
A BILL FOR AN ACT

RELATING TO LIQUOR COMMISSIONS.

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

1 SECTION 1. The legislature finds that the county liquor
2 commissions as established pursuant to chapter 281, Hawaii
3 Revised Statutes, may be creating rules that address issues that
4 are not related to their intended purpose. This creates a
5 troubling grey area in law which, if not addressed by the
6 elected members of the legislature, may lead to various other
7 commissions and bodies usurping the authority of the
8 legislature.

9 The legislature notes that each county's liquor commission
10 rules contain provisions that appear to be intended to regulate
11 moral and sexual conduct within licensed liquor premises. These
12 rules do not seem to bear any direct relationship to the sale,
13 consumption, and distribution of alcohol. Rather, they seem to
14 represent the views of community members or commissioners on
15 morality. Although the legislature respects the strong
16 feelings of community members about the propriety of sexuality



1 in public places, the legislature believes that these rules are
2 not aligned with the liquor commission's established duties.

3 The legislature also finds that the Honolulu liquor
4 commission has engaged in an unduly discriminatory practice by
5 issuing liquor premises dancer certificates of registration that
6 expire after only one year, while certificates of registration
7 issued for other liquor premises employees expire after four
8 years.

9 The legislature further finds that the activity known as
10 "lap dancing", in which a nude or semi-nude dancer may touch a
11 patron through the patron's clothing, should be excluded from
12 the criminal offense of prostitution under the Hawaii Revised
13 Statutes.

14 The purpose of this Act is to:

- 15 (1) Prohibit liquor commissions from creating or enforcing
16 rules that relate to certain moral issues;
- 17 (2) Require that the term of any certificate of
18 registration for a dancer employed by a liquor
19 licensee be for the same length of time as any other
20 employee of the licensee; and



1 (3) Exclude from the criminal offense of prostitution lap
2 dancing that is performed by a dancer registered with
3 a liquor commission and performed on authorized liquor
4 licensee premises.

5 SECTION 2. Chapter 281, Hawaii Revised Statutes, is
6 amended by adding two new sections to part II to be
7 appropriately designated and to read as follows:

8 "§281- Limitation on powers. (a) The commission shall
9 not adopt or enforce any rule that prohibits or restricts:

- 10 (1) Obscenity;
11 (2) Offensive behavior;
12 (3) Nudity, partial nudity, or the wearing of certain
13 types of clothing;
14 (4) The display of pubic hair;
15 (5) Devices that simulate parts of the human body or pubic
16 hair;
17 (6) Lap dancing;
18 (7) Striptease;
19 (8) Sexual intercourse;
20 (9) Simulations of sexual acts;
21 (10) The exhibition of music, films, or any media; or



1 (11) Consensual physical contact between adults, including
2 sexual physical contact,
3 unless the rule is intended to prevent noise pollution or
4 prevent persons outside of a licensed liquor premises from
5 viewing the foregoing items or actions.

6 (b) Any rule of the liquor commission that violates
7 subsection (a) shall be void.

8 **§281- Certificates of registration; duration.** The
9 commission shall not require a certificate of registration for
10 an employee of a licensee to perform as a dancer that is valid
11 for a shorter duration than a certificate of registration
12 required by the commission for any other employee of the
13 licensee."

14 SECTION 3. Section 712-1200, Hawaii Revised Statutes, is
15 amended by amending subsections (1) and (2) to read as follows:

16 "(1) A person commits the offense of prostitution if the
17 person:

18 (a) Engages in, or agrees or offers to engage in, sexual
19 conduct with another person in return for a fee; or

20 (b) Pays, agrees to pay, or offers to pay a fee to another
21 to engage in sexual conduct[-];



1 provided that in the case of a dancer performing lap dancing for
2 a fee or other consideration on the premises of a liquor
3 licensee authorized by a liquor commission to allow dancing on
4 the premises, neither the dancer nor any patron of the dancer
5 shall be deemed to have engaged in prostitution; provided
6 further that the dancer has a valid certificate of registration
7 issued by the liquor commission.

8 (2) As used in this section:

9 "Lap dancing" means dancing in which a dancer makes
10 consensual sexual contact through clothing with another person,
11 regardless of whether or not the person is dancing.

12 "Liquor commission" means the liquor commission for the
13 county in which the subject premises are located.

14 "Minor" means a person who is less than eighteen years of
15 age.

16 "Sexual conduct" means "sexual penetration", "deviate
17 sexual intercourse", or "sexual contact", as those terms are
18 defined in section 707-700, or "sodomasochistic abuse" as
19 defined in section 707-752."



H.B. NO. 1512

1 SECTION 5. This Act shall take effect on July 1, 2019.

2

INTRODUCED BY: _____

Scott. Am B/R

JAN 24 2019



H.B. NO. 1512

Report Title:

Liquor Commissions; Jurisdiction; Conduct; Lap Dancing

Description:

Prohibits liquor commissions from creating or enforcing rules that relate to certain moral issues or sexual conduct. Requires that the term of any certificate of registration for a dancer employed by a liquor licensee be for the same length of time as any other employee of the licensee. Excludes lap dancing performed by a dancer registered with a liquor commission and performed on authorized liquor licensee premises from the offense of prostitution.

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

