A BILL FOR AN ACT

RELATING TO LIQUOR LICENSES.

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

SECTION 1. The legislature finds that freestanding liquor establishments holding a class 11 cabaret license have created public safety issues for residents and visitors. Cabarets are allowed by statute to serve liquor until 4 a.m., a time when peace and quiet is reasonably expected by visitors and residents.

On November 6, 2019, the Honolulu city council adopted Resolution 19-239, which urges the legislature to restrict the issuance and renewal of cabaret licenses within Waikiki to establishments within hotels. The Resolution states that the increased availability of alcohol from establishments with extended business hours, such as cabarets, often results in increased criminal activity in the Waikiki area, including assaults, attacks, and robberies.

The legislature therefore finds that restricting class 11 cabaret license holders to those establishments within hotels is
a reasonable restriction needed to increase public safety, as
hotels are generally staffed twenty-four hours per day.

Accordingly, the purpose of this Act is to restrict the
issuance and renewal of class 11 cabaret licenses to those
establishments within hotels.

SECTION 2. Section 281-31, Hawaii Revised Statutes, is
amended by amending subsection (k) to read as follows:
"(k) Class 11. Cabaret license. A cabaret license shall
be general only but shall exclude alcohol and shall authorize
the sale of liquor for consumption on the premises. This
license shall be issued only for premises where food is served,
facilities for dancing by the patrons including a dance floor
are provided, and live or amplified recorded music or
professional entertainment except professional entertainment by
a person who performs or entertains unclothed is provided for
the patrons; provided that professional entertainment by persons
who perform or entertain unclothed shall be authorized by:

(1) A cabaret license for premises where professional
entertainment by persons who perform or entertain
unclothed was presented on a regular and consistent
basis immediately prior to June 15, 1990; or
(2) A cabaret license that, pursuant to rules adopted by the liquor commission, permits professional entertainment by persons who perform or entertain unclothed. A cabaret license under paragraph (1) or (2) authorizing professional entertainment by persons who perform or entertain unclothed shall be transferable through June 30, 2000. A cabaret license under paragraph (1) or (2) authorizing professional entertainment by persons who perform or entertain unclothed shall not be transferable after June 30, 2000, except upon approval by the liquor commission and pursuant to rules adopted by the commission. Notwithstanding any rule of the liquor commission to the contrary, cabarets in resort areas may be opened for the transaction of business until 4 a.m. throughout the entire week.

A cabaret license shall be issued or renewed only for premises that operate or plan to operate, as applicable, within a hotel located in a zoned resort area, the boundaries of which are delineated in the land use ordinance of the respective county; provided that the commission also finds the applicant or
licensee has met the other standards of operation as established by rules adopted by the commission."

SECTION 3. Section 281-61, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Other than for good cause, and except as provided in section 281-31(k), the renewal of an existing license shall be granted upon the filing of an application; provided that if:

(1) Complaints from the public;
(2) Reports from the commission's investigators; or
(3) Adjudications of the commission or the liquor control adjudication board,
indicate that noise created by patrons departing from the premises disturbs residents on the street or of the neighborhood in which the premises are located, or that noise from the premises or adjacent related outdoor areas such as parking lots or lanais exceed standards contained in state or county noise codes or intrudes into nearby residential units, the commission may deny the renewal application or withhold the issuance of a renewed license until corrective measures meeting the commission's approval are taken."

SECTION 4. New statutory material is underscored.
SECTION 5. This Act shall take effect on January 1, 2021.

INTRODUCED BY:

[Signatures]

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Report Title:
Liquor Licenses; Issuance; Renewal; Class 11 Licenses; Cabarets; Hotels; Resort Areas

Description:
Restricts the issuance and renewal of class 11 cabaret liquor licenses to establishments within hotels located in a zoned resort area.

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