



GOV. MSG. NO. 1189

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

April 26, 2012

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on April 26, 2012, the following bill was signed into law:

SB3031 SD1 HD1

RELATING TO INTOXICATING LIQUOR.  
**Act 088 (12)**

*Aloha*  
Sincerely,  
*Neil Abercrombie*

NEIL ABERCROMBIE  
Governor, State of Hawaii

Approved by the Governor

on APR 26 2012

THE SENATE  
TWENTY-SIXTH LEGISLATURE, 2012  
STATE OF HAWAII

ACT 238  
S.B. NO. 3031  
S.D. 1  
H.D. 1

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# 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)(6), Hawaii Revised Statutes, has been interpreted to  
3           result in strict liability for liquor licensees if possession or  
4           use of illegal drugs or other unlawful conduct occurs on their  
5           premises, even if the unlawful conduct is timely suppressed by  
6           the licensee.

7           The purpose of this Act is to clarify that a licensee who  
8           timely suppresses unlawful activity occurring on the licensed  
9           premises shall not be deemed to be in violation of section 281-  
10          78(b)(6), Hawaii Revised Statutes.

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

13          "(b) At no time under any circumstances shall any licensee  
14          or its employee:

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

17                       (A) Any minor;



- 1 (B) Any person at the time under the influence of  
2 liquor;
- 3 (C) Any person known to the licensee to be addicted  
4 to the excessive use of intoxicating liquor; or
- 5 (D) Any person for consumption in any vehicle that is  
6 licensed to travel on public highways;
- 7 provided that the consumption or sale of liquor to a  
8 minor shall not be deemed to be a violation of this  
9 subsection if, in making the sale or allowing the  
10 consumption of any liquor by a minor, the licensee was  
11 misled by the appearance of the minor and the  
12 attending circumstances into honestly believing that  
13 the minor was of legal age and the licensee acted in  
14 good faith; and provided further that it shall be  
15 incumbent upon the licensee to prove that the licensee  
16 so acted in good faith;
- 17 (2) Permit any liquor to be consumed on the premises of  
18 the licensee or on any premises connected therewith,  
19 whether there purchased or not, except as permitted by  
20 the terms of its license;
- 21 (3) Permit any liquor to be sold or served by any person  
22 eighteen to twenty years of age except in licensed



1 establishments where selling or serving the  
2 intoxicating liquor is part of the minor's employment,  
3 and where there is proper supervision of these minor  
4 employees to ensure that the minors shall not consume  
5 the intoxicating liquor;

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

17 (5) Knowingly permit any person under the influence of  
18 liquor or disorderly person to be or remain in or on  
19 the licensed premises;

20 (6) Fail [~~immediately~~] to timely prevent or suppress any  
21 violent, quarrelsome, disorderly, lewd, immoral, or  
22 unlawful conduct of any person on the premises;



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

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

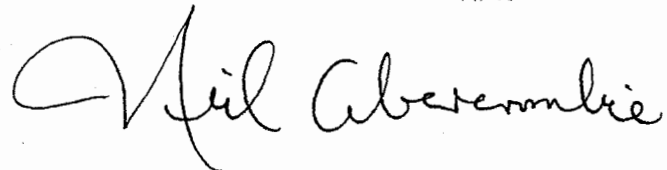
16 SECTION 3. This Act does not affect rights and duties that  
17 matured, penalties that were incurred, and proceedings that were  
18 begun before its effective date.

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

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

S.B. NO. 3031  
S.D. 1  
H.D. 1

APPROVED this 26 day of APR 11, 2012

A handwritten signature in black ink, reading "Neil Abernethy". The signature is written in a cursive style with a large initial "N".

GOVERNOR OF THE STATE OF HAWAII