
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 because section 281-
2 78(b)(6), Hawaii Revised Statutes, requires "immediate" response
3 to illegal activity on the licensed premises, liquor licensees
4 have been held to be in violation of that provision of the law
5 even though they have repeatedly responded in a timely manner to
6 the illegal activity.

7 The purpose of this Act is to require a timely response by
8 liquor licensees to prevent or suppress unlawful conduct of any
9 person on licensed premises.

10 SECTION 2. Section 281-78, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) At no time under any circumstances shall any licensee
13 or its employee:

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

16 (A) Any minor;

17 (B) Any person at the time under the influence of
18 liquor;



- 1 (C) Any person known to the licensee to be addicted
2 to the excessive use of intoxicating liquor; or
3 (D) Any person for consumption in any vehicle that is
4 licensed to travel on public highways;
5 provided that the consumption or sale of liquor to a
6 minor shall not be deemed to be a violation of this
7 subsection if, in making the sale or allowing the
8 consumption of any liquor by a minor, the licensee was
9 misled by the appearance of the minor and the
10 attending circumstances into honestly believing that
11 the 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 licensee
14 so acted in good faith;
- 15 (2) Permit any liquor to be consumed on the premises of
16 the licensee or on any premises connected therewith,
17 whether there purchased or not, except as permitted by
18 the terms of its license;
- 19 (3) Permit any liquor to be sold or served by any person
20 eighteen to twenty years of age except in licensed
21 establishments where selling or serving the
22 intoxicating liquor is part of the minor's employment,



1 and where there is proper supervision of these minor
2 employees to ensure that the minors shall not consume
3 the intoxicating liquor;

4 (4) Permit any liquor to be sold or served by any person
5 below the age of eighteen years upon any licensed
6 premises, except in individually specified licensed
7 establishments found to be otherwise suitable by the
8 liquor commission in which an approved program of job
9 training and employment for dining room waiters and
10 waitresses is being conducted in cooperation with the
11 University of Hawaii, the state community college
12 system, or a federally sponsored personnel development
13 and training program, under arrangements that ensure
14 proper control and supervision of employees;

15 (5) Knowingly permit any person under the influence of
16 liquor or disorderly person to be or remain in or on
17 the licensed premises;

18 (6) Fail [~~immediately~~] to timely prevent or suppress any
19 violent, quarrelsome, disorderly, lewd, immoral, or
20 unlawful conduct of any person on the premises;

21 (7) Sell any draught beer unless upon the faucet, spigot,
22 or outlet wherefrom the beer is drawn there is



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

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

14 SECTION 3. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored:

19 SECTION 5. This Act shall take effect on June 30, 2112.



Report Title:

Intoxicating Liquor; Liquor Licensee; Liability

Description:

Amends section 281-78(b), Hawaii Revised Statutes, to clarify that a licensee who timely suppresses unlawful activity from occurring on the licensed premises shall not be in violation of that section. Effective June 30, 2112. (HB2659 HD1)

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