

MAR 10 2011

---

---

## SENATE 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  
32 bear some liability for minors consuming alcohol at the events;  
33 and



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

3  
4           "if, in making the sale or allowing the consumption  
5 of any liquor by a minor, the licensee was misled  
6 by the appearance of the minor and the attending  
7 circumstances into honestly believing that the  
8 minor was of legal age and the licensee acted in  
9 good faith; and provided further that it shall be  
10 incumbent upon the licensee to prove that the  
11 licensee so acted in good faith;" and  
12

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

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

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

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

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

42           BE IT FURTHER RESOLVED that certified copies of this  
43 Resolution be transmitted to the Administrator of the Honolulu



1 Liquor Commission and the liquor commissions of the Counties of  
2 Hawaii, Kauai, and Maui.

3

4

5

OFFERED BY:

Will Cyro  
John A. Cyro

