

ACT 202

H.B. NO. 3242

A Bill for an Act Relating to Intoxicating Liquor.

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

SECTION 1. The legislature finds that underage drinking is a continuing problem in Hawaii. The number of arrests by police for persons under the age of twenty-one for driving under the influence and zero tolerance has increased over the years. The Hawaii department of health 2003 student survey concluded that there has been a decrease in youth alcohol consumption in grades six, eight, ten, and twelve. Those in grades ten and twelve showed less of a decrease than those in the sixth and eighth grades. The report concluded that those surveyed in the tenth and twelfth grades showed a 59.1 and 72.5 per cent lifetime use rate in 2003. The majority of tenth and twelfth graders have tried alcohol in their lifetime and nearly half of the seniors have reported being drunk. In a monthly trend, of those having a drink in the past thirty days, the report showed that twenty-seven per cent of tenth graders and thirty-six per cent of twelfth graders had consumed alcohol. The consumption of alcohol among the young becomes a health problem because it affects the development of the brain at that young age. This effect alters the learning process in a way that may lead to behavioral problems. To protect the young, thirty-seven states have enacted laws that prohibit the consumption of alcohol by anyone under the age of twenty-one.

Accordingly, the purpose of this Act is to prohibit the consumption of intoxicating liquor by anyone under the age of twenty-one years.

SECTION 2. Section 281-101.5, Hawaii Revised Statutes, is amended to read as follows:

“§281-101.5 Prohibitions involving minors; penalty. (a) No adult shall provide or purchase liquor for consumption or use by a person under twenty-one years of age.

(b) No minor shall consume or purchase liquor and no minor shall have liquor in the minor's possession or custody in any motor vehicle on a public highway or in any public place, public gathering, or public amusement or at any public beach or public park; provided that notwithstanding any other law to the contrary, this subsection shall not apply to:

- (1) Possession or custody of liquor by a minor in the course of delivery, pursuant to the direction of the minor's employer lawfully engaged in business necessitating the delivery;
- (2) Possession [~~or~~], custody, or consumption of liquor by a minor in connection with the minor's authorized participation in religious ceremonies requiring [~~the~~] such possession [~~or~~], custody[;], or consumption; or
- (3) Any person between the ages of eighteen and twenty, who is participating in a controlled purchase as part of a law enforcement activity or a study authorized by the department of health to determine the level of incidence of liquor sales to minors.

(c) No minor shall falsify any identification or use any false identification or identification of another person or of a fictitious person for the purpose of buying or attempting to buy liquor or for the purpose of obtaining employment to sell or serve liquor on licensed premises.

(d) Any person under age eighteen who violates this section shall be subject to the jurisdiction of the family court. Any person age eighteen or older who violates subsection (a) shall be guilty of a misdemeanor. Any person age eighteen to twenty-one who violates [~~subsections~~] subsection (b) or (c) shall be guilty of a petty misdemeanor.

(e) As used in this section, "consume" or "consumption" includes the ingestion of liquor."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

(Approved June 19, 2006.)