



HONOLULU LIQUOR COMMISSION 2019 LICENSEE SYMPOSIUM

Upcoming Legislation and Administrative Rule Updates
February 8, 2019

Where to Find Presentation Materials

- 2019 LICENSEE SYMPOSIUM SLIDESHOW

<http://www.honolulu.gov/liq/formsdocuments.html>

- 30TH LEGISLATURE BILL TRACKING TABLE

<http://www.honolulu.gov/liq/newsannouncements.html>

2019 LEGISLATIVE SESSION

AS OF 12:00 NOON WEDNESDAY, FEBRUARY 6, 2019

In the 2018 carry over year, LIQ ended up tracking 29 bills and two (2) resolutions impacting liquor, liquor commissions, liquor licenses and operations, and noise.

This year, following the January 24, 2019 bill introduction cut off, here is what LIQ is tracking:

Total Number of Bills: 48
Liquor Related: 25
Recreational Cannabis: 11
Government Processes: 6
Miscellaneous: 6

HEADING FOR FIRST LATERAL IN ONE WEEK (FRIDAY, FEBRUARY 15TH)

Brew Pubs and Small Craft Producer Pubs (8)

HB343 (double); HB887 (triple); SB1006 (double) – Establishes a small craft beer producer income tax credit; applies the same tax rate to all beer.

HB546 (triple); SB773 (single); SB775 (single) – Clarifies the definition of growlers; provides for multiple state-wide satellite locations; extends direct-to-consumer shipment privileges to all kinds of liquor.

HB1172 (double); SB772 (single) – Eliminates requirement of tap handles for draft beer; requires county definition of “stacking” to use total volume vs. number of drinks.

HEADING FOR FIRST LATERAL IN ONE WEEK (FRIDAY, FEBRUARY 15TH) (continued)

Noise (2)

HB160 HD1 (triple); SB270 (double) – For Honolulu County only, establishes the dBC sound level measurement system as part of community noise control.

Licensee Customers (2)

HB646 (double) – Establishes a live adult entertainment (LAE) tax for each patron or customer admitted each day to the premises of a LAE business (not required to collect from the patron or customer; monthly remittances to DoTax, ultimately for the human trafficking victim services fund).

HB703 (double) – Prohibits purchase or public consumption of alcohol for three (3) years following DUI conviction or administrative license revocation.

HEADING FOR FIRST LATERAL IN ONE WEEK (FRIDAY, FEBRUARY 15TH) (continued)

Environmental (3)

HB850 (triple); SB367 (double); SB769 (double) – Prohibits the sale and use of polystyrene foam food service containers.

Emergency Shelter (2)

HB1100 (triple); SB241 (double) – Prohibits public establishments from denying shelter to any person during an emergency alert.

HEADING FOR FIRST LATERAL IN ONE WEEK (FRIDAY, FEBRUARY 15TH) (continued)

Unlicensed Businesses (4)

HB1210 (single); SB638 (double) – Classifies the unlicensed sale of alcohol as a Class C felony; makes unlicensed sale of alcohol an offense for which property is subject to forfeiture; includes in the definition of “organized crime” and “racketeering activity.”

HB1291 (double); SB1460 (double) – Requires express carrier companies, common or contract carriers, or other persons who transport alcohol from outside the state for delivery in the state to any person except manufacturers and wholesale dealers to file monthly information reports to the liquor commissions.

OF PARTICULAR CONCERN

HB1198 (double)

Requires uniform standard operating procedures for all county liquor agencies. Allows the consumption of alcohol on a manufacturer, wholesale dealer, or retail dealer licensee's premises.

HB1512 (triple)

Prohibits liquor commissions from creating or enforcing rules that relate to certain moral issues or sexual conduct. Requires that the term of any certificate of registration for a dancer employed by a liquor licensee be for the same length of time as any other employee of the licensee. Excludes lap dancing performed by a dancer registered with a liquor commission and performed on authorized liquor licensee premises from the offense of prostitution.

HB1198

(double referral)

Introducers:

Rep. Tina WILDBERGER (Maui)

Rep. Della Au Belatti (Honolulu)

Rep. Richard Creagan (Hawaii)

Rep. Angus L.K. McKelvey (Maui)

- Purpose of this Act is to require uniform standard operating procedures for all county liquor agencies.
- Imposes recordkeeping, operational, IT, data analysis, rulemaking, etc. etc. etc. requirements on the agencies.
- Requires annual customer satisfaction survey and performance evaluation of the Director/Administrator by the Commission.
- Imposes specific responsibility on Corporation Counsel to exercise oversight and provide training.
- Gives each county Council authority to require action/redirect operations if Director/Administrator performance is unsatisfactory.

HB1512 (triple referral)

Introducer:

Speaker Scott SAIKI (introduced by
request of another party)

- County liquor commissions are addressing issues not related to their intended purpose, which usurps the authority of the Legislature.
- Rules regulating moral and sexual conduct do not bear a direct relationship to the sale, consumption, and distribution of alcohol.
- Honolulu exotic dancer registrations expire after only one year.
- Lap dancing to be excluded from criminal offense of prostitution.
- Enumerates 11 activities that cannot be prohibited or restricted, unless intended to prevent noise pollution or “peeping tom” by persons outside the licensed premises.

2019 RULE AMENDMENTS

(Better happen, as the new numbering format has already been given to the vendor building new LCIS!)

2019 RULE AMENDMENTS

(This is a Recording)

- Process will begin July 1, 2018. *We did that, but ...*
- Proposing repeal (!) of all existing rules. *Still the plan.*
- Top to bottom review of existing rules to determine which rules will be carried over - with necessary revisions - to new rules. *Ditto.*
- Formatting, numbering, etc. to be in compliance with the Hawaii Administrative Rules Drafting Manual (3rd edition). *Ditto.*
- Will be PLENTY of opportunities for stakeholder input! *Some content submission suggestions!*

What the New Numbering will Look Like

§3-80-1.1 **Definitions** will become §3-80-1.01.

§3-81-11.51 **Question of Law** will become §3-81-11.501.



THAT'S ALL, FOLKS!

QUESTIONS? CONSTRUCTIVE CRITICISM?

THANK YOU FOR ATTENDING THE SYMPOSIUM!

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