



EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

GOV. MSG. NO. **732**

June 19, 2006

The Honorable Robert Bunda, President  
and Members of the Senate  
Twenty-Third State Legislature  
State Capitol, Room 003  
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

This is to inform you that on June 19, 2006, the following bill was signed into law:

HB3242 SD1 CD1

A BILL FOR AN ACT RELATING TO  
INTOXICATING LIQUOR.  
(ACT 202)

Sincerely,

A handwritten signature in dark ink, appearing to read "James R. Aiona, Jr.", written over a faint, larger version of the same signature.

JAMES R. AIONA, JR.  
Acting Governor

JAMES R. AIONA JR.

HOUSE OF REPRESENTATIVES  
TWENTY-THIRD LEGISLATURE, 2006  
STATE OF HAWAII

H.B. NO. 3242  
S.D. 1  
C.D. 1

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## A BILL FOR AN ACT

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RELATING TO INTOXICATING LIQUOR.

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

1       SECTION 1. The legislature finds that underage drinking is  
2 a continuing problem in Hawaii. The number of arrests by police  
3 for persons under the age of twenty-one for driving under the  
4 influence and zero tolerance has increased over the years. The  
5 Hawaii department of health 2003 student survey concluded that  
6 there has been a decrease in youth alcohol consumption in grades  
7 six, eight, ten, and twelve. Those in grades ten and twelve  
8 showed less of a decrease than those in the sixth and eighth  
9 grades. The report concluded that those surveyed in the tenth  
10 and twelfth grades showed a 59.1 and 72.5 per cent lifetime use  
11 rate in 2003. The majority of tenth and twelfth graders have  
12 tried alcohol in their lifetime and nearly half of the seniors  
13 have reported being drunk. In a monthly trend, of those having  
14 a drink in the past thirty days, the report showed that twenty-  
15 seven per cent of tenth graders and thirty-six per cent of  
16 twelfth graders had consumed alcohol. The consumption of  
17 alcohol among the young becomes a health problem because it  
18 affects the development of the brain at that young age. This



1 effect alters the learning process in a way that may lead to  
2 behavioral problems. To protect the young, thirty-seven states  
3 have enacted laws that prohibit the consumption of alcohol by  
4 anyone under the age of twenty-one.

5 Accordingly, the purpose of this Act is to prohibit the  
6 consumption of intoxicating liquor by anyone under the age of  
7 twenty-one years.

8 SECTION 2. Section 281-101.5, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 **"§281-101.5 Prohibitions involving minors; penalty. (a)**

11 No adult shall provide or purchase liquor for consumption or use  
12 by a person under twenty-one years of age.

13 (b) No minor shall consume or purchase liquor and no minor  
14 shall have liquor in the minor's possession or custody in any  
15 motor vehicle on a public highway or in any public place, public  
16 gathering, or public amusement or at any public beach or public  
17 park; provided that notwithstanding any other law to the  
18 contrary, this subsection shall not apply to:

19 (1) Possession or custody of liquor by a minor in the  
20 course of delivery, pursuant to the direction of the  
21 minor's employer lawfully engaged in business  
22 necessitating the delivery;



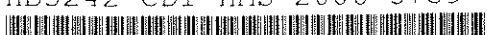
(2) Possession ~~[or]~~, custody, or consumption of liquor by a minor in connection with the minor's authorized participation in religious ceremonies requiring ~~[the]~~ such possession [or], custody[+], or consumption; or

(3) Any person between the ages of eighteen and twenty, who is participating in a controlled purchase as part of a law enforcement activity or a study authorized by the department of health to determine the level of incidence of liquor sales to minors.

(c) No minor shall falsify any identification or use any false identification or identification of another person or of a fictitious person for the purpose of buying or attempting to buy liquor or for the purpose of obtaining employment to sell or serve liquor on licensed premises.

(d) Any person under age eighteen who violates this section shall be subject to the jurisdiction of the family court. Any person age eighteen or older who violates subsection (a) shall be guilty of a misdemeanor. Any person age eighteen to twenty-one who violates ~~[subsections]~~ subsection (b) or (c) shall be guilty of a petty misdemeanor.

(e) As used in this section, "consume" or "consumption" includes the ingestion of liquor."



1       SECTION 3. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun, before its effective date.

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

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

APPROVED this 19 day of JUN , 2006



JAMES R. AIONA JR.

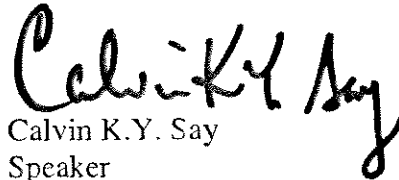
GOVERNOR OF THE STATE OF HAWAII ACTING GOVERNOR

HB No. 3242 SD 1 CD 1

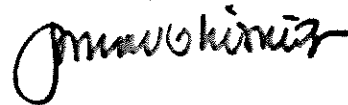
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2006  
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Final Reading in the House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Calvin K.Y. Say  
Speaker  
House of Representatives




Patricia Mau-Shimizu  
Chief Clerk  
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2006  
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Final Reading in the Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Robert Bunda  
President of the Senate



Paul Kawaguchi  
Clerk of the Senate