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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 as follows:

3           1. By amending subsection (c) to read:

4           "(c) Class 2. Restaurant license.

5           (1) A license under this class shall authorize the  
6 licensee to sell liquor specified in this subsection  
7 for consumption on the premises; provided that a  
8 restaurant licensee, with commission approval, may  
9 provide off-premises catering of food and liquor;  
10 provided further that the catering activity shall be  
11 directly related to the licensee's operation as a  
12 restaurant. A license under this class shall also  
13 authorize the licensee to sell beer, malt beverages,  
14 or cider for off-premises consumption; provided that  
15 the beer, malt beverage, or cider is sold in a  
16 securely sealed or covered glass, ceramic, or metal  
17 container that is sold to or provided by the patron,  
18 and each sealed or covered glass, ceramic, or metal



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

- 6           (A) A standard bar; or
- 7           (B) Premises in which live entertainment or recorded  
8           music is provided. Facilities for dancing by the  
9           patrons may be permitted as provided by  
10          commission rules.

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

- 16          (3) Of this class, there shall be the following kinds:
- 17          (A) General (includes all liquor except alcohol);
  - 18          (B) Beer and wine; and
  - 19          (C) Beer.

20          Notwithstanding section 281-57, the commission may approve at  
21          one public hearing and without notice the change to a class 2



1 restaurant license of a licensee holding a class 5 dispenser  
2 license who meets the requirements of a class 2 license."

3 2. By amending subsection (e) to read:

4 "(e) Class 4. Retail dealer license. A license to sell  
5 liquor at retail or to class 10 licensees shall authorize the  
6 licensee to sell the liquor therein specified in their original  
7 packages. A license under this class shall also authorize the  
8 licensee to sell beer, malt beverages, or cider for off-premises  
9 consumption; provided that the beer, malt beverage, or cider is  
10 sold in a securely sealed or covered glass, ceramic, or metal  
11 container that is sold to or provided by the patron, and each  
12 sealed or covered glass, ceramic, or metal container does not  
13 exceed a maximum capacity of one half-gallon. Under a class 4  
14 license, no liquor shall be consumed on the premises except as  
15 authorized by the commission. Of this class, there shall be the  
16 following kinds:

- 17 (1) General (includes all liquor except alcohol);
- 18 (2) Beer and wine; and
- 19 (3) Alcohol."

20 3. By amending subsection (n) to read:

21 "(n) Class 14. Brewpub license. A brewpub licensee:



- 1 (1) May sell malt beverages manufactured on the licensee's
- 2 premises for consumption on the premises;
- 3 (2) May sell malt beverages manufactured by the licensee
- 4 in brewery-sealed packages to class 3 wholesale dealer
- 5 licensees pursuant to conditions imposed by the county
- 6 by ordinance or rule;
- 7 (3) May sell intoxicating liquor purchased from a class 3
- 8 wholesale dealer licensee to consumers for consumption
- 9 on the licensee's premises. The categories of
- 10 establishments shall be as follows:
- 11 (A) A standard bar; or
- 12 (B) Premises in which live entertainment or recorded
- 13 music is provided. Facilities for dancing by the
- 14 patrons may be permitted as provided by
- 15 commission rules;
- 16 (4) May, subject to federal labeling and bottling
- 17 requirements, sell malt beverages manufactured on the
- 18 licensee's premises to consumers in brewery-sealed
- 19 kegs and sell malt beverages manufactured on the
- 20 licensee's premises or purchased from a class 1
- 21 manufacturer licensee, a class 3 wholesale dealer



1 licensee, a class 14 brewpub licensee, or a class 18  
2 small craft producer pub licensee to consumers in  
3 growlers for off-premises consumption; provided that  
4 for purposes of this paragraph, "growler" means a  
5 glass, ceramic, or metal container, not to exceed one  
6 half-gallon, which shall be securely sealed;

7 (5) May, subject to federal labeling and bottling  
8 requirements, sell malt beverages manufactured on the  
9 licensee's premises in recyclable containers provided  
10 by the licensee or by the consumer which do not exceed  
11 one gallon per container and are securely sealed on  
12 the licensee's premises to consumers for off-premises  
13 consumption;

14 (6) Shall comply with all regulations pertaining to class  
15 4 retail dealer licensees when engaging in the retail  
16 sale of malt beverages;

17 (7) May, subject to federal labeling and bottling  
18 requirements, sell malt beverages manufactured on the  
19 licensee's premises in brewery-sealed containers  
20 directly to class 2 restaurant licensees, class 3  
21 wholesale dealer licensees, class 4 retail dealer



1 licenses, class 5 dispenser licensees, class 6 club  
 2 licensees, class 8 transient vessel licensees, class 9  
 3 tour or cruise vessel licensees, class 10 special  
 4 licensees, class 11 cabaret licensees, class 12 hotel  
 5 licensees, class 13 caterer licensees, class 14  
 6 brewpub licensees, class 15 condominium hotel  
 7 licensees, class 18 small craft producer pub  
 8 licensees, and consumers pursuant to conditions  
 9 imposed by county regulations governing class 1  
 10 manufacturer licensees and class 3 wholesale dealer  
 11 licensees; and

12 (8) May conduct the activities under paragraphs (1) to (7)  
 13 at one location other than the licensee's premises;  
 14 provided that:

15 (A) The manufacturing takes place in Hawaii; and

16 (B) The other location is properly licensed under the  
 17 same ownership."

18 4. By amending subsection (r) to read:

19 "(r) Class 18. Small craft producer pub license. A small  
 20 craft producer pub licensee:

21 (1) Shall manufacture not more than:



- 1 (A) Sixty thousand barrels of malt beverages;
- 2 (B) Twenty thousand barrels of wine; or
- 3 (C) Seven thousand five hundred barrels of alcohol on
- 4 the licensee's premises during the license year;
- 5 provided that for purposes of this paragraph, "barrel"
- 6 means a container not exceeding thirty-one gallons or
- 7 wine gallons of liquor;
- 8 (2) May sell malt beverages, wine, or alcohol manufactured
- 9 on the licensee's premises for consumption on the
- 10 premises;
- 11 (3) May sell malt beverages, wine, or alcohol manufactured
- 12 by the licensee in producer-sealed packages to class 3
- 13 wholesale dealer licensees pursuant to conditions
- 14 imposed by the county by ordinance or rule;
- 15 (4) May sell intoxicating liquor purchased from a class 3
- 16 wholesale dealer licensee to consumers for consumption
- 17 on the licensee's premises. The categories of
- 18 establishments shall be as follows:
- 19 (A) A standard bar; or
- 20 (B) Premises in which live entertainment or recorded
- 21 music is provided. Facilities for dancing by the



1 patrons may be permitted as provided by  
2 commission rules;

3 (5) May, subject to federal labeling and bottling  
4 requirements, sell malt beverages manufactured on the  
5 licensee's premises to consumers in producer-sealed  
6 kegs and sell malt beverages manufactured on the  
7 licensee's premises or purchased from a class 1  
8 manufacturer licensee, a class 3 wholesale dealer  
9 licensee, a class 14 brewpub licensee, or a class 18  
10 small craft producer pub licensee to consumers in  
11 growlers for off-premises consumption; provided that  
12 for purposes of this paragraph, "growler" means a  
13 glass, ceramic, or metal container, not to exceed one  
14 half-gallon, which shall be securely sealed;

15 (6) May, subject to federal labeling and bottling  
16 requirements, sell malt beverages, wine, or alcohol  
17 manufactured on the licensee's premises in recyclable  
18 containers provided by the licensee or by the consumer  
19 which do not exceed:

20 (A) One gallon per container for malt beverages and  
21 wine; and





1 (B) One liter for alcohol; and  
2 are securely sealed on the licensee's premises to  
3 consumers for off-premises consumption;  
4 (7) Shall comply with all regulations pertaining to class  
5 4 retail dealer licensees when engaging in the retail  
6 sale of malt beverages, wine, and alcohol;  
7 (8) May, subject to federal labeling and bottling  
8 requirements, sell malt beverages, wine, and alcohol  
9 manufactured on the licensee's premises in producer-  
10 sealed containers directly to class 2 restaurant  
11 licensees, class 3 wholesale dealer licensees, class 4  
12 retail dealer licensees, class 5 dispenser licensees,  
13 class 6 club licensees, class 8 transient vessel  
14 licensees, class 9 tour or cruise vessel licensees,  
15 class 10 special licensees, class 11 cabaret  
16 licensees, class 12 hotel licensees, class 13 caterer  
17 licensees, class 14 brewpub licensees, class 15  
18 condominium hotel licensees, class 18 small craft  
19 producer pub licensees, and consumers pursuant to  
20 conditions imposed by county regulations governing



1 class 1 manufacturer licensees and class 3 wholesale  
2 dealer licensees; and

3 (9) May conduct the activities under paragraphs (1) to (8)  
4 at one location other than the licensee's premises;  
5 provided that:

6 (A) The manufacturing takes place in Hawaii; and

7 (B) The other location is properly licensed under the  
8 same ownership."

9 SECTION 2. This Act does not affect rights and duties that  
10 matured, penalties that were incurred, and proceedings that were  
11 begun before its effective date.

12 SECTION 3. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on July 1, 2020.



**Report Title:**

Liquor Licenses; Restaurant; Retail Dealer; Brewpub; Small Craft  
Producer Pub

**Description:**

Authorizes restaurants and retail dealers with a liquor license to sell beer, malt beverages, or cider for off-premises consumption, under certain conditions. Authorizes brewpubs and small craft producer pubs with a liquor license to sell malt beverages purchased from another liquor licensee for off-premises consumption. Effective July 1, 2020. (SD1)

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

