



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
530 SOUTH KING STREET, ROOM 202  
HONOLULU, HAWAII 96813-3065  
TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

**BRANDON ELEFANTE**  
Councilmember District 8  
'Aiea, Pearl City, Waipahū  
Chair, Committee on Transportation  
Telephone: (808) 768-5008  
Email: belefante@honolulu.gov

The Honorable Roy Takumi, Chair  
The Honorable Linda Ichiyama, Vice Chair  
And Members of the Committee on Consumer Protection & Commerce  
415 South Beretania Street, Conference Room 329  
Honolulu, HI 96813

Subject: HB 2229, Relating to Intoxicating Liquor  
Hearing: Thursday, February 1, 2018, at 2:00 pm

This testimony is to convey my strong support for HB 2229. On November 1, 2017, the Honolulu City Council unanimously adopted Resolution 17-274, which urged the Legislature to enact legislation found in HB 2229. This measure will address several intractable problems currently affecting our communities and are areas where we need to improve the enforcement powers of the Honolulu Liquor Commission and Honolulu Police Department.

It may come as a surprise to many that liquor establishments in Hawai'i are not required by law to ask for a person's official state driver's license or other form of personal identification prior to selling him or her liquor. By the same token, law enforcement is unable to require a person to present identification solely due to the fact that he or she is consuming alcohol at an establishment. Consequently, even if a person who appears to be under 21 is consuming liquor, law enforcement is unable to force that person to present identification and in many cases, that person will simply say that he or she forgot her identification at home.

The "Identification required" amendments in this bill will help curb underage drinking. It requires licensees to check a person's identification prior to selling that person liquor, and in turn, requires a person consuming liquor at a licensed establishment to carry identification. The responsibility to check for proper identification unambiguously lies with the establishment, and it is the responsibility of those wishing to consume liquor to carry identification. These safeguards will deter those under 21 from illegally consuming liquor.

In addition to the existing hurdles associated with enforcing underage drinking, law enforcement faces additional hurdles with people drinking on private property that is accessible to the public. There are reportedly many instances where people are congregating and drinking on a business' private property after hours. However, there are no ramifications for these actions unless the property owner asks law enforcement to trespass them. In many cases, the owner refuses to trespass them in fear of retaliation.

The "Posting of license" and section 281-78(a)(5) amendments in this bill will help eliminate the problem of people congregating and drinking in a licensed establishment's parking lot after hours. It unambiguously requires that there be express written consent by the licensee, placing

the burden on those consuming liquor on the licensed premises. Additionally, this law has some "teeth," clearly stating that a person found to be in violation will be guilty of a misdemeanor.

Thank you for allowing me the opportunity to submit testimony. For the foregoing reasons, I respectfully request your passage of HB 2229.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon Elefante", with a stylized flourish at the end.

Brandon Elefante  
Councilmember, District 8



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## RESOLUTION

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URGING THE LEGISLATURE TO ENACT LEGISLATION PROHIBITING THE CONSUMPTION OF LIQUOR ON THE PREMISES OF LICENSED LIQUOR ESTABLISHMENTS AFTER HOURS AND REQUIRING THE CARRYING OF IDENTIFICATION BY, AND CHECKING THE IDENTIFICATION OF, PERSONS BUYING OR CONSUMING LIQUOR ON THE PREMISES OF LICENSED LIQUOR ESTABLISHMENTS.

WHEREAS, the regulation of the consumption of alcoholic beverages in public is necessary to preserve the public's health, safety, and welfare; and

WHEREAS, nuisance activity involving the public consumption of alcoholic beverages, underage drinking, loitering, and disturbing the peace, has been observed within the parking lots of establishments licensed to sell liquor after such establishments have closed; and

WHEREAS, Section 281-78(b), Hawaii Revised Statutes, provides that establishments licensed to sell liquor shall not permit any liquor to be consumed on the premises of the licensee or on any premises connected therewith, except as permitted by the terms of the establishments' licenses; and

WHEREAS, however, such establishments may be unstaffed during their hours of closure and lack viable means by which to manage and control nuisance activity on their properties after business hours; and

WHEREAS, the enactment of legislation to address the consumption of alcohol on the premises of licensed liquor establishments after hours of operation is needed; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that this body urges the Hawaii State Legislature to enact legislation, as proposed in Exhibit A attached to this resolution, that would prohibit the consumption of liquor on the premises of licensed liquor establishments after hours and require persons consuming liquor on the premises of licensed liquor establishments to carry identification and the staff of the establishments to check identification prior to serving such persons with or selling them liquor; and



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

No. 17-274

**RESOLUTION**

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Governor of the State of Hawaii, the Speaker of the House of Representatives of the State of Hawaii, the President of the Senate of the State of Hawaii, the Hawaii State Attorney General, the Administrator of the Honolulu Liquor Commission, and the Chief of Police.

INTRODUCED BY:



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DATE OF INTRODUCTION:

**OCT 02 2017**

\_\_\_\_\_  
Honolulu, Hawaii

\_\_\_\_\_  
Councilmembers

## **EXHIBIT A**

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## A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

SECTION 1. Section 281-71, Hawaii Revised Statutes, is amended to read as follows:

"§281-71 **Posting of license.** Every license issued and in effect under this chapter shall at all times be conspicuously posted and exposed to view, convenient for inspection, on the licensed premises. The licensee shall also post a copy of the license where it will be clearly visible to persons in any parking lot immediately adjacent to the licensed premises. The licensee shall post, adjacent to the posted copy of the license and in any other parking lot under the control of or operated in conjunction with the licensed establishment, a notice that the provisions of section 281-78(a) (5) are applicable. For failure thereof the license may be suspended or revoked by the liquor commission or liquor control adjudication board."

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

"(a) No person shall:

1 (1) Consume any liquor on any public highway, except as  
2 permitted in section 291-3.4;

3 (2) Consume any liquor on any public sidewalk, including  
4 any sidewalk within a public housing project;

5 (3) Consume any liquor on any common area of a public  
6 housing project; [~~or~~]

7 (4) Possess or keep, while on any sidewalk or common area  
8 within a public housing project, any bottle, can, or other  
9 receptacle containing any intoxicating liquor that has been  
10 opened, that has a broken seal, or the contents of which have  
11 been partially removed[~~-~~]; or

12 (5) Consume any liquor while on or remaining in the posted  
13 premises of any licensee after the hours of operation of the  
14 licensee, without the express written permission of the  
15 licensee. Any person violating this paragraph shall be guilty of  
16 a misdemeanor and upon conviction shall be punished as provided  
17 in section 281-102.

18 For purposes of this subsection:

19 "Common area" means roofs, halls, corridors, lobbies,  
20 stairs, stairways, fire escapes, entrances and exits of the  
21 building or buildings, basements, yards, gardens, recreational  
22 facilities, parking areas, storage spaces, and other parts of  
23 the project normally in common use or other areas designated by  
24 the Hawaii public housing authority.

1        "Posted premises" means the licensed premises, any parking  
2 lot immediately adjacent to the licensed premises, and any  
3 parking lot under the control of or operated in conjunction with  
4 the establishment.

5        "Public housing project" means any state or federal public  
6 housing project as defined in section 356D-1 or 356D-91 or a  
7 state low-income housing project as defined in section 356D-51."

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

11        "§281- Identification required. (a) Any person consuming  
12 liquor on any licensed premises or on property under the control  
13 of the licensee and operated in conjunction with the  
14 establishment must carry personal identification. Documents  
15 used for identification shall be an official state driver's  
16 license, a military identification card, other official  
17 government identification containing a photograph, or other form  
18 of identification document approved by the liquor commission of  
19 the respective county.

20        (b) Licensees are responsible for the proper checking of  
21 the personal identification of any person wishing to purchase  
22 liquor, prior to the selling or serving of liquor to that  
23 person."

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



1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

**RESOLUTION 17-274**

Introduced: 10/02/17 By: BRANDON ELEFANTE

Committee: PUBLIC HEALTH,  
SAFETY AND WELFARE

Title: RESOLUTION URGING THE LEGISLATURE TO ENACT LEGISLATION PROHIBITING THE CONSUMPTION OF LIQUOR ON THE PREMISES OF LICENSED LIQUOR ESTABLISHMENTS AFTER HOURS AND REQUIRING THE CARRYING OF IDENTIFICATION BY, AND CHECKING THE IDENTIFICATION OF, PERSONS BUYING OR CONSUMING LIQUOR ON THE PREMISES OF LICENSED LIQUOR ESTABLISHMENTS.

Voting Legend: \* = Aye w/Reservations

10/10/17		CC-330 ELEFANTE – RE-REFERRAL OF RESOLUTION 17-274 FROM COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS TO COMMITTEE ON PUBLIC HEALTH, SAFETY & WELFARE.
10/24/17	PUBLIC HEALTH, SAFETY AND WELFARE	CR-376 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.
11/01/17	COUNCIL	CR-376 AND RESOLUTION 17-274 WERE ADOPTED. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

  
\_\_\_\_\_  
GLEN I. TAKAHASHI, CITY CLERK

\_\_\_\_\_  
RON MENOR, CHAIR AND PRESIDING OFFICER

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org



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MAYOR

SUSAN BALLARD  
CHIEF

JOHN D. McCARTHY  
JONATHON GREMS  
DEPUTY CHIEFS

GLK-SAR

OUR REFERENCE

February 1, 2018

The Honorable Roy M. Takumi, Chair  
and Members  
Committee on Consumer Protection & Commerce  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Takumi and Members:

Subject: House Bill No. 2229, Relating to Intoxicating Liquor

I am Gordon Lum Kee, Acting Major of District 6 (Waikiki) of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports House Bill No. 2229, Relating to Intoxicating Liquor. The passage of this bill would require personal identification for any person consuming liquor on any licensed premises and would require licensees to be responsible for checking the personal identification of any person wishing to purchase liquor.

In addition, it would require the licensee to post a copy of their license in any parking lot under the control of or operated in conjunction with the licensed establishment. It would prohibit anyone from consuming liquor on such premises after their hours of operation, without the express written permission of the license. The intent of this bill is good as it would give enforcement powers to law enforcement to address persons consuming liquor on the private property of the licensee while not open for business. Recommend amending some of the language in the HRS section 281-71 in order to provide more clarity in order to assist with enforcement efforts.

The Honorable Roy M. Takumi, Chair  
and Members  
Page 2  
February 1, 2018

The Honolulu Police Department supports House Bill No. 2229, Relating to  
Intoxicating Liquor.

Thank you for the opportunity to testify.

Sincerely,

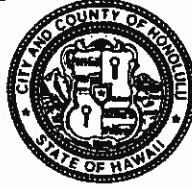
  
for **GORDON LUM KEE**, Acting Major  
District 6

APPROVED:

  
**SUSAN BALLARD**  
Chief of Police

**LIQUOR COMMISSION  
CITY AND COUNTY OF HONOLULU**

711 KAPIOLANI BOULEVARD, SUITE 600, HONOLULU, HAWAII 96813-5249  
PHONE (808) 768-7300 or (808) 768-7333 • FAX (808) 768-7311  
INTERNET ADDRESS: [www.honolulu.gov/liquor](http://www.honolulu.gov/liquor) • E-MAIL: [liquor@honolulu.gov](mailto:liquor@honolulu.gov)



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FRANKLIN DON PACARRO, JR.  
ADMINISTRATOR

ANNA C. HIRAI  
ASSISTANT ADMINISTRATOR

January 31, 2018

The Honorable Roy M. Takumi, Chair  
The Honorable Linda Ichiyama, Vice Chair  
and Members of the Committee on Consumer Protection  
& Commerce

**Hearing:** Thursday, February 1, 2018  
2:00 PM; Room 329

**Position:** Comments on HB 2229, Relating to Intoxicating Liquor

Dear Chair Takumi, Vice Chair Ichiyama, and Members:

The Liquor Commission, City and County of Honolulu (Commission), appreciates the opportunity to submit testimony providing comments on House Bill 2229, relating to Liquor.

This bill requires that identification be carried by those persons consuming liquor on any licensed premises, and requiring the licensees to check the identification of persons wishing to purchase liquor, prior to the selling or serving of liquor to that person.

The Commission strongly supports this portion of the bill as it will clearly impact the ability of a minor to purchase or to be served liquor in a licensed establishment. While existing laws prohibit the sale or furnishing of liquor to a person under the age of 21 years old, there is no legal requirement for that individual purchasing the liquor to provide proof of age when purchasing. There is also no present legal requirement to check or verify the identification of a person buying or consuming liquor is the age of 21 or older.

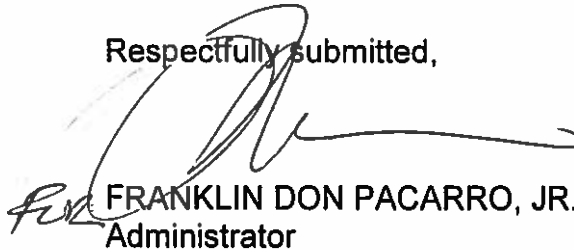
In addition, the Commission would like to include the following language:

This provision does not apply if a person is under the age of twenty-one, with parental authorization, is participating in a controlled purchase as part of a law enforcement activity or a government authorized statistical study under the direct

the age of twenty-one.

The Commission fully supports the amendments to HRS 281-71 with language on page 3, paragraph 5, line 9, regarding "any parking lot immediately adjacent to the licensed premises" removed.

Respectfully submitted,



FRANKLIN DON PACARRO, JR.  
Administrator

FDP:PN

**HB-2229**

Submitted on: 1/30/2018 8:14:58 PM

Testimony for CPC on 2/1/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kari Benes	Individual	Support	No

Comments:

**HB-2229**

Submitted on: 1/30/2018 7:37:35 PM

Testimony for CPC on 2/1/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gerald Jay D. Ganaden		Support	No

Comments:



**HB-2229**

Submitted on: 1/30/2018 6:32:40 PM

Testimony for CPC on 2/1/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Krystal Baba		Support	No

Comments: