

JAN 18 2019

A BILL FOR AN ACT

RELATING TO LIQUOR LAWS.

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

1 SECTION 1. The legislature finds that state law does not
2 fully encompass the changing needs of the craft brewing
3 industry. Responsible consumption of alcohol and consumer
4 awareness of the products they are served remain fundamentally
5 important, and can be maintained while updating liquor laws to
6 better reflect the craft beer industry.

7 The legislature also finds that state law requires tap
8 handles with the name or brand of the draught beer placed on the
9 faucet, spigot, or outlet from where the beer is drawn. This
10 requirement does not account for changes in technology, product
11 line, and consumer interactions with servers. As a matter of
12 practicality, craft beer names are often longer than will fit in
13 the space available on a tap handle. Furthermore, a required
14 tap handle provides no additional assurance of what has been
15 poured when the customer is not seated within view of the
16 draught beer taps. Many brewpubs and taprooms provide a display
17 board on a display screen or blackboard near the tap handles or



1 menus, which provide a greater amount of information for each
2 draught beer available on tap than can be found on a tap handle.
3 Such information allows consumers to make better choices relying
4 on information far beyond what is provided by attachment of a
5 tap handle only.

6 The tap handle requirement is increasingly burdensome for
7 one-time specialty beer products and seasonal offerings, which
8 may be on draught beer taps for a few days or weeks of the year.
9 Because establishments offering craft beer have a more rapid
10 rotation of their offerings, it is more difficult and expensive
11 for craft beer manufacturers to have tap handles for each
12 offering throughout the year.

13 The legislature also finds that under Hawaii law, the
14 county liquor commissions and liquor control commissions are
15 required to adopt rules to address responsible consumption of
16 alcohol. Under these rules, some of the counties have defined
17 stacking to mean having more than two standard servings of
18 drinks before a customer at any one time, although the
19 description of standard serving size varies by county. Concerns
20 have been raised that defining stacking based on the number of
21 drinks, rather than on the total volume served, does not allow



1 breweries, brewpubs, and taprooms to serve small volumes of
2 sample sizes.

3 As part of Hawaii's tourist based economy, visitors will
4 often seek out new breweries and craft beer offerings unique to
5 Hawaii and will often want to try smaller volumes of various
6 beer styles. Servings are often referred to as a flight or
7 sampler selection with four or five beer styles, typically a
8 four to six ounce pour of each. The total volume served in a
9 flight or sampler selection is below the current standard
10 serving size limitations set by the county liquor and liquor
11 control commissions.

12 The purpose of this Act is to:

- 13 (1) Repeal the requirement of a direct attachment of a tap
14 handle, label, notice, placard, or marker on a draught
15 beer faucet, spigot, or outlet; and
- 16 (2) Clarify the definition of stacking and serving size
17 that may be adopted by the county liquor and liquor
18 control commissions.

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



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

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

5 (A) Any minor;

6 (B) Any person at the time under the influence of
7 liquor;

8 (C) Any person known to the licensee to be addicted
9 to the excessive use of intoxicating liquor; or

10 (D) Any person for consumption in any vehicle that is
11 licensed to travel on public highways;

12 provided that the consumption or sale of liquor to a
13 minor shall not be deemed to be a violation of this
14 subsection if, in making the sale or allowing the
15 consumption of any liquor by a minor, the licensee was
16 misled by the appearance of the minor and the
17 attending circumstances into honestly believing that
18 the minor was of legal age and the licensee acted in
19 good faith; and provided further that it shall be
20 incumbent upon the licensee to prove that the licensee
21 so acted in good faith;



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- 1 (2) Permit any liquor to be consumed on the premises of
2 the licensee or on any premises connected therewith,
3 whether there purchased or not, except as permitted by
4 the terms of its license;
- 5 (3) Permit any liquor to be sold or served by any person
6 eighteen to twenty years of age except in licensed
7 establishments where selling or serving the
8 intoxicating liquor is part of the minor's employment,
9 and where there is proper supervision of these minor
10 employees to ensure that the minors shall not consume
11 the intoxicating liquor;
- 12 (4) Permit any liquor to be sold or served by any person
13 below the age of eighteen years upon any licensed
14 premises, except in individually specified licensed
15 establishments found to be otherwise suitable by the
16 liquor commission in which an approved program of job
17 training and employment for dining room waiters and
18 waitresses is being conducted in cooperation with the
19 University of Hawaii, the state community college
20 system, or a federally sponsored personnel development



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1 and training program, under arrangements that ensure
2 proper control and supervision of employees;

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

6 (6) Fail to timely prevent or suppress any violent,
7 quarrelsome, disorderly, lewd, immoral, or unlawful
8 conduct of any person on the premises;

9 ~~[(7) Sell any draught beer unless upon the faucet, spigot,
10 or outlet wherefrom the beer is drawn there is
11 attached a clear and legible notice, placard, or
12 marker which in the English language indicates and
13 declares the name or brand adopted by the manufacturer
14 of the draught beer, so situated as to be clearly
15 legible for a distance of at least ten feet from the
16 spigot, faucet, or outlet, to a purchaser with normal
17 vision,] or~~

18 ~~[(8)]~~ (7) Receive from a person, as payment or as a
19 consideration for liquor, any personal or household
20 goods, including clothing and food, or any implements
21 of trade. Any person violating this paragraph shall



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1 be guilty of a misdemeanor and upon conviction shall
 2 be punished as provided in section 281-102."

3 SECTION 3. Section 281-78.5, Hawaii Revised Statutes, is
 4 amended by amending subsection (b) to read as follows:

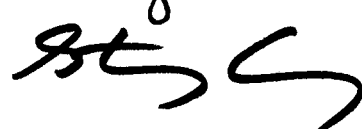
5 "(b) The liquor commission shall adopt rules pursuant to
 6 chapter 91 to prohibit specific liquor promotion practices which
 7 promote excessive consumption of liquor[-]; provided that any
 8 rules adopted by the counties related to the stacking of liquor
 9 shall specify that:

- 10 (1) Stacking of beer shall be defined based on a standard
 11 serving size of total volume; and
- 12 (2) A standard serving size of beer shall be defined as
 13 not exceeding a total volume of forty-four ounces
 14 before a customer at any one time."

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

17 SECTION 5. This Act shall take effect on July 1, 2019.

18

INTRODUCED BY: Rosemary de Brito


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Report Title:

Liquor Laws; Beer; Tap Handle Requirement; Beer Servings; Stacking

Description:

Repeals requirement that there be attached a clear and legible notice, placard, or marker upon the faucet, spigot, or outlet wherefrom the draught beer is drawn. Requires definitions adopted by the counties related to stacking of beer to refer to a standard serving of total volume and beer standard size servings to be limited to forty-four ounces of total volume before a customer at any one time.

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

