
A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

1 SECTION 1. Chapter 281, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§281- Prohibitions involving persons convicted of
5 crimes involving intoxicating liquor. (a) Any person convicted
6 of operating a vehicle under the influence of alcohol under part
7 IV of chapter 291E, section 707-702.5, or 712-1250.5 shall be
8 prohibited from purchasing intoxicating liquor for a period of
9 six months after conviction.

10 (b) Any person who violates this section shall be guilty
11 of a misdemeanor."

12 SECTION 2. Section 244D-4, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) Every person who sells or uses any liquor in the
15 State not taxable under this chapter, in respect of the
16 transaction by which the person or the person's vendor acquired
17 the liquor, shall pay a gallonage tax which is hereby imposed at



1 the following rates for the various liquor categories defined in
2 section 244D-1:

3 For the period July 1, 1997, to June 30, 1998, the tax rate
4 shall be:

- 5 (1) \$5.92 per wine gallon on distilled spirits;
- 6 (2) \$2.09 per wine gallon on sparkling wine;
- 7 (3) \$1.36 per wine gallon on still wine;
- 8 (4) \$0.84 per wine gallon on cooler beverages;
- 9 (5) \$0.92 per wine gallon on beer other than draft beer;
- 10 (6) \$0.53 per wine gallon on draft beer;

11 ~~[On]~~ For the period July 1, 1998, ~~[and thereafter,]~~ to June
12 30, 2013, the tax rate shall be:

- 13 (1) \$5.98 per wine gallon on distilled spirits;
- 14 (2) \$2.12 per wine gallon on sparkling wine;
- 15 (3) \$1.38 per wine gallon on still wine;
- 16 (4) \$0.85 per wine gallon on cooler beverages;
- 17 (5) \$0.93 per wine gallon on beer other than draft beer;
- 18 (6) \$0.54 per wine gallon on draft beer;

19 ~~[and at a proportionate rate for any other quantity so sold or~~
20 ~~used.]~~

21 For the period July 1, 2013, and thereafter, the tax rate
22 shall be:



- 1 (1) \$7.00 per wine gallon on distilled spirits;
- 2 (2) \$2.54 per wine gallon on sparkling wine;
- 3 (3) \$1.66 per wine gallon on still wine;
- 4 (4) \$1.02 per wine gallon on cooler beverages;
- 5 (5) \$1.12 per wine gallon on beer other than draft beer;
- 6 (6) \$0.65 per wine gallon on draft beer;
- 7 and at a proportionate rate for any other quantity so sold or
- 8 used."

9 SECTION 3. Section 281-17, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) The liquor commission, within its own county, shall
12 have the sole jurisdiction, power, authority, and discretion,
13 subject only to this chapter:

- 14 (1) To grant, refuse, suspend, and revoke any licenses for
15 the manufacture, importation, and sale of liquors;
- 16 (2) To take appropriate action against a person who,
17 directly or indirectly, manufactures, sells, or
18 purchases any liquor without being authorized pursuant
19 to this chapter; provided that in counties which have
20 established by charter a liquor control adjudication
21 board, the board shall have the jurisdiction, power,
22 authority, and discretion to hear and determine



1 administrative complaints of the director regarding
2 violations of the liquor laws of the State or of the
3 rules of the liquor commission, and impose penalties
4 for violations thereof as may be provided by law;

5 (3) To control, supervise, and regulate the manufacture,
6 importation, and sale of liquors by investigation,
7 enforcement, and education; provided that any
8 educational program shall be limited to the commission
9 staff, commissioners, liquor control adjudication
10 board members, licensees and their employees and shall
11 be financed through the money collected from the
12 assessment of fines against licensees; provided that
13 fine moneys, not to exceed ten per cent a year of
14 fines accumulated, may be used to fund public liquor
15 related educational or enforcement programs;

16 (4) From time to time to make, amend, and repeal such
17 rules, not inconsistent with this chapter, as in the
18 judgment of the commission seem appropriate for
19 carrying out this chapter and for the efficient
20 administration thereof, and the proper conduct of the
21 business of all licensees, including every matter or
22 thing required to be done or which may be done with



1 the approval or consent or by order or under the
2 direction or supervision of or as prescribed by the
3 commission; which rules, when adopted as provided in
4 chapter 91 shall have the force and effect of law;

5 (5) Subject to chapter 76, to appoint and remove an
6 administrator, who may also be appointed an
7 investigator and who shall be responsible for the
8 operations and activities of the staff. The
9 administrator may hire and remove hearing officers,
10 investigators, and clerical or other assistants as its
11 business may from time to time require, to prescribe
12 their duties, and fix their compensation; to engage
13 the services of experts and persons engaged in the
14 practice of a profession, if deemed expedient. Every
15 investigator, within the scope of the investigator's
16 duties, shall have the powers of a police officer;

17 (6) To limit the number of licenses of any class or kind
18 within the county, or the number of licenses of any
19 class or kind to do business in any given locality,
20 when in the judgment of the commission such
21 limitations are in the public interest;



- 1 (7) To prescribe the nature of the proof to be furnished,
2 the notices to be given, and the conditions to be met
3 or observed in case of the issuance of a duplicate
4 license in place of one alleged to have been lost or
5 destroyed, including a requirement of any indemnity
6 deemed appropriate to the case;
- 7 (8) To fix the hours between which licensed premises of
8 any class or classes may regularly be open for the
9 transaction of business, which shall be uniform
10 throughout the county as to each class respectively;
- 11 (9) To prescribe all forms to be used for the purposes of
12 this chapter not otherwise provided for in this
13 chapter, and the character and manner of keeping of
14 books, records, and accounts to be kept by licensees
15 in any matter pertaining to their business;
- 16 (10) To investigate violations of this chapter, chapter
17 244D and, notwithstanding any law to the contrary,
18 violations of the applicable department of health's
19 allowable noise levels, through its investigators or
20 otherwise, to include covert operations, and to report
21 violations to the prosecuting officer for prosecution



1 and, where appropriate, the director of taxation to
2 hear and determine complaints against any licensee;

3 (11) To prescribe, by rule, the terms, conditions, and
4 circumstances under which persons or any class of
5 persons may be employed by holders of licenses;

6 (12) To prescribe, by rule, the term of any license or
7 solicitor's and representative's permit authorized by
8 this chapter, the annual or prorated amount, the
9 manner of payment of fees for the licenses and
10 permits, and the amount of filing fees; and

11 (13) To prescribe, by rule, the circumstances and penalty
12 for the unauthorized manufacturing or selling of any
13 liquor[-]; and

14 (14) To prescribe, by rule, educational requirements for
15 license applications and license renewals concerning
16 the adverse effects of alcohol."

17 SECTION 4. Section 281-74, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§281-74 Labels on containers.** All persons manufacturing
20 any liquor for sale under this chapter shall securely and
21 permanently attach to every container thereof, as the same is
22 manufactured, a label stating the name of the manufacturer or,



1 in lieu thereof, if the manufacturer does business under another
2 name, stating such name, and stating the kind and quantity of
3 liquor contained therein. Every container containing liquor for
4 sale shall indicate on the label that the consumption of liquor
5 may cause death. The label stating that the consumption of
6 liquor may cause death shall be in red and in a font no smaller
7 than the font indicating the brand. Every container containing
8 liquor for sale by any person holding a wholesale or retail
9 license shall have securely and permanently attached to it such
10 a label. In addition to the foregoing requirements, all such
11 labels shall conform in all respects to the then existing
12 federal laws and regulations regarding such labels.

13 Before attaching any label containing the name by which the
14 manufacturer does business, in lieu of the manufacturer's name,
15 the manufacturer shall first register such business name under
16 chapter 482. The manufacturer shall furnish to the liquor
17 commission written confirmation of such registration and such
18 other information as may be deemed necessary or appropriate by
19 the liquor commission to enable it to establish and maintain
20 records to properly identify the manufacturer, its name or names
21 by which it does business and the liquor manufactured. The



1 records so established and maintained shall be available for
2 public inspection."

3 SECTION 5. Pursuant to section 329-11, Hawaii Revised
4 Statutes, the department of public safety shall specifically
5 find whether ethanol should be added into any of the schedules
6 of controlled substances under chapter 329, Hawaii Revised
7 Statutes. The department of public safety shall include its
8 findings in its report to the legislature for the regular
9 session of 2013.

10 SECTION 6. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect upon its approval.
13

INTRODUCED BY: *h*
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JAN 17 2012



Report Title:

Intoxicating Liquor; Education

Description:

Prohibits any person convicted of an intoxicating liquor crime from purchasing intoxicating liquor for six months after conviction. Also, requires that a warning of death from liquor consumption label be put on every liquor container. Increases liquor tax and creates mandatory liquor education. Requires the department of public safety to consider adding ethanol as a controlled substance.

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

