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## A BILL FOR AN ACT

RELATING TO DIRECT SHIPPING OF LIQUOR.

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

1           SECTION 1. The legislature finds that under existing  
2 Hawaii law, direct-to-consumer shipping of liquor is limited to  
3 only wineries shipping wine; other liquor manufacturers do not  
4 have the option to directly ship liquor, including beer, to  
5 consumers. Direct-to-consumer shipping allows liquor  
6 manufacturers to serve their existing customers, while also  
7 allowing the manufacturers to pursue additional markets and tap  
8 into a broader customer base. A larger customer base has the  
9 potential to result in more local jobs and an increase in  
10 overall revenue for local businesses. Direct-to-consumer  
11 shipping further assists smaller manufacturers that struggle to  
12 find wholesalers that are willing to sell and represent their  
13 small brands by giving those manufacturers direct access to  
14 their customers. In an effort to encourage commerce, the  
15 legislature also finds that the State must support reciprocity  
16 with all states for manufacturers to ship their goods to, from,  
17 and within Hawaii.



1 The purpose of this Act is to allow direct shipment of all  
2 forms of liquor, rather than just wine, by certain licensees.

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

5 "§281-33.6 Direct shipment of [wine] liquor by [wineries-]  
6 manufacturers. (a) Any person holding:

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

9 (2) Either:

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

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

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

20 (b) The holder of a direct [wine] liquor shipper permit  
21 may sell and annually ship liquor to any person twenty-one years



1 of age or older in the county that issued the permit, [~~no more~~  
2 ~~than six nine liter cases of wine per household~~] for personal  
3 use only and not for resale, and shall:

- 4 (1) Ship [~~wine~~] liquor directly to the person only in  
5 containers that are conspicuously labeled with the  
6 words:  
7 "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 YEARS  
8 OR OLDER REQUIRED FOR DELIVERY.";
- 9 (2) Require that the carrier of the shipment obtain the  
10 signature of any person twenty-one years of age or  
11 older before delivering the shipment;
- 12 (3) Report no later than January 31 of each year to the  
13 liquor commission in each county where a direct [~~wine~~]  
14 liquor shipper permit is held, the total amount of  
15 [~~wine~~] liquor shipped to persons in the county during  
16 the preceding calendar year;
- 17 (4) Pay all applicable general excise and gallonage taxes.  
18 For gallonage tax purposes, all [~~wine~~] liquor sold  
19 under a direct [~~wine~~] liquor shipper permit shall be  
20 deemed to be [~~wine~~] liquor sold in the State; and



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

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

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

17 (e) The liquor [~~+~~]commission[~~+~~] in each county [~~may~~] shall  
18 adopt rules and regulations necessary to carry out the intent  
19 and purpose of this section[~~-~~]; provided that any rulemaking  
20 shall not delay the commencement of the direct shipment of  
21 liquor on the effective date of this Act.



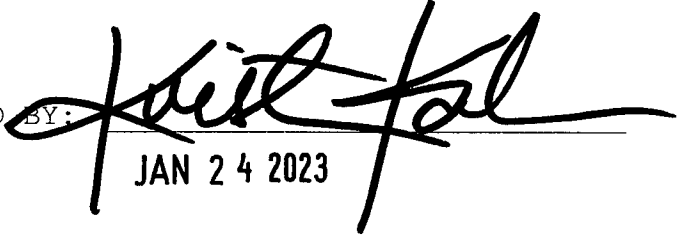
1        (f) The holder of a direct liquor shipper permit may ship  
2 to and from any county or state where properly licensed and  
3 shall ensure that all reciprocal shipping license requirements  
4 are met in the receiving county or state."

5        SECTION 3. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7        SECTION 4. This Act shall take effect on July 1, 2023.

8

INTRODUCED BY:

  
JAN 24 2023



# H.B. NO. 1259

**Report Title:**

Intoxicating Liquors; Direct Shipping; Liquor Manufacturers;  
Brewpubs; Small Craft Producer Pubs

**Description:**

Allows direct shipment of all forms of liquor, rather than just wine, by certain licensees. Requires the county liquor commissions to adopt rules.

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

