
A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Legislature finds that section
2 281-78(b)(1)(A), Hawaii Revised Statutes, has been interpreted
3 by at least one county liquor commission to result in strict
4 liability for liquor licensees who do not catch minors consuming
5 alcohol on their licensed premises, even if the licensed
6 premises is a large public facility (e.g., the Waikiki Shell,
7 Neal S. Blaisdell Center Arena, and Aloha Stadium) and the
8 county liquor commission has approved the licensee's security
9 plans for preventing minors from consuming alcohol on the
10 licensed premises.

11 The purpose of this Act is to establish that a licensee who
12 serves alcohol in a large public facility, receives the
13 appropriate county liquor commission's approval of the
14 licensee's security plans for preventing minors from consuming
15 alcohol on the licensed premises, and implements said plan in
16 good faith, shall not be deemed to be in violation of section
17 281-78(b)(1)(A), Hawaii Revised Statutes.



1 SECTION 2. Section 281, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Large public facility" means any publicly owned property
5 or privately owned property open for public use or to which the
6 public is invited for entertainment or business purposes that
7 has a capacity of at least 50,000 people."

8 SECTION 3. Section 281-78, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§281-78 Prohibitions.** (a) No person shall consume any
11 liquor on any:

- 12 (1) Public highway, except as permitted in section
13 291-3.4;
- 14 (2) Public sidewalk, including any sidewalk within a
15 public housing project as defined in section 356D-1 or
16 356D-91; or
- 17 (3) Common area of a public housing project as defined in
18 section 356D-1 or 356D-91. For purposes of this
19 paragraph, "common area" means roofs, halls,
20 corridors, lobbies, stairs, stairways, fire escapes,
21 entrances and [+]exits[+] of the building or
22 buildings, basements, yards, gardens, recreational



1 facilities, parking areas, storage spaces, and other
2 parts of the project normally in common use or other
3 areas designated by the Hawaii public housing
4 authority.

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

7 (1) Sell, serve, or furnish any liquor to, or allow the
8 consumption of any liquor by:

9 (A) Any minor;

10 (B) Any person at the time under the influence of
11 liquor;

12 (C) Any person known to the licensee to be addicted
13 to the excessive use of intoxicating liquor; or

14 (D) Any person for consumption in any vehicle that is
15 licensed to travel on public highways;

16 provided that the consumption or sale of liquor to a
17 minor shall not be deemed to be a violation of this
18 subsection if, in making the sale or allowing the
19 consumption of any liquor by a minor, the licensee was
20 misled by the appearance of the minor and the
21 attending circumstances into honestly believing that
22 the minor was of legal age and the licensee acted in



1 good faith; [~~and~~] provided further that it shall be
2 incumbent upon the licensee to prove that the licensee
3 so acted in good faith; and provided further that the
4 consumption of liquor by a minor shall not be deemed
5 to be a violation of this subsection if a licensee who
6 serves alcohol in a large public facility receives the
7 appropriate county liquor commission's approval of the
8 licensee's security plans for preventing minors from
9 consuming alcohol on the licensed premises, and the
10 licensee implements that plan in good faith;

11 (2) Permit any liquor to be consumed on the premises of
12 the licensee or on any premises connected therewith,
13 whether there purchased or not, except as permitted by
14 the terms of its license;

15 (3) Permit any liquor to be sold or served by any person
16 eighteen to twenty years of age except in licensed
17 establishments where selling or serving the
18 intoxicating liquor is part of the minor's employment,
19 and where there is proper supervision of these minor
20 employees to ensure that the minors shall not consume
21 the intoxicating liquor;



- 1 (4) Permit any liquor to be sold or served by any person
2 below the age of eighteen years upon any licensed
3 premises, except in individually specified licensed
4 establishments found to be otherwise suitable by the
5 liquor commission in which an approved program of job
6 training and employment for dining room waiters and
7 waitresses is being conducted in cooperation with the
8 University of Hawaii, the state community college
9 system, or a federally sponsored personnel development
10 and training program, under arrangements that ensure
11 proper control and supervision of employees;
- 12 (5) Knowingly permit any person under the influence of
13 liquor or disorderly person to be or remain in or on
14 the licensed premises;
- 15 (6) Fail immediately to prevent or suppress any violent,
16 quarrelsome, disorderly, lewd, immoral, or unlawful
17 conduct of any person on the premises;
- 18 (7) Sell any draught beer unless upon the faucet, spigot,
19 or outlet wherefrom the beer is drawn there is
20 attached a clear and legible notice, placard, or
21 marker which in the English language indicates and
22 declares the name or brand adopted by the manufacturer



1 of the draught beer, so situated as to be clearly
2 legible for a distance of at least ten feet from the
3 spigot, faucet, or outlet, to a purchaser with normal
4 vision; and

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

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

13 SECTION 5. This Act shall take effect on January 7, 2059.
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Report Title:

Intoxicating Liquor; Liquor Commission; Liquor Licensees
Security Plans

Description:

Exempts liquor licensees from certain violations when licensees have a security plan approved by the liquor commission to prevent minors from consuming alcohol on the licensee's premises and the licensee acts in good faith in implementing that plan. Defines large public facility as having a capacity of at least 50,000 people. Effective January 7, 2059. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

