

A Bill for an Act Relating to Liquor Laws.

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

SECTION 1. The legislature finds that state law does not fully encompass the changing needs of the craft brewing industry. Responsible consumption of alcohol and consumer awareness of the products they are served remain fundamentally important, and can be maintained while updating liquor laws to better reflect the craft beer industry.

The legislature also finds that state law requires tap handles with the name or brand of the draught beer to be placed on the faucet, spigot, or outlet from where the beer is drawn. This requirement does not account for changes in technology, product line, and consumer interactions with servers. As a matter of practicality, craft beer names are often longer than will fit in the space available on a tap handle. Furthermore, a required tap handle provides no additional assurance of what has been poured when the customer is not seated within view of the draught beer taps. Many brewpubs and taprooms provide a display board on a display screen or blackboard near the tap handles or menus, which provides a greater amount of information for each draught beer available on tap than can be found on a tap handle. Such information allows consumers to make better choices relying on information far beyond what is provided by attachment of a tap handle only.

The tap handle requirement is increasingly burdensome for one-time specialty beer products and seasonal offerings, which may be on draught beer taps for a few days or weeks of the year. Because establishments offering craft beer have a more rapid rotation of their offerings, it is more difficult and expensive for craft beer manufacturers to have tap handles for each offering throughout the year.

The legislature also finds that under Hawaii law, the county liquor commissions and liquor control adjudication boards are required to adopt rules to address responsible consumption of alcohol. Under these rules, some of the counties have defined stacking to mean having more than two standard servings of drinks before a customer at any one time, although the description of standard serving size varies by county. Concerns have been raised that defining stacking based on the number of drinks, rather than on the total volume served, does not allow breweries, brewpubs, and taprooms to serve small volumes of sample sizes.

As part of Hawaii's tourist-based economy, visitors will often seek out new breweries and craft beer offerings unique to Hawaii and will often want to try smaller volumes of various beer styles. Servings are often referred to as a flight or sampler selection with four or five beer styles, typically a four to six ounce pour of each. The total volume served in a flight or sampler selection is below the current standard serving size limitations set by the county liquor and liquor control adjudication boards.

The purpose of this Act is to:

- (1) Repeal the requirement of a direct attachment of a tap handle, label, notice, placard, or marker on a draught beer faucet, spigot, or outlet; and
- (2) Clarify the definition of stacking and serving size that may be adopted by the county liquor and liquor control adjudication boards.

SECTION 2. Section 281-78, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) At no time under any circumstances shall any licensee or its employee:

- (1) Sell, serve, or furnish any liquor to, or allow the consumption of any liquor by:
 - (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 that is licensed to travel on public highways;

provided that the consumption or sale of liquor to a minor shall not be deemed to be a violation of this subsection if, in making the sale or allowing the consumption of any liquor by a minor, the licensee was misled by the appearance of the minor and the attending circumstances into honestly believing that the minor was of legal age and the licensee acted in good faith; ~~and~~ provided further that it shall be incumbent upon the licensee to prove that the licensee so acted in good faith;

- (2) Permit any liquor to be consumed on the premises of the licensee or on any premises connected therewith, whether there purchased or not, except as permitted by the terms of its license;
- (3) Permit any liquor to 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 these minor employees to ensure that the minors shall not consume the intoxicating liquor;
- (4) Permit any liquor to be sold or served by any person below the age of eighteen years upon any licensed premises, except in 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 personnel development and training program, under arrangements that ensure proper control and supervision of employees;
- (5) Knowingly permit any person under the influence of liquor or disorderly person to be or remain in or on the licensed premises;
- (6) Fail to timely prevent or suppress any violent, quarrelsome, disorderly, lewd, immoral, or unlawful conduct of any person on the premises;

~~[(7) Sell any draught beer unless upon the faucet, spigot, or outlet wherefrom the beer is drawn there is attached a clear and legible notice, placard, or marker which in the English language indicates and declares the name or brand adopted by the manufacturer of the draught beer, so situated as to be clearly legible for a distance of at least ten feet from the spigot, faucet, or outlet, to a purchaser with normal vision;] or~~

- ~~[(8)]~~ (7) Receive from a person, as payment or as a consideration for liquor, any personal or household goods, including clothing and food, or any implements of trade. Any person violating this paragraph shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 281-102.”

SECTION 3. Section 281-78.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The liquor commission shall adopt rules pursuant to chapter 91 to prohibit specific liquor promotion practices which promote excessive consumption of liquor[-]; provided that any rules adopted by the counties related to the stacking of liquor shall specify that:

- (1) Stacking of beer shall be defined based on a standard serving size of total volume; and
- (2) A standard serving size of beer shall be defined as not exceeding a total volume of thirty-two ounces before a customer at any one time.”

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

SECTION 5. This Act shall take effect on July 1, 2019.

(Approved July 2, 2019.)