

JAN 18 2013

A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

1 SECTION 1. Chapter 712, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§712- Promoting intoxicating liquor to a person under
5 the age of twenty-one. (1) Notwithstanding section 712-1250.5,
6 any licensee, as defined in section 281-1, commits the offense
7 of promoting intoxicating liquor to a person under the age of
8 twenty-one if the person recklessly:

9 (a) Sells or offers for sale, influences the sale, serves,
10 delivers, or gives to a person intoxicating liquor,
11 and the person receiving the intoxicating liquor is a
12 person under the age of twenty-one; or

13 (b) Permits a person to possess intoxicating liquor while
14 on property under the licensee's control, and the
15 person possessing the intoxicating liquor is a person
16 under the age of twenty-one.

17 (2) Promoting intoxicating liquor to a person under the
18 age of twenty-one is a misdemeanor."



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

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

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

7 ~~[(A) Any minor;~~

8 ~~(B)]~~ (A) Any person at the time under the influence
9 of liquor;

10 ~~[(C)]~~ (B) Any person known to the licensee to be
11 addicted to the excessive use of intoxicating
12 liquor; or

13 ~~[(D)]~~ (C) Any person for consumption in any vehicle
14 that is licensed to travel on public highways;

15 ~~[provided that the consumption or sale of liquor to a~~
16 ~~minor shall not be deemed to be a violation of this~~
17 ~~subsection if, in making the sale or allowing the~~
18 ~~consumption of any liquor by a minor, the licensee was~~
19 ~~misled by the appearance of the minor and the~~
20 ~~attending circumstances into honestly believing that~~
21 ~~the minor was of legal age and the licensee acted in~~
22 ~~good faith; and provided further that it shall be~~



~~incumbent upon the licensee to prove that the licensee
so acted in good faith;]~~

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

(3) Permit any liquor to be sold or served by any person
eighteen to twenty years of age, except in licensed
establishments where selling or serving the
intoxicating liquor is part of the minor's employment,
and where there is proper supervision of these minor
employees to ensure that the minors shall not consume
the intoxicating liquor;

(4) Permit any liquor to be sold or served by any person
below the age of eighteen years upon any licensed
premises, except in individually specified licensed
establishments found to be otherwise suitable by the
liquor commission in which an approved program of job
training and employment for dining room waiters and
waitresses is being conducted in cooperation with the
University of Hawaii, the state community college
system, or a federally sponsored personnel development



- 1 and training program, under arrangements that ensure
2 proper control and supervision of employees;
- 3 (5) Knowingly permit any person under the influence of
4 liquor or disorderly person to be or remain in or on
5 the licensed premises;
- 6 (6) Fail to timely prevent or suppress any violent,
7 quarrelsome, disorderly, lewd, immoral, or unlawful
8 conduct of any person on the premises;
- 9 (7) Sell any draught beer unless upon the faucet, spigot,
10 or outlet wherefrom the beer is drawn there is
11 attached a clear and legible notice, placard, or
12 marker which in the English language indicates and
13 declares the name or brand adopted by the manufacturer
14 of the draught beer, so situated as to be clearly
15 legible for a distance of at least ten feet from the
16 spigot, faucet, or outlet, to a purchaser with normal
17 vision; or
- 18 (8) Receive from a person, as payment or as a
19 consideration for liquor, any personal or household
20 goods, including clothing and food, or any implements
21 of trade. Any person violating this paragraph shall



1 be guilty of a misdemeanor and upon conviction shall
2 be punished as provided in section 281-102."

3 SECTION 3. Section 712-1250.5, Hawaii Revised Statutes, is
4 amended by amending subsection (1) to read as follows:

5 "(1) [A] Notwithstanding section 712- , a person,
6 [~~including~~] excluding any licensee as defined in section 281-1,
7 commits the offense of promoting intoxicating liquor to a person
8 under the age of twenty-one if the person knowingly:

9 (a) Sells or offers for sale, influences the sale, serves,
10 delivers, or gives to a person intoxicating liquor,
11 and the person receiving the intoxicating liquor is a
12 person under the age of twenty-one; or

13 (b) Permits a person to possess intoxicating liquor while
14 on property under his control, and the person
15 possessing the intoxicating liquor is a person under
16 the age of twenty-one."

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



S.B. NO. 442

1 SECTION 5. This Act shall take effect on July 1, 2013.

2

INTRODUCED BY: *Anna Mendez Ke*

By Request



S.B. NO. 442

Report Title:

Intoxicating Liquor

Description:

Makes it a misdemeanor for a licensee to recklessly sell, serve, or furnish any liquor to, or allow the consumption of any liquor by any minor. Effective July 1, 2013.

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

