

ACT 350

S.B. NO. 3000

A Bill for an Act Relating to Intoxicating Liquor.

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

SECTION 1. Section 281-78, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) At no time under any circumstances, except as permitted in section 291-3.4, shall any liquor:

- (1) Be consumed on any public highway or any public sidewalk;
- (2) Be sold or furnished by any licensee to:
 - (A) Any minor,
 - (B) Any person at the time under the influence of liquor,
 - (C) Any person known to the licensee to be addicted to the excessive use of intoxicating liquor, or
 - (D) Any person for consumption in any vehicle [on the licensed premises;] which is licensed to travel on public highways;

Provided that the sale of liquor to a minor shall not be deemed to be a violation of this subsection if, in making the sale the licensee was

misled by the appearance of the minor and the attending circumstances into honestly believing that such minor was of legal age and the licensee acted in good faith, and it shall be incumbent upon the licensee to prove that the licensee so acted in good faith;

- (3) Be consumed on the premises of a licensee or on any premises connected therewith, whether there purchased or not, except as permitted by the terms of the license;
- (4) Be sold or served by any person eighteen to twenty years of age except in licensed establishments where selling or serving the intoxicating liquor is part of the minor's employment, and where there is proper supervision of such minor employees to ensure that the minors shall not consume the intoxicating liquor;
- (5) Be sold or served by any person below the age of eighteen upon any licensed premises, except in such individually specified licensed establishments found to be otherwise suitable by the liquor commission in which an approved program of job training and employment for dining room waiters and waitresses is being conducted in cooperation with the University of Hawaii, the state community college system, or a federally sponsored manpower development and training program, under arrangements which ensure proper control and supervision of employees.

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 14, 1988.)