

JAN 23 2020

A BILL FOR AN ACT

RELATING TO LIQUOR LICENSES.

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

1 SECTION 1. The legislature finds that freestanding liquor
2 establishments holding a class 11 cabaret license have created
3 public safety issues for residents and visitors. Cabarets are
4 allowed by statute to serve liquor until 4 a.m., a time when
5 peace and quiet is reasonably expected by visitors and
6 residents.

7 On November 6, 2019, the Honolulu city council adopted
8 Resolution 19-239, which urges the legislature to restrict the
9 issuance and renewal of cabaret licenses within Waikiki to
10 establishments within hotels. The Resolution states that the
11 increased availability of alcohol from establishments with
12 extended business hours, such as cabarets, often results in
13 increased criminal activity in the Waikiki area, including
14 assaults, attacks, and robberies.

15 The legislature therefore finds that restricting class 11
16 cabaret license holders to those establishments within hotels is



1 a reasonable restriction needed to increase public safety, as
2 hotels are generally staffed twenty-four hours per day.

3 Accordingly, the purpose of this Act is to restrict the
4 issuance and renewal of class 11 cabaret licenses to those
5 establishments within hotels.

6 SECTION 2. Section 281-31, Hawaii Revised Statutes, is
7 amended by amending subsection (k) to read as follows:

8 "(k) Class 11. Cabaret license. A cabaret license shall
9 be general only but shall exclude alcohol and shall authorize
10 the sale of liquor for consumption on the premises. This
11 license shall be issued only for premises where food is served,
12 facilities for dancing by the patrons including a dance floor
13 are provided, and live or amplified recorded music or
14 professional entertainment except professional entertainment by
15 a person who performs or entertains unclothed is provided for
16 the patrons; provided that professional entertainment by persons
17 who perform or entertain unclothed shall be authorized by:

18 (1) A cabaret license for premises where professional
19 entertainment by persons who perform or entertain
20 unclothed was presented on a regular and consistent
21 basis immediately prior to June 15, 1990; or



1 (2) A cabaret license that, pursuant to rules adopted by
2 the liquor commission, permits professional
3 entertainment by persons who perform or entertain
4 unclothed.

5 A cabaret license under paragraph (1) or (2) authorizing
6 professional entertainment by persons who perform or entertain
7 unclothed shall be transferable through June 30, 2000. A
8 cabaret license under paragraph (1) or (2) authorizing
9 professional entertainment by persons who perform or entertain
10 unclothed shall not be transferable after June 30, 2000, except
11 upon approval by the liquor commission and pursuant to rules
12 adopted by the commission. Notwithstanding any rule of the
13 liquor commission to the contrary, cabarets in resort areas may
14 be opened for the transaction of business until 4 a.m.
15 throughout the entire week.

16 A cabaret license shall be issued or renewed only for
17 premises that operate or plan to operate, as applicable, within
18 a hotel located in a zoned resort area, the boundaries of which
19 are delineated in the land use ordinance of the respective
20 county; provided that the commission also finds the applicant or



1 licensee has met the other standards of operation as established
2 by rules adopted by the commission."

3 SECTION 3. Section 281-61, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Other than for good cause, and except as provided in
6 section 281-31(k), the renewal of an existing license shall be
7 granted upon the filing of an application; provided that if:

- 8 (1) Complaints from the public;
9 (2) Reports from the commission's investigators; or
10 (3) Adjudications of the commission or the liquor control
11 adjudication board,

12 indicate that noise created by patrons departing from the
13 premises disturbs residents on the street or of the neighborhood
14 in which the premises are located, or that noise from the
15 premises or adjacent related outdoor areas such as parking lots
16 or lanais exceed standards contained in state or county noise
17 codes or intrudes into nearby residential units, the commission
18 may deny the renewal application or withhold the issuance of a
19 renewed license until corrective measures meeting the
20 commission's approval are taken."

21 SECTION 4. New statutory material is underscored.

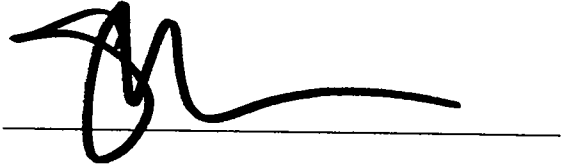


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1 SECTION 5. This Act shall take effect on January 1, 2021.

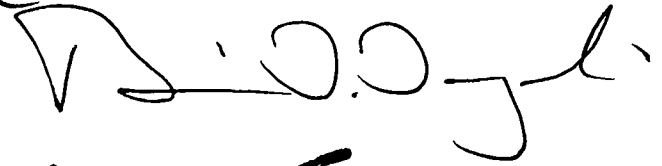
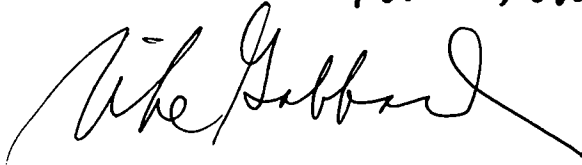
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Report Title:

Liquor Licenses; Issuance; Renewal; Class 11 Licenses; Cabarets;
Hotels; Resort Areas

Description:

Restricts the issuance and renewal of class 11 cabaret liquor licenses to establishments within hotels located in a zoned resort area.

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

