

## ACT 122

H.B. NO. 2163-84

A Bill for an Act Relating to the Hawaii Penal Code.

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

SECTION 1. Chapter 712, Hawaii Revised Statutes, is amended by adding a new section to Part IV to be appropriately designated and to read as follows:

**“§712- Promoting intoxicating liquor to a minor.** (1) A person, including any licensee as defined in section 281-1, commits the offense of promoting intoxicating liquor to a minor if he knowingly:

- (a) Sells or offers for sale, delivers, or gives to a person intoxicating liquor, and the person receiving the intoxicating liquor is a minor; or
- (b) Permits a person to possess intoxicating liquor while on property under his control, and the person possessing the intoxicating liquor is a minor.

(2) It is a defense to a prosecution for promoting intoxicating liquor to a minor that:

- (a) The intoxicating liquor provided to the minor was an ingredient in a medicine prescribed by a licensed physician for medical treatment of the minor; or
- (b) The intoxicating liquor was provided to the minor as part of a ceremony of a recognized religion; or
- (c) The defendant provided the intoxicating liquor to the minor with the belief, which was reasonable under the circumstances, that the minor had attained the age of majority; or
- (d) The defendant provided the intoxicating liquor to the minor with the express consent of the parent or legal guardian and with the belief, which was reasonable under the circumstances, that the minor would not consume any portion of the substance; or
- (e) The defendant provided the intoxicating liquor to the minor with the express consent of the parent or legal guardian and with the belief, which was reasonable under the circumstances, that the

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minor would consume the substance only in the presence of the parent or legal guardian.

(3) Promoting intoxicating liquor to a minor is a misdemeanor.”

SECTION 2. Section 712-1240, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

“Intoxicating liquor” means any substance defined as “liquor” or “intoxicating liquor” by section 281-1.”

SECTION 3. Section 712-1252, Hawaii Revised Statutes, is amended to read as follows:

**“§712-1252 Knowledge of character, nature, or quantity of substance, or age of transferee; prima facie evidence.** (1) The fact that a person engaged in the conduct specified by any section in this part is prima facie evidence that he engaged in that conduct with knowledge of the character, nature, and quantity of the dangerous drug, harmful drug, detrimental drug, [or] intoxicating compounds, or intoxicating liquor possessed, distributed, or sold.

(2) The fact that the defendant distributed or sold a dangerous drug, harmful drug, detrimental drug, [or] intoxicating compound, or intoxicating liquor, to a minor is prima facie evidence that the defendant knew the transferee to be a minor.”

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect upon its approval.

(Approved May 18, 1984.)

### Note

1. Edited pursuant to HRS §23G-16.5.