



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 29, 2018

**GOV. MSG. NO. 1191**

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Ninth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Twenty-Ninth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 29, 2018, the following bill was signed into law:

SB2613 HD1 CD1

RELATING TO INTOXICATING LIQUOR  
**ACT 090 (18)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

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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. Section 281-31, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:  
3           "(c) Class 2. Restaurant license.  
4           (1) A license under this class shall authorize the  
5           licensee to sell liquor specified in this subsection  
6           for consumption on the premises; provided that a  
7           restaurant licensee, with commission approval, may  
8           provide off-premises catering of food and liquor;  
9           provided further that the catering activity shall be  
10          directly related to the licensee's operation as a  
11          restaurant. A license under this class shall also  
12          authorize the licensee to sell beer, malt beverages,  
13          or cider for off-premises consumption; provided that  
14          the licensee has the appropriate kind of license  
15          pursuant to paragraph (3); [and] provided further that  
16          the beer, malt beverage, or cider is sold in a  
17          securely sealed or covered glass, ceramic, or metal  
18          container that is sold to or provided by the patron,



1 and each sealed or covered glass, ceramic, or metal  
2 container does not exceed a maximum capacity of one-  
3 half gallon. A licensee under this class shall be  
4 issued a license according to the category of  
5 establishment the licensee owns or operates. The  
6 categories of establishment shall be as follows:

7 (A) A standard bar; or

8 (B) Premises in which live entertainment or recorded  
9 music is provided. Facilities for dancing by the  
10 patrons may be permitted as provided by  
11 commission rules.

12 (2) If a licensee under class 2 desires to change the  
13 category of establishment the licensee owns or  
14 operates, the licensee shall apply for a new license  
15 applicable to the category of the licensee's  
16 establishment.

17 (3) Of this class, there shall be the following kinds:

18 (A) General (includes all liquor except alcohol);

19 (B) Beer and wine; and

20 (C) Beer.



1       (4) A new class 2 license may be issued prior to an  
 2       establishment commencing operation. An application  
 3       for a new class 2 license shall include a  
 4       certification by the applicant that the applicant  
 5       intends to and shall derive no less than thirty per  
 6       cent of the establishment's gross revenue from the  
 7       sale of foods.

8 Notwithstanding section 281-57, the commission may approve at  
 9 one public hearing and without notice the change to a class 2  
 10 restaurant license of a licensee holding a class 5 dispenser  
 11 license who meets the requirements of a class 2 license."

12       SECTION 2. Section 281-41, Hawaii Revised Statutes, is  
 13 amended by amending subsection (a) to read as follows:

14       "(a) No license issued under this chapter to an original  
 15 applicant or to any transferee shall be transferable or be  
 16 transferred within one year of the issuance or transfer, except  
 17 for good cause shown to the satisfaction of the liquor  
 18 commission. A transfer of license shall be for the same class,  
 19 kind, and category of license. No license issued under this  
 20 chapter shall be transferable or be transferred except upon  
 21 written application to the commission by the proposed



1 transferee, and after prior inspection of the premises,  
2 reference to, and report by an inspector, and a public hearing  
3 held by the commission not less than fourteen days after one  
4 publication of notice thereof, but without sending notice of the  
5 hearing by mail to persons being the owners or lessees of real  
6 estate situated within the vicinity of the premises and without  
7 the right to the owners or lessees to protest the transfer of a  
8 license. Exceptions are class 5 and 11 licensees who ~~[must]~~  
9 shall comply with the requirements as set forth in sections  
10 281-57 to 281-60. Notwithstanding any provision of this chapter  
11 to the contrary, a class 2 license shall be transferrable;  
12 provided that the transferee certifies that the transferee  
13 intends to and shall derive no less than thirty per cent of the  
14 establishment's gross revenue from the sale of foods."

15 SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 29 day of JUN, 2018




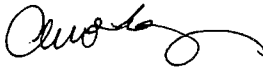
GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 1, 2018  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Twenty-ninth Legislature of the State of Hawai'i, Regular Session of 2018.

  
President of the Senate

  
Clerk of the Senate

SB No. 2613, HD 1, CD 1

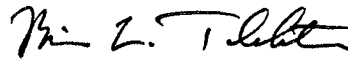
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2018  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives