

STAND. COM. REP. NO.

2630

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2545

S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 2545, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR,"

begs leave to report as follows:

The purpose of this measure is to regulate the consumption of liquor on unlicensed premises.

Your Committee received testimony in support of this measure from the Retail Liquor Dealers Association of Hawaii and seven private citizens. Testimony in opposition to this measure was received from the Departments of Liquor Control of the Counties of Hawaii, Kauai, and Maui and the City and County of Honolulu Liquor Commission. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that unlicensed, bring-your-own-beverage establishments may be associated with problems such as noise or disruption in residential neighborhoods to a similar degree as establishments that are licensed to serve liquor. Your Committee finds that regulation of late-night activities at unlicensed premises is in the best interest of the State.

Your Committee finds that the objectives of this measure will be best accomplished by requiring limited licensure for bring-your-own-beverage establishments so that these establishments are subject to the same enforcement standards and penalties as are licensed premises. Your Committee finds that limiting the license

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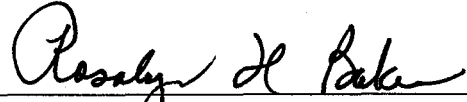
requirement to the hours of 12 a.m. through 2 a.m. serve the purpose of narrowly tailoring regulation in order to address actual problems with late-night noise and disruption in neighborhoods without imposing unnecessary burdens on all establishments. Accordingly, your Committee has amended this measure by:

- (1) Removing the provision that required a permit for consumption of liquor on an unlicensed premises;
- (2) Adding a new provision to require that a bring-your-own-beverage establishment that allows consumption of liquor on its premises between the hours of 12 a.m. and 2 a.m. shall obtain a class 17 liquor license;
- (3) Adding a new section that creates a new class of license for bring-your-own-beverage establishments that permit consumption between the hours of 12 a.m. and 2 a.m. of liquor brought onto the premises by patrons or guests;
- (4) Deleting the new section that allows a patron of a licensed establishment who has brought in a bottle of wine to remove an unfinished bottle that has been recorked or resealed and adding this provision to the existing licensing requirements;
- (5) Deleting provisions relating to excess noise from activities within an unlicensed premises or the adjacent related outdoor areas thereof;
- (6) Making various conforming amendments to account for the new class of liquor license;
- (7) Changing its effective date to July 1, 2020 in order to promote further discussion; and
- (8) Making technical, nonsubstantive changes for the purposes of clarity and accuracy.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2545, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2545, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,

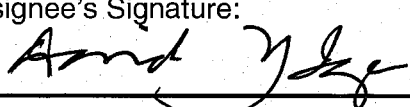


ROSALYN H. BAKER, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* SB 2545 SDI	Committee Referral: TIA, CPN	Date: 2/23/2010		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
IGE, David Y. (VC)	✓			
ESPERO, Will	✓			
GREEN, M.D., Josh	✓			
IHARA, Jr., Les	✓			
SAKAMOTO, Norman				✓
HEMMINGS, Fred				✓
TOTAL	5			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes