16 county where the premises are located.

17 (c) It shall be unlawful for any person who keeps or
18 maintains any restaurant or other premises where food,
19 beverages, or entertainment are provided, or brought in by
20 patrons or guests, whether compensated or not, to sell or
21 provide or allow the consumption of liquor to or for any of the
22 following persons knowing that such person has, or is about to

1 obtain, liquor for consumption by the person on the premises, to
2 wit:

- 3 (1) Any minor;
- 4 (2) Any person at the time under the influence of liquor;
- 5 (3) Any disorderly person;
- 6 (4) Any person known to be addicted to the excessive use
7 of liquor; or
- 8 (5) Any person, for consumption in any vehicle on the
9 premises;

10 provided that the providing of liquor to or for a minor who has
11 or is about to obtain liquor for consumption by the minor on the
12 premises or allowing the consumption of liquor by a minor shall
13 not be deemed to be a violation of this subsection if, at the
14 time, the person providing or allowing the consumption of liquor
15 was misled by the appearance of the minor and the attending
16 circumstances into honestly believing that such minor was of
17 legal age and the person acted in good faith, and it shall be
18 incumbent upon the person to prove that the person so acted in
19 good faith.

20 (d) The commission may regulate consumption of liquor on
21 unlicensed premises under this section by requiring the
22 proprietor to obtain a permit from the commission or agency

1 administrator. The hours of consumption of alcohol, beer, and
2 wine on unlicensed premises shall not be restricted. Issuance
3 of a permit under this subsection shall not be subject to the
4 requirements of part IV, except for application, fee, and
5 renewal requirements under sections 281-53, 281-54, and
6 281-61(a) and (b). Prior to the commission regulating
7 consumption of liquor on unlicensed premises under this
8 subsection, it shall adopt rules pursuant to chapter 91 for
9 purposes of this subsection.

10 (e) The commission shall have jurisdiction to enforce this
11 section.

12 [~~(d)~~] (f) Within the meaning of this section, the word
13 "premises" includes any vessel as well as any place, with or
14 without a structure thereon, and the hours between which
15 licensed premises of dispensers are permitted to be open for the
16 transaction of business shall be deemed to be those during which
17 such dispensers are permitted to keep open their premises for
18 the sale, service, and consumption of liquor, or any of them.

19 (g) Activities within the premises of an unlicensed
20 premise or in adjacent related outdoor areas of the unlicensed
21 premise, including but not limited to, parking lots or lanais,
22 shall not create noise in excess of standards contained in state

1 or county noise or vibration laws, ordinances, or rules which
2 intrude into nearby residential units. The unlicensed premises
3 shall otherwise comply with state and county laws regulating
4 noise."

5 SECTION 3. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on July 1, 2010.

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Report Title:

Intoxicating Liquor; Unlicensed Establishments

Description:

Authorizes liquor commissions to regulate BYOB establishments by issuance of permits. Requires adoption of rules regarding permit applications, fees, and renewals. Authorizes liquor commission to enforce liquor laws regarding BYOB establishments. Limits noise levels of BYOB establishments. Allows customers to bring home an unfinished bottle of wine that the customer brought into the establishment. Prohibits restrictions on hours of consumption on unlicensed premises. (SD1)

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