

JAN 22 2010

A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

1 SECTION 1. Section 281-4, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§281-4 Liquor consumption on unlicensed premises**

4 **prohibited, when.** (a) It shall be unlawful for any person who
5 keeps or maintains any restaurant or other premises where food,
6 beverages, or entertainment are provided, or brought in by
7 patrons or guests, whether for compensation or not, or to which
8 members of the public, or members of an organization, resort for
9 food, refreshment, or entertainment, and who is not a licensee
10 of the commission under this chapter, to promote, encourage,
11 aid, or permit the consumption of liquor on the premises, except
12 during the hours between which licensed premises of dispensers
13 are permitted to be open for the transaction of business in the
14 county where the premises are located.

15 (b) It shall be unlawful for any person who is present at
16 any restaurant or other premises where food, beverages, or
17 entertainment are sold, provided, or brought in by patrons or



1 guests, or to which members of the public, or members of an
2 organization, resort for food, refreshment, or entertainment,
3 and which premises are not licensed by the commission under this
4 chapter, to consume any liquor on the premises, except during
5 the hours between which licensed premises of dispensers are
6 permitted to be open for the transaction of business in the
7 county where the premises are located.

8 (c) It shall be unlawful for any person who keeps or
9 maintains any restaurant or other premises where food,
10 beverages, or entertainment are provided, or brought in by
11 patrons or guests, whether compensated or not, to sell or
12 provide or allow the consumption of liquor to or for any of the
13 following persons knowing that such person has, or is about to
14 obtain, liquor for consumption by the person on the premises, to
15 wit:

- 16 (1) Any minor;
- 17 (2) Any person at the time under the influence of liquor;
- 18 (3) Any disorderly person;
- 19 (4) Any person known to be addicted to the excessive use
20 of liquor; or
- 21 (5) Any person, for consumption in any vehicle on the
22 premises;



1 provided that the providing of liquor to or for a minor who has
2 or is about to obtain liquor for consumption by the minor on the
3 premises or allowing the consumption of liquor by a minor shall
4 not be deemed to be a violation of this subsection if, at the
5 time, the person providing or allowing the consumption of liquor
6 was misled by the appearance of the minor and the attending
7 circumstances into honestly believing that such minor was of
8 legal age and the person acted in good faith, and it shall be
9 incumbent upon the person to prove that the person so acted in
10 good faith.

11 (d) The commission in a county with a population greater
12 than five hundred thousand shall, and the commission in a county
13 with a population of five hundred thousand or less may, regulate
14 consumption of liquor on unlicensed premises under this section
15 by requiring the proprietor to obtain a permit from the
16 commission or agency administrator. Issuance of a permit under
17 this subsection shall not be subject to the requirements of part
18 IV, except those of the type regarding applications, fees, and
19 renewals found in sections 281-53, 281-54, and 281-61(a) and
20 (b). A commission regulating consumption of liquor on
21 unlicensed premises under this subsection shall adopt rules
22 pursuant to chapter 91 to effectuate this purpose.



1 (e) The commission shall have jurisdiction to enforce this
2 section by taking action pursuant to section 281-17(a)(10) and
3 (b).

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

11 SECTION 2. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

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

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

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Report Title:

Intoxicating Liquor; Unlicensed Establishments

Description:

Requires liquor commissions in any county with a population over 500,000, and authorizes liquor commissions in any county with a population of 500,000 or less, to regulate BYOB establishments by issuance of permits. Requires adoption of rules regarding permit applications, fees, and renewals. Permits consumption of liquor in BYOB establishments only until 10:00 p.m. Authorizes liquor commission to enforce liquor laws regarding BYOB establishments.

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

