A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

SECTION 1. The legislature finds that a number of outdoor festivals, parades, and races take place on the streets of neighborhoods each year. These require certain streets to be closed to traffic using permits granted by the department of transportation. In some cases, event organizers are granted special permits by the counties' liquor commissions allowing them to serve alcohol. There is a range of sentiment coming from residents, property owners, business owners, and others regarding the possible impact of the sale of alcohol at some events on crowd behavior, noise, and other types of nuisance.

The purpose of this Act is to clarify the setting in which outdoor alcohol special licenses may be issued.

SECTION 2. Section 281-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"Beer garden" means a defined, outdoor premise of not more than three thousand contiguous square feet that is open to the
public and consists of boundaries enclosed with a solid barrier of no less than forty-two inches in height, as measured from the floor to the top, constructed of wood, concrete, plastic, rope, wrought iron fencing, or other material approved by the commission, in which beer, wine, and spirits are sold and consumed."

SECTION 3. Section 281-31, Hawaii Revised Statutes, is amended by amending subsection (j) to read as follows:

"(j) Class 10. Special license.

(1) A special license may be granted for the sale of liquor for a period not to exceed three days and pursuant to commission rule may be approved by the administrator for fundraising events by nonprofit organizations, political candidates, and political parties; provided that any registered educational or charitable nonprofit organization may sell liquors in their original packages for off-premises consumption; provided further that any social club granted tax-exempt status pursuant to section 501(c)(7) of the Internal Revenue Code of 1986, as amended, may sell wine from the social club's inventory to the club's
members for off-premises consumption. Of this class, there shall be the following kinds:

(A) General (includes all liquor except alcohol);
(B) Beer and wine; and
(C) Beer.

Liquor sold under a class 10 license shall be consumed on the premises; provided that a class 10 license shall not be granted for an outdoor premise unless liquor shall be sold and consumed only within a beer garden.

(2) Notwithstanding any other section of this chapter to the contrary, the commission shall waive any hearings, fees, notarization of documents, submission of floor plans and other governmental clearances, and other requirements for the issuance of a class 10 license.

The class 10 license granted under this subsection for a fundraising event shall include the ability to auction off, at a live or silent auction, liquor in sealed or covered glass, ceramic, or metal containers or services that provide liquor. No criminal history record check under section 281-53.5 or 846-2.7 or any
other section of this chapter shall be required. The
commission may require proof of liquor liability
insurance for the fundraising event and a current list
of officers and directors if the applicant is a
nonprofit organization."

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

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

INTRODUCED BY: ____________________________
Report Title:
Beer Gardens; Class 10 Special License; Intoxicating Liquor

Description:
Requires that a class 10 special license be issued for the sale and consumption of liquor in an outdoor premise only within a beer garden. Defines beer garden.

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