

JAN 20 2011

S.B. NO. 56

A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

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

4 "§281- Alcohol servers; mandatory training. (a) In
5 addition to the powers of the liquor commission under section
6 281-17, the liquor commission shall conduct mandatory training
7 for alcohol servers employed by licensees holding all classes of
8 liquor licenses, except a manufacturers' license or wholesale
9 dealers' license. The mandatory training program shall consist
10 of, among other things, instruction in:

- 11 (1) Recognizing alcohol intoxication;
12 (2) Dealing with intoxicated customers;
13 (3) The liability of a liquor establishment for serving
14 intoxicated customers; and
15 (4) Statutory prohibitions regarding intoxicating liquor
16 contained in section 281-78.

17 Every alcohol server employed by a licensee subject to this
18 chapter shall be required to complete a mandatory training



1 program within thirty days of the date of commencement of
2 employment; provided that the alcohol server shall be required
3 to complete the mandatory training program for each licensee
4 with whom the alcohol server is employed at any one time.

5 (b) The liquor commission shall keep a record of every
6 employee who completes the mandatory training under this
7 section, including the:

- 8 (1) Name, age, address, and phone number of the employee;
- 9 (2) Name, address, phone number, and license number of the
10 licensee with whom the employee is employed; and
- 11 (3) Date the employee commenced employment with the
12 licensee with whom the employee is employed.

13 The record shall be available for inspection at any time during
14 normal business hours by an investigator of the liquor
15 commission to determine whether a particular alcohol server has
16 completed the mandatory training.

17 (c) The liquor commission may contract with a private
18 entity for purposes of providing the mandatory training.

19 (d) For purposes of this section, "alcohol server" means
20 any person who:

- 21 (1) Takes orders for alcoholic beverages, beer, or wine to
22 be consumed on the premises;



- 1 (2) Delivers alcoholic beverages, beer, or wine to
- 2 customers for consumption on the premises;
- 3 (3) Opens alcoholic beverages, beer, or wine or pours
- 4 alcoholic beverages, beer, or wine into a customer's
- 5 glass at the customer's table on the premises;
- 6 (4) Draws beer or wine from a tap or alcohol from a
- 7 dispensing device on the premises;
- 8 (5) Manages the premises; or
- 9 (6) Is a bartender on the premises.

10 SECTION 2. Section 281-17.5, Hawaii Revised Statutes, is
11 amended by amending subsections (a) and (b) to read as follows:

12 "(a) Any liquor license fee or any increase in an existing
13 liquor license fee sought to be implemented by any commission
14 shall have, as its justification, a direct and proportionate
15 relationship to costs and expenses of the commission in its
16 control, supervision, or regulation of the manufacture,
17 importation, and sale of liquors, or otherwise directly relate
18 to actual costs and expenses of administration of the commission
19 as is set forth in this chapter[-]; provided that the cost of
20 providing mandatory training for alcohol servers shall be deemed
21 to meet the direct and proportionate relationship requirement.



1 (b) Any [~~such~~] liquor license fees or any moneys collected
 2 or received by any liquor commission under this chapter may only
 3 be used for costs and expenses, including mandatory training for
 4 alcohol servers, directly relating to operational and
 5 administrative costs actually incurred by the liquor commission
 6 collecting or receiving such liquor license fees or moneys.
 7 [~~Such~~] The fees or moneys shall not be used for any costs or
 8 expenses other than those directly relating to its operation and
 9 administration, including mandatory training for alcohol
 10 servers, except as otherwise provided by law."

11 SECTION 3. For the purposes of section 1 of this Act, the
 12 counties' authorization to collect liquor license fees, provided
 13 for in section 281-17.5, Hawaii Revised Statutes, shall
 14 constitute the State's share of the cost of mandated programs
 15 under article VIII, section 5 of the state constitution.

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

18 SECTION 5. This Act shall take effect on January 1, 2012.
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INTRODUCED BY:

[Signature]

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Report Title:

Liquor Commission

Description:

Requires the liquor commission to provide alcohol servers with mandatory training on serving alcohol.

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