

## ACT 190

S.B. NO. 2348-76

A Bill for an Act Relating to Importation of Liquor as Household Goods.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. **Purpose.** The law allows any person arriving in the State to bring with him for private use and consumption, any liquor not exceeding one gallon, without the requirement of obtaining a license. This Act will allow any person to obtain a special permit to receive a shipment of liquor from outside the State either when the liquor is not otherwise available in the State, as an unsolicited gift, or as part of his household goods originally purchased for use outside the State.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new section to Chapter 281 to be appropriately designated and to read:

**“Sec. 281- Individual permits to receive shipments of liquor.**

(a) Notwithstanding any other provisions of law, any unlicensed adult person may apply to the liquor commission and be issued, for a nominal fee, a permit to receive a shipment of liquor from outside the State, not to exceed five gallons, for use and consumption by the applicant and his household and not for sale in any form.

(b) In the case of a shipment which the application shows is an unsolicited gift, the quantities permitted to be received under subsection (a) above shall be limited to 3.2 gallons (12 liters) in total of all kinds of liquor.

(c) In the case of a shipment in respect of which the applicant shows to the liquor commission that the liquor was prior to the date of the application the

personal property of the applicant, formed a part of his household goods, was used and stored outside the State, and was originally acquired (or made by the applicant) outside the State, the quantity of wine, or other liquor capable of aging and originating from grapes or other fruit, which shall be permitted to be received under subsection (a) above may exceed the limit there stated if the commission finds that it is reasonable to do so consistent with the intent of this statute to allow persons taking up residency in the State the free movement of their household goods into this State.

(d) Except in the case of applications meeting the requirements of subsections (b) or (c), the permit shall not be issued unless the applicant demonstrates to the satisfaction of the liquor commission that each of the brands to be brought in under the permit is otherwise unavailable in the State, and that the manufacturer of such brand would be willing to list prices for such brand pursuant to Section 281-43 if channels for distribution in the State were available.

(e) No more than one permit may be issued pursuant to subsection (a) in respect of any one household in any calendar year, and each applicant shall be required to affirm, under penalty of perjury, that no member of his household has previously received such a permit in the applicable calendar year.

(f) All such applications and shipments shall be in accordance with regulations promulgated by the liquor commission.

(g) A common carrier to whom the permit is presented is authorized to make delivery of the described shipment to the person named in the permit. Delivery of such a shipment pursuant to the permit shall not be deemed to constitute a sale in this State.”

SECTION 3. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 4. This Act shall take effect upon its approval. After such date, permits may be issued for shipments notwithstanding that they originated prior to the effective date of this Act.

(Approved June 4, 1976.)

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\*Edited accordingly.