
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 that do not catch minors
5 consuming alcohol on their licensed premises, even if the
6 licensed premises is a large public facility such as the Waikiki
7 Shell, Neal S. Blaisdell Center Arena, or 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
12 that 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 the 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~~]; provided that for
19 purposes of this paragraph, "common area" means roofs,
20 halls, corridors, lobbies, stairs, stairways, fire
21 escapes, 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 ~~[se]~~ acted in good faith; and provided further that
4 the consumption of liquor by a minor shall not be
5 deemed to be a violation of this subsection if a
6 licensee who serves alcohol in a large public facility
7 receives the appropriate county liquor commission's
8 approval of the licensee's security plans for
9 preventing minors from consuming alcohol on the
10 licensed premises, and the licensee implements that
11 plan in good faith;

12 (2) Permit any liquor to be consumed on the premises of
13 the licensee or on any premises connected ~~[therewith,]~~
14 with the premises of the licensee, regardless of
15 whether ~~[there purchased or not,]~~ the liquor was
16 purchased on the premises, except as permitted by the
17 terms of its license;

18 (3) Permit any liquor to be sold or served by any person
19 eighteen to twenty years of age except in licensed
20 establishments where selling or serving the
21 intoxicating liquor is part of the minor's employment,
22 and where there is proper supervision of ~~[these]~~ minor



1 employees to ensure that the [~~minors~~] minor employees
2 shall not consume the intoxicating liquor;

3 (4) Permit any liquor to be sold or served by any person
4 below the age of eighteen years upon any licensed
5 premises, except in individually specified licensed
6 establishments found to be otherwise suitable by the
7 liquor commission in which an approved program of job
8 training and employment for dining room waiters and
9 waitresses is [~~being~~] conducted in cooperation with
10 the University of Hawaii, the state community college
11 system, or a federally sponsored personnel development
12 and training program, under arrangements that ensure
13 proper control and supervision of employees;

14 (5) Knowingly permit any person under the influence of
15 liquor or any disorderly person to be or remain in or
16 on the licensed premises;

17 (6) Fail immediately to prevent or suppress any violent,
18 quarrelsome, disorderly, lewd, immoral, or unlawful
19 conduct of any person on the premises;

20 (7) Sell any draught beer unless upon the faucet, spigot,
21 or outlet [~~wherefrom~~] from which the beer is drawn
22 there is attached a clear and legible notice, placard,



1 or marker which in the English language indicates and
2 declares the name or brand adopted by the manufacturer
3 of the draught beer[~~—se~~] situated as to be clearly
4 legible for a distance of at least ten feet from the
5 spigot, faucet, or outlet[~~—~~] to a purchaser with
6 normal vision; and

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

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

16 SECTION 5. This Act shall take effect on July 1, 2050.
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Report Title:

Intoxicating Liquor; Liquor Commission; Liquor Licensees
Security Plans

Description:

Exempts a liquor licensee from liability for certain violations if the licensee has in place a security plan approved by the liquor commission to prevent consumption of liquor by a minor and the licensee acts in good faith to implement the plan. Effective July 1, 2050. (SD2)

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

