

JAN 24 2013

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# A BILL FOR AN ACT

RELATING TO ALCOHOL.

**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;

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

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

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

14 provided that the consumption or sale of liquor to a  
15 minor shall not be deemed to be a violation of this  
16 subsection if, in making the sale or allowing the  
17 consumption of any liquor by a minor, the licensee was  
18 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;

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

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

17 (4) Permit any liquor to be sold or served by any person  
18 below the age of eighteen years upon any licensed  
19 premises, except in individually specified licensed  
20 establishments found to be otherwise suitable by the  
21 liquor commission in which an approved program of job  
22 training and employment for dining room waiters and



1 waitresses is being conducted in cooperation with the  
2 University of Hawaii, the state community college  
3 system, or a federally sponsored personnel development  
4 and training program, under arrangements that ensure  
5 proper control and supervision of employees;

6 (5) Knowingly permit any person under the influence of  
7 liquor or disorderly person to be or remain in or on  
8 the licensed premises;

9 (6) Fail to timely prevent or suppress any violent,  
10 quarrelsome, disorderly, lewd, immoral, or unlawful  
11 conduct of any person on the premises;

12 (7) Sell any draught beer unless upon the faucet, spigot,  
13 or outlet wherefrom the beer is drawn there is  
14 attached a clear and legible notice, placard, or  
15 marker which in the English language indicates and  
16 declares the name or brand adopted by the manufacturer  
17 of the draught beer, so situated as to be clearly  
18 legible for a distance of at least ten feet from the  
19 spigot, faucet, or outlet, to a purchaser with normal  
20 vision; [e]



1        (8) Sell, serve, or furnish any drink containing caffeine  
 2        with an alcohol by volume content greater than fifty  
 3        per cent; or

4        [~~8~~] (9) Receive from a person, as payment or as a  
 5        consideration for liquor, any personal or household  
 6        goods, including clothing and food, or any implements  
 7        of trade. Any person violating this paragraph shall  
 8        be guilty of a misdemeanor and upon conviction shall  
 9        be punished as provided in section 281-102."

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

13       SECTION 3. Statutory material to be repealed is bracketed  
 14       and stricken. New statutory material is underscored.

15       SECTION 4. This Act shall take effect upon its approval.

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# S.B. NO. 1332

**Report Title:**

Intoxicating Liquor; Caffeine; Prohibitions

**Description:**

Prohibits any liquor licensee or its employee from serving any drink containing caffeine with an alcohol by volume content greater than fifty per cent.

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

