

30th LEGISLATURE, Regular Session of 2019

To our Licensees and other interested parties:

The 30th Legislative Session concluded on May 2, 2019; forty-five (45) days have passed since adjournment; and this will be our final legislative status report for the 2019 session. Copies of the proposed measures and the bill status page can be obtained by clicking (CTRL + Click) on the relevant hyperlink.

BILL NUMBER	BILL STATUS	DESCRIPTION	Date Approved
Act 115	status	Allows a class 18 small craft producer pub licensee to manufacture not more than 70,000 barrels of malt beverages on the licensee's premises during the license year. Clarifies that a class 14 brewpub licensee or class 18 small craft producer pub licensee may conduct certain activities at satellite locations other than the licensee's primary manufacturing premises under certain conditions. Clarifies the definition of "growler". (HB546 CD1)	6/21/19 (eff. 7/1/19)
Act 169	status	Amends the sentencing requirements for OVUII and HOVUII offenses. Amends the threshold for HOVUII offenses. Requires the President of the Senate and the Speaker of the House of Representatives to convene a task force to examine and propose legislation that would allow the courts, under certain circumstances, to prohibit a person convicted of OVUII or HOVUII from purchasing or publicly consuming alcohol for a probation period. (HB703 CD1)	6/27/19 (eff. 7/1/19)
Act 015	status	Adds unlicensed sale of liquor and unlicensed manufacture of liquor as offenses for which property is subject to forfeiture and increases the grade of the offense of unlicensed sale of liquor to a class C felony. Amends definitions of "organized crime" and "racketeering activity" to include the unlicensed sale of liquor. (SD1)	4/23/19 (eff. upon approval)
Act 226	status	Repeals the 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 rules adopted by the counties related to stacking of beer to refer to a standard serving of total volume that shall not exceed thirty-two ounces of total volume before a customer at any one time. (CD1)	7/2/19 (eff. 7/1/19)



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 21, 2019

GOV. MSG. NO. 1217

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 21, 2019, the following bill was signed into law:

HB546 HD2 SD1 CD1

RELATING TO INTOXICATING LIQUOR.
ACT 115 (19)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

1 SECTION 1. The legislature finds that Hawaii's liquor laws
2 contain inconsistencies regarding liquor manufacturing and
3 sales.

4 Accordingly, the purpose of this Act is to:

- 5 (1) Allow a class 18 small craft producer pub licensee to
6 manufacture not more than seventy thousand barrels of
7 malt beverages on the licensee's premises during the
8 license year;
- 9 (2) Clarify that a class 14 brewpub licensee or class 18
10 small craft producer pub licensee may conduct certain
11 activities at satellite locations other than the
12 licensee's primary manufacturing premises under
13 certain conditions; and
- 14 (3) Clarify the definition of "growler".

15 SECTION 2. Section 281-31, Hawaii Revised Statutes, is
16 amended as follows:



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



1 malt beverages manufactured on the licensee's premises
2 or purchased from a class 1 manufacturer licensee, a
3 class 3 wholesale dealer licensee, a class 14 brewpub
4 licensee, or a class 18 small craft producer pub
5 licensee to consumers in growlers for off-premises
6 consumption; provided that for purposes of this
7 paragraph, "growler" means a [~~glass, ceramic, or~~
8 ~~metal~~] recyclable or reusable container[~~7~~] that does
9 not [~~to~~] exceed one [~~half-gallon, which shall be~~
10 ~~securely sealed,~~

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

18 [~~6~~] (5) Shall comply with all [~~regulations~~] requirements
19 pertaining to class 4 retail dealer licensees when
20 engaging in the retail sale of malt beverages;



1 [~~7~~] (6) May, subject to federal labeling and bottling
2 requirements, sell malt beverages manufactured on the
3 licensee's premises in brewery-sealed containers
4 directly to class 2 restaurant licensees, class 3
5 wholesale dealer licensees, class 4 retail dealer
6 licensees, class 5 dispenser licensees, class 6 club
7 licensees, class 8 transient vessel licensees, class 9
8 tour or cruise vessel licensees, class 10 special
9 licensees, class 11 cabaret licensees, class 12 hotel
10 licensees, class 13 caterer licensees, class 14
11 brewpub licensees, class 15 condominium hotel
12 licensees, class 18 small craft producer pub
13 licensees, and consumers pursuant to conditions
14 imposed by county [~~regulations~~] ordinances or rules
15 governing class 1 manufacturer licensees and class 3
16 wholesale dealer licensees;

17 [~~8~~] (7) May conduct the activities under paragraphs (1)
18 to [~~7~~] (6) at [~~one location~~] locations other than
19 the licensee's primary manufacturing premises;
20 provided that:

21 (A) The manufacturing takes place in Hawaii; [~~and~~]



- 1 (B) [The] Each of the other [location-is] locations:
2 (i) Operates within the State under the same
3 trade name for the premises; and
4 (ii) Is properly licensed [under the same
5 ownership,] within the county of its
6 operation as a class 1 manufacturer
7 licensee, class 2 restaurant licensee, class
8 4 retail dealer licensee, class 5 dispenser
9 licensee, class 12 hotel licensee, class 14
10 brewpub licensee, or class 18 small craft
11 producer pub licensee;
12 (C) The county liquor commission of the county in
13 which the licensee satellite is located shall
14 have jurisdiction of the satellite; and
15 (D) All requirements of the license class of the
16 location shall be in effect as required by the
17 county liquor commission for the satellite
18 licensed premises; and
19 ~~(7)~~ (8) May allow minors, who are accompanied by a parent
20 or legal guardian of legal drinking age, on the
21 licensee's premises."



1 2. By amending subsection (r) to read:

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

4 (1) Shall manufacture not more than:

5 (A) [~~Sixty~~] Seventy thousand barrels of malt
6 beverages;

7 (B) Twenty thousand barrels of wine; or

8 (C) Seven thousand five hundred barrels of alcohol on
9 the licensee's premises during the license year;

10 provided that for purposes of this paragraph, "barrel"
11 means a container not exceeding thirty-one gallons or
12 wine gallons of liquor;

13 (2) May sell malt beverages, wine, or alcohol manufactured
14 on the licensee's premises for consumption on the
15 premises;

16 (3) May sell malt beverages, wine, or alcohol manufactured
17 by the licensee in producer-sealed packages to class 3
18 wholesale dealer licensees pursuant to conditions
19 imposed by the county by ordinance or rule;

20 (4) May sell intoxicating liquor purchased from a class 3
21 wholesale dealer licensee to consumers for consumption



1 on the licensee's premises. The categories of
2 establishments shall be as follows:

3 (A) A standard bar; or

4 (B) Premises in which live entertainment or recorded
5 music is provided. Facilities for dancing by the
6 patrons may be permitted as provided by
7 commission rules;

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



- 1 (6) May, subject to federal labeling and bottling
2 requirements, sell [~~malt beverages~~] wine~~[7]~~ or
3 alcohol manufactured on the licensee's premises in
4 recyclable containers provided by the licensee or by
5 the consumer which do not exceed:
- 6 (A) One gallon per container for [~~malt beverages and~~
7 wine; and
- 8 (B) One liter for alcohol; and
9 are securely sealed on the licensee's premises to
10 consumers for off-premises consumption;
- 11 (7) Shall comply with all [~~regulations~~] requirements
12 pertaining to class 4 retail dealer licensees when
13 engaging in the retail sale of malt beverages, wine,
14 and alcohol;
- 15 (8) May, subject to federal labeling and bottling
16 requirements, sell malt beverages, wine, and alcohol
17 manufactured on the licensee's premises in producer-
18 sealed containers directly to class 2 restaurant
19 licensees, class 3 wholesale dealer licensees, class 4
20 retail dealer licensees, class 5 dispenser licensees,
21 class 6 club licensees, class 8 transient vessel



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

10 (9) May conduct the activities under paragraphs (1) to (8)
11 at [~~one location~~] locations other than the licensee's
12 premises; provided that:

13 (A) The manufacturing takes place in Hawaii; [~~and~~]

14 (B) [~~The~~] Each of the other [~~location is~~] locations:

15 (i) Operates within the State under the same
16 trade name for the premises; and

17 (ii) Is properly licensed [~~under the same~~
18 ownership,] within the county of its

19 operation as a class 1 manufacturer

20 licensee, class 2 restaurant licensee, class

21 4 retail dealer licensee, class 5 dispenser



1 licensee, class 12 hotel licensee, class 14
2 brewpub licensee, or class 18 small craft
3 producer pub licensee;

4 (C) The county liquor commission of the county in
5 which the licensee satellite is located shall
6 have jurisdiction of the satellite; and

7 (D) All requirements of the license class of the
8 location shall be in effect as required by the
9 county liquor commission for the satellite
10 licensed premises; and

11 (10) May allow minors, who are accompanied by a parent or
12 legal guardian of legal drinking age, on the
13 licensee's premises."

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on July 1, 2019.

APPROVED this 21 day of JUN, 2019



GOVERNOR OF THE STATE OF HAWAII



HB No. 546, HD 2, SD 1, CD 1

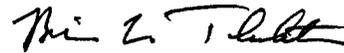
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2019
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.



Scott K. Saiki
Speaker
House of Representatives

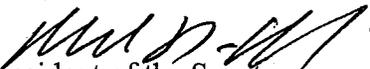


Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: April 30, 2019
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019.


President of the Senate


Clerk of the Senate



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 27, 2019

GOV. MSG. NO. 1271

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 27, 2019, the following bill was signed into law:

HB703 HD1 SD2 CD1

RELATING TO INTOXICATING LIQUOR.
ACT 169 (19)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

1 SECTION 1. Section 291E-61, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) A person committing the offense of operating a
4 vehicle under the influence of an intoxicant shall be sentenced
5 without possibility of probation or suspension of sentence as
6 follows:

7 (1) For the first offense, or any offense not preceded
8 within a [~~five-year~~] ten-year period by a conviction
9 for an offense under this section or section
10 291E-4 (a) :

11 (A) A fourteen-hour minimum substance abuse
12 rehabilitation program, including education and
13 counseling, or other comparable program deemed
14 appropriate by the court;

15 (B) One-year revocation of license and privilege to
16 operate a vehicle during the revocation period
17 and installation during the revocation period of



- 1 an ignition interlock device on any vehicle
2 operated by the person;
- 3 (C) Any one or more of the following:
- 4 (i) Seventy-two hours of community service work;
- 5 (ii) [~~Not~~] No less than forty-eight hours and
6 [~~not~~] no more than five days of
7 imprisonment; or
- 8 (iii) A fine of [~~not~~] no less than [~~\$150~~] \$250 but
9 [~~not~~] no more than \$1,000;
- 10 (D) A surcharge of \$25 to be deposited into the
11 neurotrauma special fund; and
- 12 (E) A surcharge, if the court so orders, of up to \$25
13 to be deposited into the trauma system special
14 fund;
- 15 (2) For an offense that occurs within [~~five~~] ten years of
16 a prior conviction for an offense under this section
17 or section 291E-4(a):
- 18 (A) Revocation for [~~not~~] no less than [~~eighteen~~]
19 twenty-four months nor more than [~~two~~] three
20 years of license and privilege to operate a
21 vehicle during the revocation period and



1 installation during the revocation period of an
2 ignition interlock device on any vehicle operated
3 by the person;

4 (B) Either one of the following:

5 (i) [~~Not~~] No less than two hundred forty hours
6 of community service work; or

7 (ii) [~~Not~~] No less than five days but [~~not~~] no
8 more than thirty days of imprisonment, of
9 which at least forty-eight hours shall be
10 served consecutively;

11 (C) A fine of [~~not~~] no less than [~~\$500~~] \$1,000 but
12 [~~not~~] no more than [~~\$1,500~~] \$3,000;

13 (D) A surcharge of \$25 to be deposited into the
14 neurotrauma special fund; and

15 (E) A surcharge of up to \$50, if the court so orders,
16 to be deposited into the trauma system special
17 fund;

18 ~~[(3) For an offense that occurs within five years of two~~
19 ~~prior convictions for offenses under this section or~~
20 ~~section 291E 4(a):~~



- 1 ~~(A) A fine of not less than \$500 but not more than~~
2 ~~\$2,500,~~
- 3 ~~(B) Revocation for two years of license and privilege~~
4 ~~to operate a vehicle during the revocation period~~
5 ~~and installation during the revocation period of~~
6 ~~an ignition interlock device on any vehicle~~
7 ~~operated by the person,~~
- 8 ~~(C) Not less than ten days but not more than thirty~~
9 ~~days imprisonment, of which at least forty eight~~
10 ~~hours shall be served consecutively,~~
- 11 ~~(D) A surcharge of \$25 to be deposited into the~~
12 ~~neurotrauma special fund, and~~
- 13 ~~(E) A surcharge of up to \$50 if the court so orders,~~
14 ~~to be deposited into the trauma system special~~
15 ~~fund,~~
- 16 ~~(4)]~~ (3) In addition to a sentence imposed under
17 paragraphs (1) [~~through (3),~~] and (2), any person
18 eighteen years of age or older who is convicted under
19 this section and who operated a vehicle with a
20 passenger, in or on the vehicle, who was younger than
21 fifteen years of age, shall be sentenced to an



1 additional mandatory fine of \$500 and an additional
2 mandatory term of imprisonment of forty-eight hours;
3 provided that the total term of imprisonment for a
4 person convicted under this paragraph shall not exceed
5 the maximum term of imprisonment provided in paragraph
6 (1) ~~(7)~~ or (2), ~~[ex-(3)-7]~~ as applicable.

7 Notwithstanding paragraphs (1) and (2), the revocation
8 period for a person sentenced under this paragraph
9 shall be ~~[not]~~ no less than two years; and

10 ~~[(5)]~~ (4) If the person demonstrates to the court that the
11 person:

- 12 (A) Does not own or have the use of a vehicle in
13 which the person can install an ignition
14 interlock device during the revocation period; or
15 (B) Is otherwise unable to drive during the
16 revocation period,

17 the person shall be absolutely prohibited from driving during
18 the period of applicable revocation provided in paragraphs (1)
19 to ~~[(4)-7]~~ (3); provided that the court shall not issue an
20 ignition interlock permit pursuant to subsection (i) and the
21 person shall be subject to the penalties provided by section



1 291E-62 if the person drives during the applicable revocation
2 period."

3 SECTION 2. Section 291E-61.5, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By amending subsection (b) to read:

6 "(b) For the purposes of this section:

7 (1) "Convicted [~~three~~] two or more times for offenses of
8 operating a vehicle under the influence" means that,
9 at the time of the behavior for which the person is
10 charged under this section, the person had [~~three~~] two
11 or more times within ten years of the instant offense:

12 (A) A judgment on a verdict or a finding of guilty,
13 or a plea of guilty or nolo contendere, for a
14 violation of section 291-4, 291-4.4, or 291-7 as
15 those sections were in effect on December 31,
16 2001, or section 291E-61 or 707-702.5;

17 (B) A judgment on a verdict or a finding of guilty,
18 or a plea of guilty or nolo contendere, for an
19 offense that is comparable to section 291-4,
20 291-4.4, or 291-7 as those sections were in



1 effect on December 31, 2001, or section 291E-61
2 or 707-702.5; or
3 (C) An adjudication of a minor for a law or probation
4 violation that, if committed by an adult, would
5 constitute a violation of section 291-4, 291-4.4,
6 or 291-7 as those sections were in effect on
7 December 31, 2001, or section 291E-61 or
8 707-702.5,
9 that, at the time of the instant offense, had not been
10 expunged by pardon, reversed, or set aside. All
11 convictions that have been expunged by pardon,
12 reversed, or set aside [~~prior to~~] before the instant
13 offense shall not be deemed prior convictions for the
14 purposes of proving that the person is a habitual
15 operator of a vehicle while under the influence of an
16 intoxicant.
17 (2) "Convicted one or more times for offenses of
18 habitually operating a vehicle under the influence"
19 means that, at the time of the behavior for which the
20 person is charged under this section, the person had



1 one or more times within ten years of the instant
2 offense:

3 (A) A judgment on a verdict or a finding of guilty,
4 or a plea of guilty or nolo contendere, for a
5 violation of this section or section 291-4.4 as
6 that section was in effect on December 31, 2001;

7 (B) A judgment on a verdict or a finding of guilty,
8 or a plea of guilty or nolo contendere, for an
9 offense that is comparable to this section or
10 section 291-4.4 as that section was in effect on
11 December 31, 2001; or

12 (C) An adjudication of a minor for a law or probation
13 violation that, if committed by an adult, would
14 constitute a violation of this section or section
15 291-4.4 as that section was in effect on December
16 31, 2001,

17 that, at the time of the instant offense, had not been
18 expunged by pardon, reversed, or set aside. All
19 convictions that have been expunged by pardon,
20 reversed, or set aside [~~prior to~~] before the instant
21 offense shall not be deemed prior convictions for the



1 purposes of proving the person's status as a habitual
2 operator of a vehicle while under the influence of an
3 intoxicant.

4 (3) "Habitual operator of a vehicle while under the
5 influence of an intoxicant" means that the person:

6 (A) Was convicted [~~three~~] two or more times for
7 offenses of operating a vehicle under the
8 influence; or

9 (B) Was convicted one or more times for offenses of
10 habitually operating a vehicle under the
11 influence."

12 2. By amending subsection (d) to read:

13 "(d) For a conviction under this section, the sentence
14 shall be either:

15 (1) An indeterminate term of imprisonment of five years;
16 or

17 (2) A term of probation of five years, with conditions to
18 include:

19 (A) Mandatory revocation of license and privilege to
20 operate a vehicle for a period [~~not~~] no less than



1 ~~[one year]~~ three years but ~~[not]~~ no more than
2 five years;

3 (B) ~~[Not]~~ No less than ten days imprisonment, of
4 which at least forty-eight hours shall be served
5 consecutively;

6 (C) A fine of no less than \$2,000 but no more than
7 \$5,000;

8 ~~[(C)]~~ (D) Referral to a certified substance abuse
9 counselor as provided in section 291E-61(d);

10 ~~[(D)]~~ (E) A surcharge of \$25 to be deposited into the
11 neurotrauma special fund; and

12 ~~[(E)]~~ (F) May be charged a surcharge of up to \$50 to
13 be deposited into the trauma system special fund
14 if the court so orders.

15 In addition to the foregoing, any vehicle owned and operated by
16 the person committing the offense shall be subject to forfeiture
17 pursuant to chapter 712A~~[7]~~; provided that the department of
18 transportation shall provide storage for vehicles forfeited
19 under this subsection."

20 SECTION 3. Section 291E-62, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 (a) No person whose license and privilege to operate a
2 vehicle have been revoked, suspended, or otherwise restricted
3 pursuant to this section or to part III or section 291E-61 or
4 291E-61.5, or to part VII or part XIV of chapter 286 or section
5 200-81, 291-4, 291-4.4, 291-4.5, or 291-7 as those provisions
6 were in effect on December 31, 2001, shall operate or assume
7 actual physical control of any vehicle:

- 8 (1) In violation of any restrictions placed on the
9 person's license;
- 10 (2) While the person's license or privilege to operate a
11 vehicle remains suspended or revoked;
- 12 (3) Without installing an ignition interlock device
13 required by this chapter; or
- 14 (4) With an ignition interlock permit unless the person
15 has the ignition interlock permit [~~and a valid State~~
16 ~~of Hawaii identification card~~] in the person's
17 immediate possession."

18 SECTION 4. (a) The president of the senate and the
19 speaker of the house of representatives shall convene a task
20 force to examine and propose legislation that would allow the
21 courts, under certain circumstances, to prohibit a person



1 convicted of operating a vehicle under the influence of an
2 intoxicant or habitually operating a vehicle under the influence
3 of an intoxicant from purchasing or publicly consuming alcohol
4 for a probation period.

5 (b) The task force shall include:

6 (1) Two members to be appointed by the president of the
7 senate;

8 (2) Two members to be appointed by the speaker of the
9 house of representatives;

10 (3) Two district court judges appointed by the chief
11 justice; and

12 (4) The director of transportation who shall serve as an
13 ex-officio member.

14 The task force may add additional members as it deems necessary.

15 (c) The task force shall submit a report of its findings
16 and recommendations to the legislature no later than twenty days
17 before the convening of the regular session of 2020.

18 SECTION 5. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



1 SECTION 6. If any provision of this Act, or the
2 application thereof to any person or circumstance, is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act that can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 7. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 8. This Act shall take effect on July 1, 2019.

APPROVED this 27 day of JUN, 2019



GOVERNOR OF THE STATE OF HAWAII



HB No. 703, HD 1, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2019
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.



Scott K. Saiki
Speaker
House of Representatives

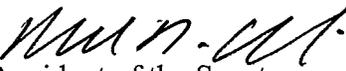


Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: April 30, 2019
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019.


President of the Senate


Clerk of the Senate



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

April 23, 2019

GOV. MSG. NO. 1116

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on April 23, 2019, the following bill was signed into law:

SB638 SD1

RELATING TO LIQUOR.
ACT 015 (19)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO LIQUOR.

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

1 SECTION 1. The legislature finds that an ongoing problem
2 in several communities across the State is the sale of liquor by
3 unlicensed operators or entities that are not under the
4 jurisdiction of the liquor control agencies. Liquor control
5 agencies are restricted from executing compliance checks on
6 establishments without liquor licenses. The reportedly
7 widespread unlicensed sale of liquor on private properties
8 within the State, if true, undermines the mission of liquor
9 control agencies to control the sale of liquor.

10 The legislature also finds that on November 1, 2017, the
11 Honolulu city council expressed the will of the people through
12 the unanimous adoption of Resolution 17-280, CD1, entitled
13 "Requesting the Hawaii State Legislature to increase the penalty
14 for the unlicensed manufacture or sale of liquor to a felony and
15 to add the crime to the class of organized criminal activities
16 under Hawaii Revised Statutes Chapter 842."



1 The resolution states, "because these unlicensed operators
2 and establishments are operating without regulation, they draw
3 crowds and attract other illegal activity that poses health,
4 safety, and community concerns, as evidenced by the recent fatal
5 shooting at a well-known, but unlicensed, bar establishment that
6 has been in operation for a number of years . . . "

7 Under existing law, the penalty for the misdemeanor offense
8 of unlicensed manufacture or sale of liquor is a fine of not
9 more than \$2,000, imprisonment for not more than one year, or
10 both. The intent of this Act is to deter future illegal liquor
11 sales, not occurring under the oversight of liquor control
12 agencies, by increasing the consequences of subsequent
13 conviction and allow greater latitude to judges in their
14 sentencing options.

15 The purpose of this Act is to:

- 16 (1) Increase the penalty for the unlicensed sale of
17 liquor;
- 18 (2) Add unlicensed sale and unlicensed manufacture of
19 liquor to the list of offenses eligible for civil
20 asset forfeiture; and



1 (3) Amend the definitions of "organized crime" and
2 "racketeering activity" to include the unlicensed sale
3 of liquor.

4 SECTION 2. Section 281-101, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§281-101 [~~Manufacture or sale without license;~~
7 Unlicensed manufacture or sale of liquor; penalty. (a) If any
8 person, acting in person or by or through any agent, servant, or
9 employee, manufactures [~~or sells~~] any liquor, either directly or
10 indirectly, or upon any pretense or by any subterfuge, except as
11 authorized pursuant to this chapter, the person shall be fined
12 not more than \$2,000 or imprisoned not more than one year, or
13 both.

14 (b) If any person, acting in person or by or through any
15 agent, servant, or employee, sells any liquor, either directly
16 or indirectly, or upon any pretense or by any subterfuge, except
17 as authorized pursuant to this chapter, the person shall be
18 guilty of a class C felony."

19 SECTION 3. Section 712A-4, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§712A-4 Covered offenses. Offenses for which property is
2 subject to forfeiture under this chapter are:

3 (a) All offenses that specifically authorize forfeiture;

4 (b) Murder, kidnapping, labor trafficking, unlicensed sale
5 of liquor, unlicensed manufacture of liquor, gambling,
6 criminal property damage, robbery, bribery, extortion,
7 theft, unauthorized entry into motor vehicle,
8 burglary, money laundering, trademark counterfeiting,
9 insurance fraud, promoting a dangerous, harmful, or
10 detrimental drug, commercial promotion of marijuana,
11 methamphetamine trafficking, manufacturing of a
12 controlled substance with a child present, promoting
13 child abuse, promoting prostitution, sex trafficking,
14 solicitation of a minor for prostitution, habitual
15 solicitation of prostitution, or electronic enticement
16 of a child that is chargeable as a felony offense
17 under state law;

18 (c) The manufacture, sale, or distribution of a controlled
19 substance in violation of chapter 329, promoting
20 detrimental drugs or intoxicating compounds, promoting
21 pornography, promoting pornography for minors, or



1 solicitation of prostitution near schools or public
2 parks, which is chargeable as a felony or misdemeanor
3 offense, but not as a petty misdemeanor, under state
4 law; and

5 (d) The attempt, conspiracy, solicitation, coercion, or
6 intimidation of another to commit any offense for
7 which property is subject to forfeiture."

8 SECTION 4. Section 842-1, Hawaii Revised Statutes, is
9 amended as follows:

10 1. By amending the definition of "organized crime" to
11 read:

12 "Organized crime" means any combination or conspiracy to
13 engage in criminal activity as a significant source of income or
14 livelihood, or to violate, aid, or abet the violation of
15 criminal laws relating to prostitution, gambling, loan sharking,
16 drug abuse, illegal drug distribution, counterfeiting,
17 extortion, labor trafficking, unlicensed sale of liquor, or
18 corruption of law enforcement officers or other public officers
19 or employers."

20 2. By amending the definition of "racketeering activity"
21 to read:



1 "Racketeering activity" means any act or threat involving
2 but not limited to murder, kidnapping, gambling, criminal
3 property damage, robbery, bribery, extortion, labor trafficking,
4 unlicensed sale of liquor, theft, or prostitution, or any
5 dealing in narcotic or other dangerous drugs that is chargeable
6 as a crime under state law and punishable by imprisonment for
7 more than one year."

8 SECTION 5. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 6. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 7. This Act shall take effect upon its approval.

APPROVED this 23 day of APR, 2019



GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: March 5, 2019
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019.


President of the Senate


Clerk of the Senate

**THE HOUSE OF REPRESENTATIVES
OF THE STATE OF HAWAI'I**

Date: April 3, 2019
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019.


Speaker, House of Representatives


Clerk, House of Representatives



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 2, 2019

GOV. MSG. NO. 1328

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 2, 2019, the following bill was signed into law:

SB772 HD2 CD1

RELATING TO LIQUOR LAWS.
ACT 226 (19)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

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 to be placed
9 on the faucet, spigot, or outlet from where the beer is drawn.
10 This requirement does not account for changes in technology,
11 product line, and consumer interactions with servers. As a
12 matter of practicality, craft beer names are often longer than
13 will fit in the space available on a tap handle. Furthermore, a
14 required tap handle provides no additional assurance of what has
15 been 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
18 menus, which provides a greater amount of information for each



1 draught beer available on tap than can be found on a tap handle.
2 Such information allows consumers to make better choices relying
3 on information far beyond what is provided by attachment of a
4 tap handle only.

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

12 The legislature also finds that under Hawaii law, the
13 county liquor commissions and liquor control adjudication boards
14 are required to adopt rules to address responsible consumption
15 of alcohol. Under these rules, some of the counties have
16 defined stacking to mean having more than two standard servings
17 of drinks before a customer at any one time, although the
18 description of standard serving size varies by county. Concerns
19 have been raised that defining stacking based on the number of
20 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 adjudication boards.

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 adjudication boards.

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;



- 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



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



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 thirty-two 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.

APPROVED this 02 day of JUL, 2019



GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: April 30, 2019
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019.


President of the Senate


Clerk of the Senate

SB No. 772, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2019
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives