
A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

1 SECTION 1. The Legislature finds that section
2 281-78(b)(1)(A), Hawaii Revised Statutes, has been interpreted
3 by at least one county liquor commission to result in strict
4 liability for liquor licensees who do not catch minors consuming
5 alcohol on their licensed premises, even if the licensed
6 premises is a large public facility (e.g., the Waikiki Shell,
7 Neal S. Blaisdell Center Arena, and Aloha Stadium) and the
8 county liquor commission has approved the licensee's security
9 plans for preventing minors from consuming alcohol on the
10 licensed premises.

11 The purpose of this Act is to establish that a licensee who
12 serves alcohol in a large public facility, receives the
13 appropriate county liquor commission's approval of the
14 licensee's security plans for preventing minors from consuming
15 alcohol on the licensed premises, and implements said plan in
16 good faith, shall not be deemed to be in violation of section
17 281-78(b)(1)(A), Hawaii Revised Statutes.



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

3 "PART I. GENERAL PROVISIONS

4 §281-1 Definitions. Whenever used in this chapter, unless
5 otherwise apparent from the context:

6 "Large public facility" means any publicly owned property
7 or privately owned property open for public use or to which the
8 public is invited for entertainment or business purposes that
9 has a capacity of _____ or more.

10 SECTION 3. Section 281-78, Hawaii Revised Statutes, is amended
11 to read as follows:

12 "§281-78 Prohibitions. (a) No person shall consume any
13 liquor on any:

14 (1) Public highway, except as permitted in section
15 291-3.4;

16 (2) Public sidewalk, including any sidewalk within a
17 public housing project as defined in section 356D-1 or
18 356D-91; or

19 (3) Common area of a public housing project as defined in
20 section 356D-1 or 356D-91. For purposes of this
21 paragraph, "common area" means roofs, halls,
22 corridors, lobbies, stairs, stairways, fire escapes,



1 entrances and [‡]exits[‡] of the building or
2 buildings, basements, yards, gardens, recreational
3 facilities, parking areas, storage spaces, and other
4 parts of the project normally in common use or other
5 areas designated by the Hawaii public housing
6 authority.

7 (b) At no time under any circumstances shall any licensee
8 or its employee:

9 (1) Sell, serve, or furnish any liquor to, or allow the
10 consumption of any liquor by:

11 (A) Any minor;

12 (B) Any person at the time under the influence of
13 liquor;

14 (C) Any person known to the licensee to be addicted
15 to the excessive use of intoxicating liquor; or

16 (D) Any person for consumption in any vehicle that is
17 licensed to travel on public highways;

18 provided that the consumption or sale of liquor to a
19 minor shall not be deemed to be a violation of this
20 subsection if, in making the sale or allowing the
21 consumption of any liquor by a minor, the licensee was
22 misled by the appearance of the minor and the



1 attending circumstances into honestly believing that
2 the minor was of legal age and the licensee acted in
3 good faith; ~~and~~ provided further that it shall be
4 incumbent upon the licensee to prove that the licensee
5 so acted in good faith; and provided further that the
6 consumption of liquor by a minor shall not be deemed
7 to be a violation of this subsection if a licensee who
8 serves alcohol in a large public facility receives the
9 appropriate county liquor commission's approval of the
10 licensee's security plans for preventing minors from
11 consuming alcohol on the licensed premises, and the
12 licensee implements that plan in good faith;

13 (2) Permit any liquor to be consumed on the premises of
14 the licensee or on any premises connected therewith,
15 whether there purchased or not, except as permitted by
16 the terms of its license;

17 (3) Permit any liquor to be sold or served by any person
18 eighteen to twenty years of age except in licensed
19 establishments where selling or serving the
20 intoxicating liquor is part of the minor's employment,
21 and where there is proper supervision of these minor



- 1 employees to ensure that the minors shall not consume
2 the intoxicating liquor;
- 3 (4) Permit any liquor to be sold or served by any person
4 below the age of eighteen years upon any licensed
5 premises, except in individually specified licensed
6 establishments found to be otherwise suitable by the
7 liquor commission in which an approved program of job
8 training and employment for dining room waiters and
9 waitresses is being conducted in cooperation with the
10 University of Hawaii, the state community college
11 system, or a federally sponsored personnel development
12 and training program, under arrangements that ensure
13 proper control and supervision of employees;
- 14 (5) Knowingly permit any person under the influence of
15 liquor or disorderly person to be or remain in or on
16 the licensed premises;
- 17 (6) Fail immediately to prevent or suppress any violent,
18 quarrelsome, disorderly, lewd, immoral, or unlawful
19 conduct of any person on the premises;
- 20 (7) Sell any draught beer unless upon the faucet, spigot,
21 or outlet wherefrom the beer is drawn there is
22 attached a clear and legible notice, placard, or



1 marker which in the English language indicates and
2 declares the name or brand adopted by the manufacturer
3 of the draught beer, so situated as to be clearly
4 legible for a distance of at least ten feet from the
5 spigot, faucet, or outlet, to a purchaser with normal
6 vision; and

7 (8) Receive from a person, as payment or as a
8 consideration for liquor, any personal or household
9 goods, including clothing and food, or any implements
10 of trade. Any person violating this paragraph shall
11 be guilty of a misdemeanor and upon conviction shall
12 be punished as provided in section 281-102."

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on January 7, 2059.



Report Title:

Intoxicating Liquor; Liquor Commission; Liquor Licensees
Security Plans

Description:

Exempts liquor licensees from certain violations when licensees have a security plan approved by the liquor commission to prevent minors from consuming alcohol on the licensee's premises and the licensee acts in good faith in implementing that plan. Defines large public facility. Effective January 7, 2059.
(HB1221 HD1)

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

