

---

---

# A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

1           SECTION 1. Section 281-31, Hawaii Revised Statutes, is  
2 amended as follows:  
3           1. By amending subsection (n) to read:  
4           "(n) Class 14. Brewpub license. A brewpub licensee:  
5           (1) May sell malt beverages manufactured on the licensee's  
6           premises for consumption on the premises;  
7           (2) May sell malt beverages manufactured by the licensee  
8           in brewery-sealed packages to class 3 wholesale dealer  
9           licensees pursuant to conditions imposed by the county  
10           by ordinance or rule;  
11           (3) May sell intoxicating liquor purchased from a class 3  
12           wholesale dealer licensee to consumers for consumption  
13           on the licensee's premises. The categories of  
14           establishments shall be as follows:  
15           (A) A standard bar; or  
16           (B) Premises in which live entertainment or recorded  
17           music is provided. Facilities for dancing by the



1 patrons may be permitted as provided by  
2 commission rules;

3 (4) May, subject to federal labeling and bottling  
4 requirements, sell malt beverages manufactured on the  
5 licensee's premises to consumers in brewery-sealed  
6 kegs and recyclable or reusable containers and sell  
7 malt beverages manufactured on the licensee's premises  
8 or purchased from a class 1 manufacturer licensee, a  
9 class 3 wholesale dealer licensee, a class 14 brewpub  
10 licensee, or a class 18 small craft producer pub  
11 licensee to consumers in growlers for off-premises  
12 consumption; provided that for purposes of this  
13 paragraph, "growler" means a [~~glass, ceramic, or~~  
14 ~~metal~~] recyclable or reusable container[~~7~~] that does  
15 not [~~to~~] exceed one [~~half gallon, which shall be~~  
16 ~~securely sealed~~;

17 ~~(5) May, subject to federal labeling and bottling~~  
18 ~~requirements, sell malt beverages manufactured on the~~  
19 ~~licensee's premises in recyclable containers provided~~  
20 ~~by the licensee or by the consumer which do not exceed~~  
21 ~~one] gallon [~~per container~~] and [~~are~~] is securely~~



1 sealed on the licensee's premises [~~to consumers for~~  
2 ~~off-premises consumption~~];

3 [~~(6)~~] (5) Shall comply with all [~~regulations~~] requirements  
4 pertaining to class 4 retail dealer licensees when  
5 engaging in the retail sale of malt beverages;

6 [~~(7)~~] (6) May, subject to federal labeling and bottling  
7 requirements, sell malt beverages manufactured on the  
8 licensee's premises in brewery-sealed containers  
9 directly to class 2 restaurant licensees, class 3  
10 wholesale dealer licensees, class 4 retail dealer  
11 licensees, class 5 dispenser licensees, class 6 club  
12 licensees, class 8 transient vessel licensees, class 9  
13 tour or cruise vessel licensees, class 10 special  
14 licensees, class 11 cabaret licensees, class 12 hotel  
15 licensees, class 13 caterer licensees, class 14  
16 brewpub licensees, class 15 condominium hotel  
17 licensees, class 18 small craft producer pub  
18 licensees, and consumers pursuant to conditions  
19 imposed by county [~~regulations~~] ordinances or rules  
20 governing class 1 manufacturer licensees and class 3  
21 wholesale dealer licensees;



1       ~~[(8)]~~ (7) May conduct the activities under paragraphs (1)  
2       to ~~[(7)]~~ (6) at ~~[one location]~~ locations other than  
3       the licensee's primary manufacturing premises;  
4       provided that:

5       (A) The manufacturing takes place in Hawaii; ~~[and]~~

6       (B) ~~[The]~~ Each of the other [location is] locations:

7           (i) Operates within the State under the same  
8           trade name as the premises; and

9           (ii) Is properly licensed [under the same  
10          ~~ownership,]~~ within the county of its  
11          operation as a class 1 manufacturer  
12          licensee, class 2 restaurant licensee, class  
13          4 retail dealer licensee, class 5 dispenser  
14          licensee, class 12 hotel licensee, class 14  
15          brewpub licensee, or class 18 small craft  
16          producer pub licensee;

17        (C) The county liquor commission of the county in  
18        which the licensee satellite location is located  
19        shall have jurisdiction over the satellite  
20        location; and



1            (D) All requirements of the license class of the  
2            satellite location shall be in effect as required  
3            by the county liquor commission for the satellite  
4            location; and

5            [~~9~~] (8) May allow minors, who are accompanied by a parent  
6            or legal guardian of legal drinking age, on the  
7            licensee's premises."

8            2. By amending subsection (r) to read:

9            "(r) Class 18. Small craft producer pub license. A small  
10          craft producer pub licensee:

11          (1) Shall manufacture not more than:

12            (A) [~~Sixty~~] Seventy-five thousand barrels of malt  
13            beverages;

14            (B) Twenty thousand barrels of wine; or

15            (C) Seven thousand five hundred barrels of alcohol on  
16            the licensee's premises during the license year;  
17            provided that for purposes of this paragraph, "barrel"  
18            means a container not exceeding thirty-one gallons or  
19            wine gallons of liquor;



- 1           (2) May sell malt beverages, wine, or alcohol manufactured  
2           on the licensee's premises for consumption on the  
3           premises;
- 4           (3) May sell malt beverages, wine, or alcohol manufactured  
5           by the licensee in producer-sealed packages to class 3  
6           wholesale dealer licensees pursuant to conditions  
7           imposed by the county by ordinance or rule;
- 8           (4) May sell intoxicating liquor purchased from a class 3  
9           wholesale dealer licensee to consumers for consumption  
10          on the licensee's premises. The categories of  
11          establishments shall be as follows:
- 12           (A) A standard bar; or
- 13           (B) Premises in which live entertainment or recorded  
14           music is provided. Facilities for dancing by the  
15           patrons may be permitted as provided by  
16           commission rules;
- 17          (5) May, subject to federal labeling and bottling  
18          requirements, sell malt beverages manufactured on the  
19          licensee's premises to consumers in producer-sealed  
20          kegs and recyclable or reusable containers and sell  
21          malt beverages manufactured on the licensee's premises



1 or purchased from a class 1 manufacturer licensee, a  
2 class 3 wholesale dealer licensee, a class 14 brewpub  
3 licensee, or a class 18 small craft producer pub  
4 licensee to consumers in growlers for off-premises  
5 consumption; provided that for purposes of this  
6 paragraph, "growler" means a [~~glass, ceramic, or~~  
7 ~~metal~~] recyclable or reusable container[~~7~~] that does  
8 not [~~to~~] exceed one [~~half-gallon,~~] gallon, which shall  
9 be securely sealed;

10 (6) May, subject to federal labeling and bottling  
11 requirements, sell [~~malt beverages,~~] wine[~~7~~] or  
12 alcohol manufactured on the licensee's premises in  
13 recyclable containers provided by the licensee or by  
14 the consumer which do not exceed:

15 (A) One gallon per container for [~~malt beverages and~~]  
16 wine; and

17 (B) One liter for alcohol; and

18 are securely sealed on the licensee's premises to  
19 consumers for off-premises consumption;

20 (7) Shall comply with all [~~regulations~~] requirements  
21 pertaining to class 4 retail dealer licensees when



1           engaging in the retail sale of malt beverages, wine,  
2           and alcohol;

3           (8) May, subject to federal labeling and bottling  
4           requirements, sell malt beverages, wine, and alcohol  
5           manufactured on the licensee's premises in producer-  
6           sealed containers directly to class 2 restaurant  
7           licensees, class 3 wholesale dealer licensees, class 4  
8           retail dealer licensees, class 5 dispenser licensees,  
9           class 6 club licensees, class 8 transient vessel  
10          licensees, class 9 tour or cruise vessel licensees,  
11          class 10 special licensees, class 11 cabaret  
12          licensees, class 12 hotel licensees, class 13 caterer  
13          licensees, class 14 brewpub licensees, class 15  
14          condominium hotel licensees, class 18 small craft  
15          producer pub licensees, and consumers pursuant to  
16          conditions imposed by county [~~regulations~~] ordinances  
17          or rules governing class 1 manufacturer licensees and  
18          class 3 wholesale dealer licensees;

19          (9) May conduct the activities under paragraphs (1) to (8)  
20          at [~~one location~~] locations other than the licensee's  
21          premises; provided that:





- 1 (A) The manufacturing takes place in Hawaii; ~~and~~
- 2 (B) ~~The~~ Each of the other [location is] locations:
  - 3 (i) Operates within the State under the same
  - 4 trade name as the premises; and
  - 5 (ii) Is properly licensed [under the same
  - 6 ownership,] within the county of its
  - 7 operation as a class 1 manufacturer
  - 8 licensee, class 2 restaurant licensee, class
  - 9 4 retail dealer licensee, class 5 dispenser
  - 10 licensee, class 12 hotel licensee, class 14
  - 11 brewpub licensee, or class 18 small craft
  - 12 producer pub licensee;
- 13 (C) The county liquor commission of the county in
- 14 which the licensee satellite location is located
- 15 shall have jurisdiction over the satellite
- 16 location; and
- 17 (D) All requirements of the license class of the
- 18 satellite location shall be in effect as required
- 19 by the county liquor commission for the satellite
- 20 location; and



1 (10) May allow minors, who are accompanied by a parent or  
2 legal guardian of legal drinking age, on the  
3 licensee's premises."

4 SECTION 2. Section 281-33.6, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "§281-33.6 Direct shipment of [~~wine~~] liquor by [~~wineries~~]  
7 producers. (a) Any person holding:

8 (1) A general excise tax license from the department of  
9 taxation; and

10 (2) Either:

11 (A) A class 1, class 14, class 16, or class 18  
12 license to manufacture [~~wine~~] liquor under  
13 section 281-31; or

14 (B) A license to manufacture [~~wine~~] liquor issued by  
15 another state,

16 may pay any applicable fees and obtain a direct [~~wine~~] liquor  
17 shipper permit from the liquor commission of the county to which  
18 the [~~wine~~] liquor will be shipped authorizing the holder to  
19 directly ship [~~wine~~] liquor to persons in the county pursuant to  
20 this section.



1 (b) The holder of a direct [~~wine~~] liquor shipper permit  
2 may sell and annually ship to any person twenty-one years of age  
3 or older in the county that issued the permit, no more than six  
4 nine-liter cases of wine, no more than forty-two gallons of  
5 beer, and no more than two nine-liter cases of spirits per  
6 household for personal use only and not for resale, and shall:

7 (1) Ship [~~wine~~] liquor directly to the person only in  
8 containers that are conspicuously labeled with the  
9 words:

10 "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 YEARS  
11 OR OLDER REQUIRED FOR DELIVERY.";

12 (2) Require that the carrier of the shipment obtain the  
13 signature of any person twenty-one years of age or  
14 older before delivering the shipment;

15 (3) Report no later than January 31 of each year to the  
16 liquor commission in each county where a direct [~~wine~~]  
17 liquor shipper permit is held, the total amount of  
18 [~~wine~~] liquor shipped to persons in the county during  
19 the preceding calendar year;

20 (4) Pay all applicable general excise and gallonage taxes.  
21 For gallonage tax purposes, all [~~wine~~] liquor sold



1 under a direct [~~wine~~] liquor shipper permit shall be  
2 deemed to be [~~wine~~] liquor sold in the State; and

3 (5) Be subject to audit by the liquor commission of each  
4 county in which a permit is held.

5 (c) The holder of a license to manufacture [~~wine~~] liquor  
6 issued by another state may annually renew a direct [~~wine~~]  
7 liquor shipper permit by providing the liquor commission that  
8 issued the permit with a copy of the license and paying all  
9 required fees. The holder of a class 1, class 14, class 16, or  
10 class 18 license to manufacture [~~wine~~] liquor under section 281-  
11 31 may renew a direct [~~wine~~] liquor shipper permit concurrently  
12 with the [~~class 1~~] applicable license by complying with all  
13 applicable laws and paying all required fees.

14 (d) The sale and shipment of [~~wine~~] liquor directly to a  
15 person in this State by a person that does not possess a valid  
16 direct [~~wine~~] liquor shipper permit is prohibited. Knowingly  
17 violating this law is a misdemeanor.

18 (e) The liquor [~~+~~]commission[~~+~~] in each county may adopt  
19 rules and regulations necessary to carry out the intent and  
20 purpose of this section."



1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 2112.



**Report Title:**

Liquor Licenses; Brewpubs; Small Craft Producer Pubs

**Description:**

Allows a class 18 small craft producer pub licensee to manufacture not more than 75,000 barrels of malt beverages on the licensee's premises during the license year. Clarifies that a class 14 brewpub licensee or class 18 small craft producer pub licensee may conduct certain activities at satellite locations other than the licensee's primary manufacturing premises under certain conditions. Clarifies the definition of "growler". Allows direct shipment of all forms of liquor, rather than just wine, by certain licensees. (SB773 HD1)

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

