

MAR 10 2011

---

---

# SENATE CONCURRENT RESOLUTION

URGING THE COUNTY LIQUOR COMMISSIONS TO PROVIDE RELIEF TO LIQUOR  
LICENSEES THAT SERVE ALCOHOL IN ANY LARGE PUBLIC FACILITY  
FOR VIOLATIONS OF SERVING LIQUOR TO MINORS.

1           WHEREAS, the Honolulu Liquor Commission, as well as each of  
2 the liquor commissions of the other counties, levy fines upon  
3 liquor licensees and may revoke the licenses of licensees who  
4 serve alcohol at large public facilities, such as the Waikiki  
5 Shell, Neal S. Blaisdell Center, and Aloha Stadium, for  
6 violation of the liquor laws regarding serving alcohol to  
7 minors; and

8  
9           WHEREAS, irresponsible adults at events at large public  
10 facilities are known to purchase several beers for distribution  
11 to minors at the event, in violation of the liquor laws; and

12  
13           WHEREAS, section 281-78(b), Hawaii Revised Statutes,  
14 provides in pertinent part that at no time under any  
15 circumstances shall any licensee or its employee sell, serve, or  
16 furnish any liquor to or allow the consumption of any liquor by  
17 any minor; and

18  
19           WHEREAS, the Honolulu Liquor Commission takes a strict  
20 liability view of minors consuming alcohol at events at large  
21 public facilities by holding the licensee liable for violations;  
22 and

23  
24           WHEREAS, liquor licensees who serve large public facilities  
25 are doing everything feasible and reasonable to ensure that  
26 minors are not consuming alcohol on the premises of large public  
27 facilities at which the licensees serve alcohol; and

28  
29           WHEREAS, as the promoters of events at large public  
30 facilities enter into lease contracts with the counties to use  
31 those venues for the events, the promoters of the events should



1 bear some liability for minors consuming alcohol at the events;  
2 and

3  
4 WHEREAS, section 281-78(b)(1), Hawaii Revised Statutes,  
5 provides a good faith defense to prosecution:

6  
7 "if, in making the sale or allowing the consumption  
8 of any liquor by a minor, the licensee was misled  
9 by the appearance of the minor and the attending  
10 circumstances into honestly believing that the  
11 minor was of legal age and the licensee acted in  
12 good faith; and provided further that it shall be  
13 incumbent upon the licensee to prove that the  
14 licensee so acted in good faith;" and

15  
16 WHEREAS, the good faith defense is impracticable in a large  
17 public event that could be attended by thousands of people and  
18 where the liquor licensee does not directly sell liquor to the  
19 minor; and

20  
21 WHEREAS, the licensees are in a quandary about what can be  
22 done to alleviate the threat of fines of up to \$1,000 in  
23 Honolulu and license revocations in addition to that;  
24 now, therefore,

25  
26 BE IT RESOLVED by the Senate of the Twenty-sixth  
27 Legislature of the State of Hawaii, Regular Session of 2011, the  
28 House of Representatives concurring, that the liquor commissions  
29 of the various counties are urged to provide relief such as  
30 administrative rule changes and penalty mitigations to liquor  
31 licensees that serve alcohol in any large public facility for  
32 violations of serving liquor to minors; and

33  
34 BE IT FURTHER RESOLVED that on behalf of all county liquor  
35 commissions in the State, the Honolulu Liquor Commission  
36 identify relief that may be provided to liquor licensees  
37 statewide and conditions for providing relief; and

38  
39 BE IT FURTHER RESOLVED that the Liquor Commission of the  
40 City and County of Honolulu, on behalf of all county liquor  
41 commissions in the State, is requested to submit a report of its  
42 findings and recommendations to the Legislature no later than  
43 twenty days prior to the convening of the Regular Session of  
44 2012; and



1  
2  
3  
4  
5  
6  
7  
8

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Administrator of the Honolulu Liquor Commission and the liquor commissions of the Counties of Hawaii, Kauai, and Maui.

OFFERED BY: Will Spw  
                  *John Ryan*