

# SB2711

Measure Title:	RELATING TO INTOXICATING LIQUOR.
Report Title:	Liquor License; Brewpub License; Small Craft Producer Pub License; Retail Locations; Intoxicating Liquors; Growler Law; Recyclable Containers; Direct Shipping; Manufacturers; Wineries
Description:	<p>Clarifies that a class 14 brewpub licensee or class 18 small craft producer pub licensee may conduct certain activities at locations other than the licensee's primary manufacturing premises under certain conditions.</p> <p>Specifies that brewpubs and small craft producer pubs may sell malt beverages in growlers that may be recyclable containers and clarifies that growlers shall not exceed one gallon. Expands the law allowing direct shipping of wine by wineries to allow direct shipping of all forms of liquor by certain licensees.</p>
Companion:	<a href="#">HB2411</a>
Package:	None
Current Referral:	CPH
Introducer(s):	WAKAI, INOUYE, RIVIERE, Baker, Dela Cruz, K. Kahele, Kim, Nishihara

**LIQUOR COMMISSION  
CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL  
MAYOR



February 21, 2018

The Honorable Rosalyn H. Baker, Chair  
The Honorable Jill N. Tokuda, Vice Chair  
and Members of the Committee on Commerce,  
Consumer Protection, and Health

JOSEPH V. O'DONNELL  
CHAIRMAN

NARSI A. GANABAN  
CO-VICE CHAIR

MALAMA MINN  
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COMMISSIONER

FRANKLIN DON PACARRO, JR.  
ADMINISTRATOR

ANNA C. HIRAI  
ASSISTANT ADMINISTRATOR

**Hearing:** Thursday, February 22, 2018  
9:30 AM; Room 229

**Position:** Comments on SB 2711, Relating to Intoxicating Liquor

Dear Chair Baker, Vice Chair Tokuda, and Members:

The Liquor Commission, City and County of Honolulu (Commission), appreciates the opportunity to submit testimony providing comments on Senate Bill 2711, Relating to Intoxicating Liquor.

The Commission fully supports legislation that both enables licensees to expand their businesses but also gives reasonable flexibility to regulators in addressing the changing nature of the liquor industry. On the companion House Bill 2411, we submitted comments on parts of Section 1 in an attempt to highlight the disconnect between what we believe to be the desired impact of the proposed measure with the measure language as proposed. Those same comments are applicable to Senate Bill 2711 and are provided for your consideration.

**Secondary Location(s) as a Different Class of License.**

As written, a Class 14 Brewpub (Brewpub) or Class 18 Small Craft Producer Pub (SCP Pub) would be permitted a secondary location(s) in a second county if "... *licensed* ..." within the county of operation." This *licensing* language properly would be interpreted to require the Brewpub or SCP Pub licensee to go through public hearing as provided in Sections 281-57 to 281-60, Hawaii Revised Statutes, as amended (Public Hearing)[1] in order to establish a second location as any of the listed license classes.

Currently, a holder of a Brewpub or SCP Pub license is able to apply for a liquor license of whatever type independent of the Section 1 proposed language. If a concern to the licensee, "brand" identity would be furthered through use of the same trade name. Therefore, the Section 1 proposed language pertaining to *licensing* the secondary location in the county of operation would appear to be unnecessary.

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<sup>1</sup>Public Hearing in accordance with these sections would require both a preliminary and a public hearing, with notices of the public hearing being published in the newspaper and mailed out to not less than two-thirds of the owners and lessees of record and registered voters situated within 500 feet of the proposed second location premises.

Following the initial hearing on the companion bill, we were advised of the reason why a "branded" second location of a different class would be commercially advantageous to existing Brewpubs and SCP Pubs. For example, a Brewpub operating in Honolulu County could establish a similarly branded Restaurant in another county, featuring Brewpub products, and thus expanding the brand identity in both counties. A Public Hearing for the second location would be a costly and time-consuming process, which existing Brewpubs and Small Craft Producer Pubs understandably wish to avoid. At this point, however, the four counties are not in agreement as to what type of "public hearing" the license application in the second location should be subjected to. The handling of the second location licensure requires further discussion, and we are committed to continuing same if the proposed measure receives your favorable action. In fact, the four county liquor departments are scheduled to meet in Honolulu for a regularly scheduled quarterly meeting on Friday, March 9, and this matter is on the agenda for discussion.

The Liquor Commission appreciates the opportunity to provide testimony on Senate Bill 2711, Relating to Intoxicating Liquor.

Respectfully submitted,

  
FRANKLIN DON PACARRO, JR.  
Administrator

FDP:ACH



Cindy Goldstein  
Executive Director  
Hawaiian Craft Brewers Guild  
98-814 C Kaonohi Street  
Aiea, HI 96701

### SB 2711, Relating to Intoxicating Liquor

Senate Committee on Commerce, Consumer Protection and Health  
Thursday Feb 22, 2018 at 9:30 a.m. Room 229

Chair Rosalyn Baker, Vice Chair Jill Tokuda, and members of the Senate Committee on Commerce, Consumer Protection and Health,

Position: **Support**

The Hawaiian Craft Brewers Guild is a non-profit Hawaii trade organization that seeks to promote production of independent craft beer in Hawaii. The number of independent craft breweries in Hawaii continues to grow, and several breweries have recently, or are in the process of expanding. The Hawaiian Craft Brewers Guild is united in our pursuit to promote economic activity for Hawaii's beer manufacturers and enhance opportunities in our communities. Our members represent the majority of the craft beer producers in Hawaii, with members producing 100% of their beer in Hawaii.

SB2711 includes three subject areas under HRS Section 281 addressing inconsistencies and increasing uniformity in laws regarding liquor manufacturing and sales.

#### **Growler containers**

Current statute is confusing for small craft brewery customers and businesses, with growlers described as half gallon and as one gallon. The Hawaiian Craft Brewers Guild supports standardizing and simplifying the definition of growler to mean a container of up to one gallon.

Initially growlers were made from glass. The popularity and availability of growlers, crowlers, and other types of recyclable or reusable containers continues to increase. Craft breweries support environmentally friendly practices and would like to have the term growler expanded to include recyclable or reusable containers. .

## **Location other than primary manufacturing premises**

The Hawaiian Craft Brewers Guild supports SB2711 because it provides more consistency and uniformity for the craft beer producers across the state.

Hawaii's craft breweries are increasing in number with the addition of new start up brewery businesses and expansion of existing businesses. Small craft breweries often start with a manufacturing location to begin production of their craft beer and then expand to a second location. As the brewery establishes a second location in the same or in another county, they may want to sell their retail canned and bottled products at the new establishment.

The "second location" clause is meant to address inconsistencies where the second location is in another county. A brewpub or small craft producer license holder may have no intention of manufacturing at the second location, but still have the desire to carry out retail sales of their products at their second outlet. This would, by default, not require the same class of license (14, 18) but rather a restaurant or retailer class license.

If no manufacturing is intended for the second location, a manufacturing license should not be needed for the new establishment. The class of license should reflect the activities of the operation. A requirement for the same license as the primary location would be costly and time consuming, given that no manufacturing is part of the second satellite location. The second location should not need a license to manufacture if there is in fact no production at the second location.

SB2711 recognizes the expansion of Hawaii's craft breweries, enabling the retail sale of craft brewing products at a second properly licensed location, including when the primary manufacturing and second location are not in the same county

## **Direct shipment of liquor by producers**

SB2711 proposes to expand HRS 281-33.6 direct shipping rules to allow reciprocity for not just wine, but also to include beer and spirits. Direct shipment of wine is already allowed. Expanding the statute to allow defined amounts of beer, spirits and wine under the term liquor achieves parity across all three categories of beverage alcohol.

Breweries that are just starting out and smaller sized craft breweries don't usually have access to distributors that will export their beer in or out of State. SB2711 is proactive in providing an opportunity for Hawaii's craft beer businesses to offer products through direct sales to new markets and a wider customer base. Again these are breweries that often cannot find wholesaler partners yet deserve access to market.

Direct shipping increases the viability of small craft breweries by allowing export of our products manufactured in Hawaii to current brewery fans and potential new customers.

We support SB2711 that fosters expanded marketplace options for Hawaii's beverage alcohol manufacturers.

The Hawaiian Craft Brewers Guild appreciates consideration of SB2711 and we urge you to pass this bill. Thank you for the opportunity to provide testimony in support.



**WAIKIKI BREWING COMPANY**

Joe P. Lorenzen, Partner/Brewmaster  
831 Queen St.  
Honolulu, HI 96813  
808-591-0387  
[brewmaster@waikikibrewing.com](mailto:brewmaster@waikikibrewing.com)

SB 2711, Relating to Intoxicating Liquor

Senate Committee on Commerce, Consumer Protection and Health  
Thursday Feb 22, 2018 at 9:30 a.m. Room 229

Chair Rosalyn Baker, Vice Chair Jill Tokuda, and members of the Senate Committee on Commerce, Consumer Protection and Health,

My name is Joe Lorenzen. I live in Honolulu, on the island of Oahu, and I am a partner in and Brewmaster of Waikiki Brewing Company with business locations in Waikiki and in Kaka'ako.

We **SUPPORT** SB 2711 for the following reasons:

The second location clause allows for us to increase our business (and therefore increase jobs and tax revenues) by allowing us to perform the same business operations at multiple licensed premises including other counties. This bill supports local manufacturing by allowing Hawaiian craft breweries more opportunities to get their product into the marketplace.

The clause that creates consistency in the definition of growlers allows for clarity for both retailers and consumers. Growlers are popular with consumers due to the sustainability of filling a re-usable container with beer. This law would help to add consistency to the definition of a growler while also allowing for new types of re-usable containers to be used, which further encourages sustainability by promoting re-usable containers as opposed to disposable.

The direct shipping clause allows new markets for Hawaiian craft brewers. While wine producers already enjoy the ability to ship their products direct to consumers, brewers and spirit producers do not. This bill allows for parity across all three categories of beverage alcohol, with producers able to increase revenues and manufacturing jobs in Hawaii by selling their products to fans in other states.

Mahalo for your consideration. We urge you to pass this bill.

Thank you for the opportunity to provide testimony in support of SB 2711

Sincerely,

Joe P. Lorenzen



February 21, 2018

SB 2711, Relating to Intoxicating Liquor

Senate Committee on Commerce, Consumer Protection and Health  
Thursday Feb 22, 2018 at 9:30 a.m. Room 229

Chair Rosalyn Baker, Vice Chair Jill Tokuda, and members of the Senate Committee on Commerce, Consumer Protection and Health,

My name is Geoffrey Seideman, I live in Hawaii Kai, Oahu, and I am the Owner and Brewer of Honolulu BeerWorks brewery in Kaka'ako. Mahalo for the opportunity to submit testimony, I apologize that I could not be there in person as my growing business needs me present. I am writing on behalf of our local family-operated business, Honolulu Beerworks, in support **SB2711** which addresses inconsistencies and increases uniformity in laws regarding liquor manufacturing and sales.

**Second location clause**

Provides more consistency and uniformity for craft beer establishments across the state. Breweries start up with a manufacturing location and when they expand to a second location, will want to sell their retail products at the new establishment, including the ability to sell at a second location under the same trade name in another county.

This bill promotes local manufacturing. Hawaii's craft breweries have more opportunities to get their products in the marketplace with this bill because it enables the retail sale of craft brewing products at a second properly licensed location, including when the primary manufacturing and second location are not in the same county.

**Consistency in the Growler law**

Growlers, crowlers, and other types of reusable and recyclable containers are very popular with our customers. Sales of our craft beer products in these containers continue to increase. We support the use of environmentally friendly container materials and expansion of the term growler to recyclable or reusable container.

The definition of growler is currently inconsistent for our business and our customers. We support using growler to mean a container not to exceed one gallon.

**Honolulu Beerworks**  
**328 Cooke St, Honolulu HI. 93813**  
**808-589-2337**

## **Direct Shipping**

Breweries that are just starting out and smaller sized craft breweries don't usually have access to distributors that will export their beer out of state. This bill is proactive in providing an opportunity for direct shipping to new markets and a wider customer base.

Direct shipping increases the viability of small craft breweries by allowing export of our products to our current brewery fans and potential new customers.

Direct shipment of wine is already allowed. Expanding the statute to allow defined amounts of beer, spirits and wine under the term liquor achieves parity across all three categories of beverage alcohol, expanding marketplace options for Hawaii's beverage alcohol manufacturers.

Honolulu Beerworks is a small, independent craft brewery located in the heart of Kaka'ako. We opened in 2014 with 18 employees and have undergone 3 expansions since then. We now currently employ 36 and have our eyes on expanding again in the near future.

Mahalo for your consideration. We urge you to pass this bill.

Thank you for the opportunity to provide testimony in support of SB2711.

Sincerely,

Geoffrey Seideman  
Owner/Brewer

**Honolulu Beerworks**  
**328 Cooke St, Honolulu HI. 938 13**  
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February 21, 2018

Senate Commerce Consumer Protection  
Thursday, February 22<sup>nd</sup>, 2018,

### SB 2711 Relating to Intoxicating Liquor

Position: **Support**

REAL a gastropub was founded initially in 2012 with 18 original employees as a community gathering place serving local cuisine and hand-crafted beers. We are relocating, rebuilding our flagship and incorporating a 7BBL brewery named Bent Tail Brewing Company into our new location at Keauhou Lane in Kakaako. We will be able to grow into a team of 40 Honolulu residents that sells award winning beers throughout Oahu and with a focus on using local sources for our food as we have since our opening and now add this principal to our beer. We have done this in the face of significant challenges to growth at all levels; financial, shipping, taxation, legislative and more. Changes like this bill can help us continue our success and help others to do the same. We appreciate the on-going support of all individuals and legislators who support issues which enable local manufacturers and businesses to thrive in Hawaii.

#### **Growler containers**

Current statute is confusing with growlers described as half gallon and as one gallon. REAL a gastropub / Bent Tail Brewing Company supports standardizing and simplifying the definition of growler to mean a container of up to one gallon. Initially growlers were made from glass. As their popularity has increased, growlers are now made from a wider range of environmentally friendly reusable or recyclable materials. We support terminology that reflects this change in container materials, defining growler as a recyclable or reusable container.

#### **Location other than primary manufacturing premises**

Hawaii's craft breweries are increasing in number with the addition of new start up brewery businesses and expansion of existing businesses. Breweries may have an initial or primary manufacturing premises and expand with a new establishment, sometimes in a second county. The "second location" clause is meant to address inconsistencies where the second location may not be a production facility, to allow activities such as dispensing and retail sales under the same trade name without requiring another production license. Often a small brewery can produce enough beer to support two dispensing and retailing locations thus allowing the small brewer to utilize some efficiency as an economy of scale. Original investments in even small production facilities can be enormous and multiple income streams from the economy of scale can help support small local manufacturers. A brewpub or small craft producer license holder

may have no intention of manufacturing at the second location, but still have the desire to carry out dispensing and retail sales of their products at their second establishment. This would, by default, not require the same class of license (14, 18) but rather a restaurant or retailer class license as no production would occur on site. We support SB 2711 which seeks to address and clarify inconsistencies and expands retail and dispense operations of local craft brewers.

### **Direct shipment of liquor by producers**

SB 2711 proposes to expand HRS 281-33.6 direct shipping rules to allow reciprocity for not just wine, but also to include beer and spirits. Direct shipment of wine is already allowed. Expanding the statute to allow defined amounts of beer, spirits and wine under the term liquor achieves parity across all three categories of beverage alcohol.

Breweries that are just starting out and smaller sized craft breweries don't usually have access to distributors that will export their beer in or out of State. SB 2711 is proactive in providing an opportunity for Hawaii's craft beer businesses to offer products through direct sales to new markets and a wider customer base. These are breweries that often cannot find wholesaler partners yet deserve access to market.

Direct shipping increases the viability of small craft breweries by allowing export of our products manufactured in Hawaii to our current brewery fans and potential new customers. We support SB 2711 that fosters expanded marketplace options for Hawaii's beverage alcohol manufacturers.

Hawaiian manufacturing and producers operate under the highest cost conditions of any State. This has served to limit the availability of true, locally produced selections and give rise to a host of "faux-Hawaiian" products. As an isolated State we must invest in local manufacturing, these are jobs with good wages and benefits that can provide careers for our residents. Further if Hawaii is to continue to compete in the world of tourism it is important for us to deliver an authentic Hawaiian experience in our products; this bill helps us to continue on our path of recent growth and success.

Mahalo for your consideration, We urge you pass this bill. Thank-you for the opportunity to provide testimony in support of SB 2711.

Sincerely,

*Troy Terorotua*

Troy Terorotua  
Founder & Owner  
REAL a gastropub / Bent Tail Brewing Co  
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February 21, 2018

## SB 2711, Relating to Intoxicating Liquor

Senate Committee on Commerce, Consumer Protection and Health  
Thursday Feb 22, 2018 at 9:30 a.m. Room 229

Chair Rosalyn Baker, Vice Chair Jill Tokuda, and members of the Senate Committee on Commerce, Consumer Protection and Health,

Position: **Strong Support**

Big Island Brewhaus was founded initially in 2008 with 9 original employees as a community gathering place serving local cuisine and hand-crafted beers. We have grown into a team of 40 Big Island residents that sells award winning beers throughout Hawaii and is focused on using local sources for our food and beer. We have done this in the face of significant challenges to growth at all levels; financial, shipping, taxation, legislative and more. Changes like this bill can help us continue our success and help others to do the same. We appreciate the ongoing support of all individuals and legislators who support issues which enable local manufacturers and businesses to thrive in Hawaii.

I wish I could be present at this hearing in Honolulu, but I need to be present at my business during this hearing. Thank-you for reading my testimony, I look forward to supporting in person as I am able.

### **Consistency in the Growler law**

Growlers, crowlers, and other types of reusable or recyclable containers are very popular with our customers. Most growlers were made from glass when customers first began to use them. Sales of our craft beer products in these containers continue to increase. We support environmentally friendly practices at our brewery and would like to have the term growler expanded to include recyclable or reusable container.

The definition of growler is currently inconsistent for our business and can be confusing for our craft beer customers. We support using growler to mean a container not to exceed one gallon.

## **Second location clause**

Bill SB2711, provides more consistency and uniformity for craft beer producers across the state. We have seen small craft breweries in Hawaii start up in a first manufacturing location to begin producing their craft beer and then expand to a second location. As the brewery establishes a second location they often want to sell their retail canned and bottled products at the new establishment. This includes wanting to sell retail products at a second location under the same trade name in another county.

This bill promotes local manufacturing, allowing even a small manufacturer in Hawaii to make use of their own economy of scale. Hawaii's craft breweries have more opportunities to get their products in the marketplace with this bill because it enables the retail sale of craft brewing products at a second properly licensed location, including when the primary manufacturing and second location are not in the same county.

## **Direct shipment of liquor by producers**

SB2711 proposes to expand HRS 281-33.6 direct shipping rules to allow reciprocity for not just wine, but also to include beer and spirits. Direct shipment of wine is already allowed. Expanding the statute to allow defined amounts of beer, spirits and wine under the term liquor achieves parity across all three categories of beverage alcohol. Breweries that are just starting out and smaller sized craft breweries don't usually have access to distributors that will export their beer in or out of State. SB2711 is proactive in providing an opportunity for Hawaii's craft beer businesses to offer products through direct sales to new markets and a wider customer base. These are breweries that often cannot find wholesaler partners yet deserve access to market.

Direct shipping increases the viability of small craft breweries by allowing export of our products manufactured in Hawaii to our current brewery fans and potential new customers. We support SB2711 that fosters expanded marketplace options for Hawaii's beverage alcohol manufacturers.

Hawaiian manufacturing and producers operate under the highest cost conditions of any State. This has served to limit the availability of true, locally produced selections and give rise to a host of "faux-Hawaiian" products. As an isolated State we must invest in local manufacturing, these are jobs with good wages and benefits that can provide careers for our residents. Further if Hawaii is to continue to compete in the world of tourism it is important for us to deliver an authentic Hawaiian experience in our products; this bill helps us to continue on our path of recent growth and success.

Mahalo for your consideration, We urge you pass this bill. Thank-you for the opportunity to provide testimony in support of SB2711.

Sincerely,  
**Thomas D. Kerns**  
Thomas Kerns  
Founder & Brewer  
Big Island Brewhaus  
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February 21, 2018

House Committee on Commerce, Consumer Protection & Health  
Thursday, February 22<sup>nd</sup>, 2018, 9:30am  
State Capitol, Conference Room 229

Re: **SB2711**, RELATING TO INTOXICATING LIQUOR, SUPPORTING TESTIMONY

Aloha Chair Rosalyn Baker, Vice Chair Jill Tokuda, and Senate Members of the Committee on Commerce, Consumer Protection & Health,

My name is Garrett W. Marrero, I live in Kula, HI. We have locations on Maui in Lahaina and Kihei, and on Oahu in Waikiki and Kailua. We distribute across the Hawaii, 23 States, and 13 countries. We began in 2005 with 26 team members and have added more than 500 to our team. My wife and I were selected as the National Small Business Persons of the year in 2017 for our work at Maui Brewing Co. I'm writing on behalf of myself and our local family-operated business in support of **SB2711** which clarifies various items in current liquor laws; namely the second location clause, and the growler law. Additionally, passage of this bill will expand the current direct shipping laws to include Hawaii's breweries and distilleries.

I briefly cover the Growler and Direct shipping issues below and it seems those are widely supported. I focus more intently on the second location clause as it seems there are some inaccurate conclusions from testimony I have read.

#### **Growler Clarification**

This section is universally supported as it simplifies and clarifies rules. Current law is confusing and states a growler as up to "one-half gallon" but elsewhere states recyclable containers of "one gallon". Due to the growth of craft beer across the United States vendors now offer options in aluminum, stainless, plastic, ceramic and more in a multitude of sizes. We support the clarifying language where a growler be defined as "a recyclable and/or reusable container up to one gallon in size".

#### **Direct Shipping**

This seems to be universally supported by testimony submitted prior. Hawaii has specific Direct Shipping laws allowing the direct shipping of wine by wineries. The system exists to allow reciprocity; eg allow wine in, allow wine out. Taxes must be paid, licenses issued, proper shipping rules ensuring proper age of recipient and etc. We are seeking the change in these rules to allow the same rights afforded to Wineries be conferred to Hawaii's breweries and distilleries as we manufacture locally and wish to export our products directly. The majority of smaller breweries do not have access to distribution as they are often too small to attract a wholesaler partner. We feel that it is imperative to their survival that access be given to retail to consumers around the world. This serves to increase the viability of a small craft brewery and to increase Hawaiian exports bringing attention to the growing brewing scene in Hawai'i. In order to accomplish this, we feel that HRS 281-33.6 can expand upon its direct shipping rules to allow reciprocity for not just wine but beer

**Handcrafted Ales & Lagers Brewed with Aloha**  
605 Lipoa Parkway, Kihei, HI 96753  
808.213.3002

and spirits as well. This would also achieve fairness and parity across the three categories of beverage alcohol. The local wineries and distilleries support this amendment.

### **Second Location Clause**

Currently as you see HRS 281 allows for Class 14 and 18 licensees to operate another location within the State so long as its properly licensed. This is to encourage and allow a producer to manufacture at one central plant and sell their products through other owned establishments. It does not make sense to have multiple manufacturing sites due to the extreme cost and complicated licensing at the Federal, State and Local levels. This clause was added in order to promote local manufacturing. Investing in one larger production facility yet allowing the retail rights to be conferred to additional locations in the State for retail but not manufacturing purposes. The current County system presents a challenge as the language in 281 is being misconstrued or just ignored. A clarification is necessary to ensure that a business manufacturing on one island, can sell its products on another island under the proper license.

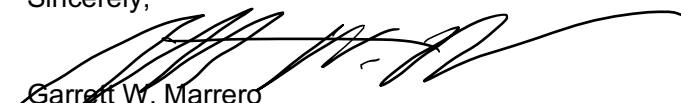
Case in point, Maui Brewing Co. Waikiki cannot currently sell Maui Brewing Co. (MBC) products at retail as the current rules are being interpreted by the departments across two counties require a signoff of the "home" county. Unfortunately, the home county maintains they have no jurisdiction and therefore cannot give a ruling. As such, our cans of locally brewed beer that are sold at retail to visitors to our Kihei location and Kahana location cannot be sold to visitors of our Waikiki and I assume our soon to open Kailua location. This is contrary to the intent of State law meant to encourage not discourage local production and sale. To clarify further, we are not stating that a brewpub or SCP be allowed to brew or manufacture under second location, however they must be allowed to sell at retail. The rule needs clarification in order to direct Liquor Commissions to allow businesses to thrive across the State. The current State law is in place to do so and the directive needs to be made.

We concur with a majority of the comments of LC and would support with a discussion as to how they work into the overall goal. Reading testimony from other counties I see the concerns over "licensed" vs "permitted", we are happy to meet and discuss how this effects the goal. Public hearings do not worry us as it would be required under any circumstance for a retail liquor license as I understand it.

I am however concerned that in one case LC has stated that the location would need the same class of license. This would make no sense whatsoever. A Class 2 Restaurant or Class 4 Retailer license should be required. A Class 14 or 18 is specific to brewing beer on site and is a hybrid retail/manufacturing license. The 14 and 18 classes require proper zoning, Federal Brewers Notices, Wine Permits and Distillers Permits that are extremely cumbersome and expensive to secure. Further, the second location clause would be completely unnecessary because as a 14 or 18 you already have the rights that the second location clause allows, thereby negating the need for this clause at all. Again, we have been and will continue to work with the various liquor commissions to find the right language so long as we can accomplish the goal and support Hawaii manufacturing jobs and authentic local production and sale. Again this relates to selling at retail not brewing in the Second Location.

Thank you for the opportunity to offer these comments.

Sincerely,



Garrett W. Marrero  
CEO/Founder

**Handcrafted Ales & Lagers Brewed with Aloha**  
605 Lipoa Parkway, Kihei, HI 96753  
808.213.3002

## **Kauai Beer Company**

James Guerber  
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jim@kauaibeer.com



SB 2711, Relating to Intoxicating Liquor

Senate Committee on Commerce, Consumer Protection and Health  
Thursday Feb 22, 2018 at 9:30 a.m. Room 229

Chair Rosalyn Baker, Vice Chair Jill Tokuda, and members of the Senate Committee on  
Commerce, Consumer Protection and Health,

Position: **Support**

My name is Jim Guerber and I am the President of the Kauai Beer Company, located in downtown Lihue, Kauai on Rice Street. We have been in business here since 2006 and began formally serving beer in September 2013. We have been instrumental in the effort to revitalize our downtown and are widely recognized for our contribution in that regard. We are in the process of renovating an adjacent space, which will dramatically enhance our ability to serve a larger customer base, increase production and increase our personnel, which is presently 34 full and part-time personnel.

The Kauai Beer Company supports SB2711 because it addresses inconsistencies and increases uniformity in laws regarding liquor manufacturing and sales, relating to the second location clause and the growler law. Additionally, passage of this bill will expand the current direct shipping laws to include Hawaii's breweries and distillers.

The following offers more details on the aforementioned three items:

### **Second location clause**

Provides more consistency and uniformity for craft beer establishments across the state. Breweries start up with a manufacturing location and when they expand to a second location, will want to sell their retail products at the new establishment, including the ability to sell at a second location under the same trade name in another county.

This bill promotes local manufacturing. Hawaii's craft breweries have more opportunities to get their products in the marketplace with this bill because it enables the retail sale of craft brewing products at a second properly licensed location, including when the primary manufacturing and second location are not in the same county.

### **Consistency in the Growler law**

Growlers, crowlers, and other types of reusable and recyclable containers are very popular with our customers. Sales of our craft beer products in these containers continue to increase. We support the use of environmentally friendly container materials and expansion of the term growler to recyclable or reusable container.

The definition of growler is currently inconsistent for our business and our customers. We support using growler to mean a container not to exceed one gallon.

### **Direct Shipping**

Breweries that are just starting out and smaller sized craft breweries don't usually have access to distributors that will export their beer out of state. This bill is proactive in providing an opportunity for direct shipping to new markets and a wider customer base.

Direct shipping increases the viability of small craft breweries by allowing export of our products to our current brewery fans and potential new customers.

Direct shipment of wine is already allowed. Expanding the statute to allow defined amounts of beer, spirits and wine under the term liquor achieves parity across all three categories of beverage alcohol, expanding marketplace options for Hawaii's beverage alcohol manufacturers.

Thank you for the opportunity to provide testimony in support of SB2711.

Sincerely,

Jim Guerber  
President  
Kauai Beer Company





**Stewbum & Stonewall Brewing Co.**

Darren Garvey  
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SB 2711, Relating to Intoxicating Liquor

Senate Committee on Commerce, Consumer Protection and Health  
Thursday Feb 22, 2018 at 9:30 a.m. Room 229

Chair Rosalyn Baker, Vice Chair Jill Tokuda, and members of the Senate Committee on Commerce, Consumer Protection and Health,

Position: **Support**

My name is Darren Garvey, I live in Honolulu, Hawaii and I am the owner of Stewbum & Stonewall Brewing Co. doing business throughout the island of Oahu. Our brewery began in 2015 with 1 employee. We soon will provide 25+ jobs in Hawaii as we expand our brewery into our larger facility by the summer.

Stewbum & Stonewall Brewing Co. supports SB 2711 because this change will allow consistency in the growler law and the ability to direct ship to our customers who visit Hawaii and love our beer but can't get it when they get home. This will also allow us to research new potential markets to expand into.

Stewbum & Stonewall Brewing Co. supports SB 2711 which addresses inconsistencies and increases uniformity in laws regarding liquor manufacturing and sales.

**Second location clause**

Bill SB 2711 provides more consistency and uniformity for craft beer producers across the state. We have seen small craft breweries in Hawaii start up in a first manufacturing location to begin producing their craft beer and then expand to a second location. If no manufacturing is intended for the second location, a manufacturing license should not be needed for the new establishment.

This bill simplifies expansion to a second location when the primary manufacturing and second location carrying out retail sales under the same trade name are not in the same county. Craft beer producers often want to sell their canned and bottled retail products at the second outlet where no manufacturing takes place.

SB 2711 allows more opportunities for Hawaii's craft beer manufacturers to get their products into the marketplace.

**Consistency in the Growler law**

Growlers, crowlers, and other types of reusable or recyclable containers are very popular with our customers. Most growlers were made from glass when customers first began to use them. Sales of our craft beer products in these containers continue to increase. We support environmentally friendly practices at our brewery and would like to have the term growler expanded to include recyclable or reusable container.

The definition of growler is currently inconsistent for our business and can be confusing for our craft beer customers. We support using growler to mean a container not to exceed one gallon.

**Direct Shipping**

Breweries that are just starting out and smaller sized craft breweries don't usually have access to distributors that will export their beer out of state. This bill is proactive in providing an opportunity for direct shipping to new markets and a wider customer base.

Direct shipping increases the viability of small craft breweries by allowing export of our products to our current brewery fans and potential new customers.

Direct shipment of wine is already allowed. Expanding the statute to allow defined amounts of beer, spirits and wine under the term liquor achieves parity across all three categories of beverage alcohol, expanding marketplace options for Hawaii's beverage alcohol manufacturers.

Mahalo for your consideration. We urge you to pass this bill.

Thank you for the opportunity to provide testimony in support of SB 2711.



Lanikai Brewing Company  
175 Hamakua Drive, Unit C  
Kailua, Hawaii 96734  
www.lanikaibrewing.com

1/31/2018

RE: SB 2711 Relating to intoxicating liquor.

Aloha Chair, Vice Chair as well as all members of the Commerce, Consumer Protection and Health committee,

Lanikai Brewing Company is a locally owned and operated Craft Brewery here on Oahu and we are in support of SB2711.

We are supportive of the Second location Clause as this will allow manufacturers like ourselves to open more locations across the state while keeping a single manufacturing facility. As the costs and process of creating a licensed manufacturing facility are high, it is logical that we can grow our manufacturing facilities larger to become more cost efficient and produce more products. While a process exists to allow us to create other manufacturing facilities on other islands, its cost prohibitive and negatively stunts growth to have multiple breweries all within the same distribution region. We are supportive that we can brew on one island and be properly permitted on any other license class on another island in a more clear and seamless manner. We request that the second locations be available under the same Brand but are not required to be the same license type.

We are supportive of the Growler Clarification as the current law is slightly confusing with flip-flopping between package sizing. This clarification allows more modern container packages also that did not exist previously. By making it a simple clarification of Up to 1 gallon, and a recyclable container it eliminates the ambiguity.

We are supportive of Direct Shipping as this will create parity among wine, spirits and beer. Reciprocity exists where to ship beer, wine or spirits to another State, Hawaii would allow beer, wine or spirits to be shipped in (includes new tax revenue, new licenses, as well as protective provisions for age verification). My company is a great example. We currently are working to export our 100% Hawaii made beer to the Mainland and beyond. However, due to Hawaii's imbalance between importing and exporting, there are no "less than container" loads for cold shipping. Therefore, for us to be able to open new markets, it requires us to sell 10-20 Pallets of product (Hundreds of thousands in value) and ship it to the new location. This is a giant financial risk as it does not allow us to methodically test new market and grow into them in a more fiscally responsible manner.

Lanikai Brewing Company, Island Inspired™ Craft Beer  
Brewery @ 175-C Hamakua Dr, Kailua, HI 96734  
Tap & Barrel @ 167 Hamakua Dr, Kailua, HI 96734 M-F 4p-10p, S-S 11a-10p  
FB: Lanikai Brewing Company, Instagram: @lanikaibrewing

By Direct Shipping, we could prove to distributors that the market place is prepared for our products with concrete data to de-risk the opportunity for us as well as our future partners all while still growing jobs in Hawaii and expanding our distribution.

Thank you for the opportunity to send testimony. This bill will absolutely create new jobs here in Hawaii, strengthen our Made in Hawaii brand value for locals and visitors, as well as allow the industry to flourish and expand. Further, due to the costs of manufacturing here locally, this would allow us small business owners to be more competitive on the national scale furthering growth of jobs here in Hawaii.

Lanikai Brewing Company is an Island Inspired® authentic Hawaiian craft beer company making 100% of our brews here in Hawaii. We take our cues from premium, local, rare, and exotic ingredients grown by local farmers and foraged across the Pacific to bring you bold and flavorful beers that you will find nowhere else utilizing Hawaiian terroir. \*\*Please note that variances in growing season conditions can impact batch-to-batch flavor and aroma profiles.

‘Ōkole Maluna,

*Steven R Haumschild*

Steve Haumschild, MBA  
CEO & Brewmaster  
Certified Cicerone®  
Lanikai Brewing Company, Island Inspired™ Craft Beer



# KAUAI ISLAND BREWING CO.

PORT ALLEN, HAWAII

February 21, 2018

SB 2711, Relating to Intoxicating Liquor

Senate Committee on Commerce, Consumer Protection and Health  
Thursday Feb 22, 2018 at 9:30 a.m. Room 229

Chair Rosalyn Baker, Vice Chair Jill Tokuda, and members of the Senate Committee on Commerce, Consumer Protection and Health,

I'm writing on behalf of our local family-owned and operated business, Kauai Island Brewing Co. in support of **SB2711** which clarifies various items in current liquor laws; namely the second location clause, and the growler law. Additionally, passage of this bill will expand the current direct shipping laws to include Hawaii's breweries and distilleries.

Why are the clarifications necessary?

## **Second Location Clause**

Bill SB2711 provides more consistency and uniformity for craft beer producers across the state. We have seen small craft breweries in Hawaii start up in a first manufacturing location to begin producing their craft beer and then expand to a second location. As the brewery establishes a second location they often want to sell their retail canned and bottled products at the new establishment. This includes wanting to sell retail products at a second location under the same trade name in another county.

This bill promotes local manufacturing. Hawaii's craft breweries have more opportunities to get their products in the marketplace with this bill because it enables the retail sale of craft brewing products at a second properly licensed location, including when the primary manufacturing and second location are not in the same county.

## **Location other than primary manufacturing premises**

Hawaii's craft breweries are increasing in number with the addition of new start up brewery businesses and expansion of existing businesses. Breweries may have an initial or primary manufacturing premises and expand with a new establishment, sometimes in a second county. The "second location" clause is meant to address inconsistencies where the second location may not be a production facility, to allow activities such as retail sales under the same trade name without requiring another license. A brewery business may have no intention of manufacturing at the second location, but still have the desire to carry out retail sales of their products at their second establishment. **This would be default not require the same class of license (14, 18) but rather a restaurant or retailer class**

Brewery Location: 4350 Waialo Rd, Port Allen, HI 96705

Mailing Address: PO Box 215, Elele, HI 96705

[www.kauaiislandbrewing.com](http://www.kauaiislandbrewing.com)

**license as no production would occur on site.** We support SB2711 which seeks to address and clarify inconsistencies.

### **Growler Clarification**

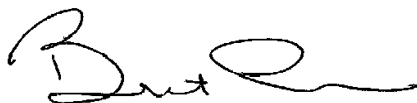
Current law is confusing as to the size that a growler can be sold in. In one place it specifies growler as up to “one-half gallon” but in next paragraph referring to recyclable containers states “one gallon”. The original law was written when only glass growlers were available. Due to the growth of craft beer across the United States vendors now offer options in aluminum, stainless, plastic, ceramic and etc. We’re proposing a simplification of 2 paragraphs into one where a growler be defined as a recyclable container up to one gallon in size.

### **Direct Shipping**

Hawaii has specific Direct Shipping laws allowing the direct shipping of wine by wineries. This means a winery can send direct to consumer in Hawaii or outside the State. The system exists to allow reciprocity; in short if Hawaii want to allow shipping to other States, Hawaii must allow those States to ship to consumers here. Taxes must be paid, licenses issued, proper shipping rules ensuring proper age of recipient and etc. We are seeking the change in these rules to allow the same rights afforded to Wineries be conferred to Hawaii’s breweries and distilleries as we manufacture locally and wish to export our products directly. The majority of smaller breweries do not have access to distribution as they are often too small to attract a wholesaler partner. We feel that it is imperative to their survival that access be given to retail to consumers around the world. This serves to increase the viability of a small craft brewery and to increase Hawaiian exports bringing attention to the growing brewing scene in Hawai’i. In order to accomplish this we feel that HRS 281-33.6 can expand upon its direct shipping rules to allow reciprocity for not just wine but beer and spirits as well. This would also achieve fairness and parity across the three categories of beverage alcohol.

Thank you for the opportunity to offer these comments.

Sincerely,



Bret Larson  
President, Kauai Island Brewing Company, LLC.  
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[bret@kauaiislandbrewing.com](mailto:bret@kauaiislandbrewing.com)