

STAND. COM. REP. NO.

523

Honolulu, Hawaii

MAR 03 2011

RE: S.B. No. 741
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 741 entitled:

"A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the several county liquor commissions to adopt rules, which may include reciprocity agreements among the counties, prohibiting any person from working as a server or seller at a licensed premise unless the person is certified as a server or seller and providing for a certification program with training for servers and sellers.

Your Committee received testimony in support of this measure from the Distilled Spirits Council of the United States. Your Committee received testimony in opposition to this measure from Outrigger Hotels Hawaii.

Your Committee finds that requiring training and certification of servers and sellers of intoxicating liquor will protect consumers by ensuring that servers and sellers have an adequate understanding of state law regarding the service of intoxicating liquor to patrons. Your Committee further finds that this measure will reduce underage drinking and the over-service of intoxicating beverages to adult patrons. Finally, your Committee finds that exempting employees who are not servers or sellers and for whom the delivery of unopened bottles of beer, wine, or liquor is merely occasional and incidental to job duties and those employees whose only contact with intoxicating liquor is

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restocking minibars prevents the overbroad application of this measure to employees such as hotel housekeepers, bell captains, or desk agents who may be included in a broad interpretation of this measure but who do not play a meaningful role in the sale or service of intoxicating liquor.

Your Committee has amended this measure by:

- (1) Specifying that the certification requirement of this measure does not apply to employees who are not servers or sellers and for whom contact with intoxicating liquor in the course of employment is merely occasional and incidental or is limited to the stocking of minibars; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 741, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 741, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,

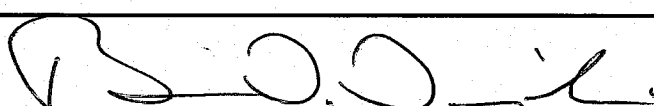


ROSALYN H. BAKER, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 741	PGM, CPN	3-1-11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
GALUTERIA, Brickwood				✓
GREEN, M.D., Josh	✓			
NISHIHARA, Clarence K.				✓
SOLOMON, Malama	✓			
SLOM, Sam				✓
TOTAL	4	0	0	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes