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## A BILL FOR AN ACT

RELATING TO PROMOTING INTOXICATING LIQUOR.

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

1           SECTION 1. 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; provided that any person who violates  
8 this subparagraph shall be guilty of the offense  
9 under section 712-1250.5;

10           (B) Any person at the time under the influence of  
11 liquor;

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

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

16 provided that the consumption or sale of liquor to a  
17 minor shall not be deemed to be a violation of this  
18 subsection if, in making the sale or allowing the



1 consumption of any liquor by a minor, the licensee was  
2 misled by the appearance of the minor and the  
3 attending circumstances into honestly believing that  
4 the minor was of legal age and the licensee acted in  
5 good faith; and provided further that it shall be  
6 incumbent upon the licensee to prove that the licensee  
7 so acted in good faith;

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

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

19 (4) Permit any liquor to be sold or served by any person  
20 below the age of eighteen years upon any licensed  
21 premises, except in individually specified licensed  
22 establishments found to be otherwise suitable by the



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- 1           liquor commission in which an approved program of job  
2           training and employment for dining room waiters and  
3           waitresses is being conducted in cooperation with the  
4           University of Hawaii, the state community college  
5           system, or a federally sponsored personnel development  
6           and training program, under arrangements that ensure  
7           proper control and supervision of employees;
- 8           (5) Knowingly permit any person under the influence of  
9           liquor or disorderly person to be or remain in or on  
10          the licensed premises;
- 11          (6) Fail to timely prevent or suppress any violent,  
12          quarrelsome, disorderly, lewd, immoral, or unlawful  
13          conduct of any person on the premises;
- 14          (7) Sell any draught beer unless upon the faucet, spigot,  
15          or outlet wherefrom the beer is drawn there is  
16          attached a clear and legible notice, placard, or  
17          marker which in the English language indicates and  
18          declares the name or brand adopted by the manufacturer  
19          of the draught beer, so situated as to be clearly  
20          legible for a distance of at least ten feet from the  
21          spigot, faucet, or outlet, to a purchaser with normal  
22          vision; or



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

7           SECTION 2. Section 712-1250.5, Hawaii Revised Statutes, is  
8 amended by amending subsection (1) to read as follows:

9           "(1) A person, including any licensee as defined in  
10 section 281-1, commits the offense of promoting intoxicating  
11 liquor to a person under the age of twenty-one if the person  
12 [~~knowingly:~~] recklessly:

13           (a) Sells or offers for sale, influences the sale, serves,  
14           delivers, or gives to a person intoxicating liquor,  
15           and the person receiving the intoxicating liquor is a  
16           person under the age of twenty-one; or

17           (b) Permits a person to possess intoxicating liquor while  
18           on property under his control, and the person  
19           possessing the intoxicating liquor is a person under  
20           the age of twenty-one."



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

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

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

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INTRODUCED BY: *Jmf*

JAN 23 2013



# H.B. NO. 1060

**Report Title:**

Liquor Licensees; Furnishing Liquor to Minors

**Description:**

Amends the misdemeanor offense of promoting intoxicating liquor to a person under age 21 to apply to persons who recklessly, rather than knowingly, commit the offense. Applies the offense to liquor licensees who provide liquor to any minor or allow a minor to consume liquor.

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

