
A BILL FOR AN ACT

RELATING TO LIQUOR.

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

1 SECTION 1. Chapter 281, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§281- Special conditions; condominium hotel licenses.

5 A condominium hotel operator shall submit to the commission
6 information on the initial application for registration of the
7 condominium hotel operation approved by the real estate
8 commission pursuant to section 467-30; thereafter, the
9 condominium hotel operator shall maintain for inspection by any
10 investigator of the commission, information on the apartments
11 registered pursuant to section 467-30 being used as part of the
12 condominium hotel."

13 SECTION 2. Section 281-1, Hawaii Revised Statutes, is
14 amended as follows:

15 1. By adding a new definition to be appropriately inserted
16 and to read:

17 "Condominium hotel" means an establishment consisting of
18 one or more buildings that includes:



- 1 (1) Apartments as defined in section 502C-1, and
- 2 subject to chapter 514B, which are used to provide
- 3 transient lodging for periods of less than thirty
- 4 days under a written contract with the owner or
- 5 owners of each apartment under the condominium
- 6 hotel operation;
- 7 (2) Apartments owned by the condominium hotel operator
- 8 providing transient lodging for periods of less
- 9 than thirty days, which are offered for adequate
- 10 pay to transient guests; and
- 11 (3) A suitable and adequate kitchen and dining room,
- 12 where meals are regularly prepared and served to
- 13 guests and other customers."

14 2. By amending the definition of "premises" to read:

15 "Premises" or "licensed premises" means the building and

16 property that houses the establishment for which a license has

17 been or is proposed to be issued; provided that in the case of

18 class 12 hotel license, "premises" includes the hotel premises;

19 provided further that in the case of a class 15 condominium

20 hotel license, "premises" includes apartments that are used to

21 provide transient lodging for periods of less than thirty days

22 under a written contract with the owner or owners of each



1 apartment under the condominium hotel operation; and provided
2 further that if an establishment is in a retail shopping complex
3 the businesses of which have formed a merchants association,
4 "premises" means the establishment. As used in this definition,
5 "establishment" means a single physical location where the
6 selling of liquor takes place."

7 SECTION 3. Section 281-31, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§281-31 Licenses, classes. (a) Licenses may be granted
10 by the liquor commission as provided in this section.

11 (b) Class 1. Manufacturers' [~~licenses-~~] license. A
12 license for the manufacture of liquor shall authorize the
13 licensee to manufacture the liquor therein specified and to sell
14 it at wholesale in original packages to any person who holds a
15 license to resell it and to sell draught beer or wine
16 manufactured from grapes or other fruits grown in the [State]
17 state in any quantity to any person for private use and
18 consumption. Under this license, no liquor shall be consumed on
19 the premises except as authorized by the commission. Of this
20 class, there shall be the following kinds:

21 (1) Beer;

22 (2) Wine;



1 (3) Alcohol; and

2 (4) Other specified liquor.

3 It shall be unlawful for any holder of a manufacturer's
4 license to have any interest whatsoever in the license or
5 licensed premises of any other licensee. This subsection shall
6 not prevent the holder of a beer class manufacturer's license
7 under this chapter or under the law of another jurisdiction from
8 maintaining any interest in the license or licensed premises of
9 a beer and wine class wholesale dealer licensee under this
10 chapter whose wholesaling is limited to beer, other than direct
11 ownership of a beer and wine class wholesale dealer's license,
12 or direct ownership of a partnership share, one or more shares
13 of stock, or similar proprietary stake in the holder of a beer
14 and wine class wholesale dealer's license.

15 (c) Class 2. Restaurant [~~licenses~~] license.

16 (1) A license under this class shall authorize the
17 licensee to sell liquors specified in this subsection
18 for consumption on the premises; provided that a
19 restaurant licensee, with commission approval, may
20 provide off-premises catering; provided further that
21 the catering activity shall be directly related to the
22 licensee's operation as a restaurant. A licensee



1 under this class shall be issued a license according
2 to the category of establishment the licensee owns or
3 operates. The categories of establishment shall be as
4 follows:

5 (A) A standard bar; or

6 (B) [~~A premises~~] Premises in which live entertainment
7 or recorded music is provided. Facilities for
8 dancing by the patrons may be permitted as
9 provided by commission rules.

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

15 (3) For each category of class 2 licenses, there shall be
16 the following kinds:

17 (A) General (includes all liquors except alcohol);

18 (B) Beer and wine; and

19 (C) Beer.

20 Any licensee holding a different class of license on June 19,
21 1990, and who would otherwise come within this class of license
22 shall not be required to apply for a new license.



1 (d) Class 3. Wholesale dealers' [~~licenses~~] license. A
2 license for the sale of liquors at wholesale shall authorize the
3 licensee to import and sell only to licensees or to others who
4 are by law authorized to resell but are not by law required to
5 hold a license, the liquors therein specified in quantities not
6 less than five gallons at one time if sold from or in bulk
7 containers or not less than one gallon if bottled goods;
8 provided that samples of liquor may be sold back to the
9 manufacturer. The license may authorize the licensee to sell
10 draught beer in quantities not less than five gallons at one
11 time to any person for private use and consumption if the
12 licensee files an affidavit with the commission that there is
13 not a class 4 retail dealers licensee available to sell the
14 wholesalers brand of draught beer. Under the license, no liquor
15 shall be consumed on the premises except as authorized by the
16 commission. Of this class, there shall be the following kinds:

17 (1) General (includes all liquors except alcohol);

18 (2) Beer and wine; and

19 (3) Alcohol.

20 If any wholesale dealer solicits or takes any orders in any
21 county other than that where the dealer's place of business is
22 located, the orders may be filled only by shipment direct from



1 the county in which the wholesale dealer has the dealer's
2 license. Nothing in this subsection shall prevent a wholesaler
3 from selling liquors to post exchanges, ships service stores,
4 army or navy officers' clubs, or similar organizations located
5 on army or navy reservations, or to any vessel other than
6 vessels performing a regular water transportation service
7 between any two or more ports in the [~~State,~~] state, or to
8 aviation companies who operate an aerial transportation
9 enterprise as a common carrier, under chapter 269, engaged in
10 regular flight passenger services between any two or more
11 airports in the [~~State~~] state for use on aircraft, or aviation
12 companies engaged in transpacific flight operations for use on
13 aircraft outside the jurisdiction of the State.

14 (e) Class 4. Retail dealers' [~~licenses-~~] license. A
15 license to sell liquors at retail or to class 10 licenses shall
16 authorize the licensee to sell the liquors therein specified in
17 their original packages. Under the license, no liquor shall be
18 consumed on the premises except as authorized by the commission.
19 Of this class, there shall be the following kinds:

- 20 (1) General (includes all liquors except alcohol);
21 (2) Beer and wine; and
22 (3) Alcohol.



- 1 (f) Class 5. Dispensers' [~~licenses~~] license.
- 2 (1) A license under this class shall authorize the
- 3 licensee to sell liquors specified in this subsection
- 4 for consumption on the premises. A licensee under
- 5 this class shall be issued a license according to the
- 6 category of establishment the licensee owns or
- 7 operates. The categories of establishments shall be
- 8 as follows:
- 9 (A) A standard bar;
- 10 (B) [~~A premise~~] Premises in which a person performs
- 11 or entertains unclothed or in attire restricted
- 12 to use by entertainers pursuant to commission
- 13 rules;
- 14 (C) [~~A premise~~] Premises in which live entertainment
- 15 or recorded music is provided; provided that
- 16 facilities for dancing by the patrons may be
- 17 permitted as provided by commission rules; or
- 18 (D) [~~A premise~~] Premises in which employees or
- 19 entertainers are compensated to sit with patrons,
- 20 regardless of whether the employees or
- 21 entertainers are consuming nonalcoholic beverages



1 while in the company of the patrons pursuant to
2 commission rules.

3 (2) If a licensee under class 5 desires to change the
4 category of establishment the licensee owns or
5 operates, the licensee shall apply for a new license
6 applicable to the category of the licensee's
7 establishment.

8 (3) For each category of class 5 licenses, there shall be
9 the following kinds:

10 (A) General (includes all liquors except alcohol);

11 (B) Beer and wine; and

12 (C) Beer.

13 (g) Class 6. Club [~~licenses~~] license. A club license
14 shall be general only (but excluding alcohol) and shall
15 authorize the licensee to sell liquors to members of the club
16 and to guests of the club enjoying the privileges of membership,
17 for consumption only on the premises kept and operated by the
18 club; provided that the license shall also authorize any club
19 member to keep in the member's private locker on the premises a
20 reasonable quantity of liquor, if owned by the member, for the
21 member's own personal use and not to be sold and that may be
22 consumed only on the premises.



1 (h) Class 7. Vessel [~~licenses~~] license. A general
2 license may be granted to the owner of any vessel performing a
3 regular water transportation passenger service between any two
4 or more ports in the [State] state for the sale of liquor (other
5 than alcohol) on board the vessel while in the waters of the
6 State; provided the sales are made only while the vessel is en
7 route and only for consumption by passengers on board. If the
8 vessel has a home port in the [~~State~~] state, the license shall
9 be issuable in the county in which the home port is situated;
10 provided that if the licensee's home port is not situated in
11 this State, the license shall be issuable in the city and county
12 of Honolulu. If, on any vessel for which no license has been
13 obtained under this chapter, any liquor is sold or served within
14 three miles of the shore of any island of the [~~State~~] state, it
15 shall constitute a violation of this chapter.

16 (i) Class 8. Transient vessel [~~licenses~~] license. A
17 general license may be granted to the owner of any vessel that
18 does not fall within class 7 for the sale of liquor (other than
19 alcohol) on board the vessel while in any port of the State.
20 Sales shall be made only for consumption by passengers and their
21 guests on board the vessel. The license shall be issuable in
22 each county where the sales are to be made; provided that the



1 application for the license may be made by any agent
2 representing the owner.

3 (j) Class 9. Tour or cruise vessel [~~licenses.~~] license.

4 A general license may be granted to the owner of any tour or
5 cruise vessel for the sale of liquor (other than alcohol) on
6 board the vessel while in the waters of the State; provided that
7 sales be made only for consumption by passengers on board while
8 the vessel is in operation outside the port or dock of any
9 island of the State, unless otherwise approved by the county
10 where the license has been issued. If the vessel has a home
11 port in the [~~State,~~] state, the license shall be issuable in the
12 county wherein the home port is situated; provided that if the
13 licensee's home port is not situated in this State, the license
14 shall be issuable in the city and county of Honolulu. If, on
15 any vessel for which no license has been obtained under this
16 chapter, any liquor is sold or served within three miles of the
17 shore of any island of the State, it shall constitute a
18 violation of this chapter.

19 (k) Class 10. [~~Special.~~] Special license. A special
20 license may be granted for the sale of liquor for a period not
21 to exceed three days on any occasion and under any conditions as



1 may be approved by the commission. Of this class, there shall
2 be the following kinds:

- 3 (1) General (includes all liquors except alcohol);
- 4 (2) Beer and wine; and
- 5 (3) Beer.

6 Under this license, the liquors therein specified shall be
7 consumed on the premises.

8 (1) Class 11. Cabaret license. A cabaret license shall
9 be general only (but excluding alcohol) and shall authorize the
10 sale of liquors for consumption on the premises. This license
11 shall be issued only for premises where food is served,
12 facilities for dancing by the patrons are provided, including a
13 dance floor, and live or amplified recorded music or
14 professional entertainment, except professional entertainment by
15 a person who performs or entertains unclothed, is provided for
16 the patrons; provided that professional entertainment by persons
17 who perform or entertain unclothed shall be authorized by:

- 18 (1) A cabaret license for [~~a premise~~] premises where
19 professional entertainment by persons who perform or
20 entertain unclothed was presented on a regular and
21 consistent basis immediately prior to June 15, 1990;

22 or



1 (2) A cabaret license that, pursuant to rules adopted by
2 the liquor commission, permits professional
3 entertainment by persons who perform or entertain
4 unclothed.

5 A cabaret license under paragraph (1) or (2) authorizing
6 professional entertainment by persons who perform or entertain
7 unclothed shall be transferable through June 30, 2000. A
8 cabaret license under paragraph (1) or (2) authorizing
9 professional entertainment by persons who perform or entertain
10 unclothed shall not be transferable after June 30, 2000, except
11 when the transferee obtains approval from the liquor commission,
12 and pursuant to rules adopted by the commission.

13 Notwithstanding any rule of the liquor commission to the
14 contrary, cabarets in resort areas may be opened for the
15 transaction of business until 4 a.m. throughout the entire week.

16 (m) Class 12. Hotel [~~licenses-~~] license. A license to
17 sell liquor in a hotel shall authorize the licensee to provide
18 entertainment and dancing on the hotel premises and to sell all
19 liquors, except alcohol, for consumption on the premises;
20 provided that a hotel licensee, with commission approval, may
21 provide off-premises catering; provided further that the



1 catering activity is directly related to the licensee's
2 operation as a hotel.

3 Procedures such as room service, self-service (no-host),
4 minibars or similar service in guest rooms, and service at
5 private parties in areas that are the property of and contiguous
6 to the hotel, are permitted with commission approval.

7 Any licensee who would otherwise fall within the hotel
8 license class but holds a different class of license may be
9 required to apply for a hotel license.

10 If the licensee applies for a change of classification
11 prior to July 30, 1992, the licensee shall not be subject to the
12 requirements of sections 281-52, 281-54, and 281-57 through 281-
13 59.

14 (n) Class 13. Caterer license. A general license may be
15 granted to any licensee who serves food as part of their
16 operation for the sale of liquor (other than alcohol) while
17 performing food catering functions.

18 No catering service for the sale of liquor shall be
19 performed off the licensee's premises, unless prior written
20 notice of the service has been delivered to the office of the
21 liquor commission of the county concerned. The notice shall
22 state the date, time, and location of the proposed event and



1 shall include a written statement signed by the owner or
2 representative of the property that the function will be subject
3 to the liquor laws and to inspection by investigators.

4 (o) Class 14. Brewpub [~~licenses~~] license. A brewpub
5 licensee:

6 (1) Shall manufacture not more than ten thousand barrels
7 of malt beverages on the licensee's premises during
8 the license year;

9 (2) May sell malt beverages manufactured on the licensee's
10 premises for consumption on the premises;

11 (3) May sell malt beverages manufactured by the licensee
12 in brewery-sealed packages to class 3, wholesale
13 dealer licensees pursuant to conditions imposed by
14 county planning and public works departments;

15 (4) May sell intoxicating liquor, purchased from a class
16 1, manufacturer licensee, or a class 3, wholesale
17 dealer's licensee, to consumers for consumption on the
18 licensee's premises; provided that the premises is
19 owned and operated by the licensee. The categories of
20 establishments shall be as follows:

21 (A) A standard bar; or



- 1 (B) Premises in which live entertainment or recorded
2 music is provided. Facilities for dancing by the
3 patrons may be permitted as provided by
4 commission rules;
- 5 (5) May sell malt beverages manufactured on the licensee's
6 premises to consumers in brewery-sealed kegs and
7 growlers for off-premises consumption; provided that
8 for purposes of this paragraph, "growler" means a
9 glass container, not to exceed one half-gallon, [~~that~~
10 which may be securely sealed;
- 11 (6) May sell malt beverages manufactured on the licensee's
12 premises to consumers, in recyclable containers that
13 may be provided by the licensee or by the consumer,
14 not to exceed one gallon per container, [~~that~~] which
15 are securely sealed on the licensee's premises, for
16 off-premises consumption;
- 17 (7) Shall comply with all regulations pertaining to class
18 4 retail licensees when engaging in the retail sale of
19 malt beverages;
- 20 (8) May sell malt beverages manufactured on the licensee's
21 premises in brewery-sealed containers directly to
22 class 2 restaurant licensees, class 3 wholesale dealer



1 licenses, class 4 retail dealer licensees, class 5
2 dispensers' licensees, class 6 club licensees, class
3 7, 8, and 9 vessel licensees, transient vessel
4 licensees, tour or cruise vessel licensees, class 10
5 special licensees, class 11 cabaret licensees, class
6 12 hotel licensees, and class 13 caterer licensees,
7 pursuant to conditions imposed by county planning and
8 public works departments and regulations governing
9 class 3 wholesale dealers licensees; and

10 (9) May conduct the activities described in paragraphs (1)
11 through (8) at one location other than the licensee's
12 premises; provided that the manufacturing takes place
13 in Hawaii; and provided further the other location is
14 properly licensed by the same ownership.

15 (p) Class 15. Condominium hotel license. A license to
16 sell liquor in a condominium hotel shall authorize the licensee
17 to provide entertainment and dancing on the condominium hotel
18 premises and to sell all liquors, except alcohol, for
19 consumption on the premises; provided that a condominium hotel
20 licensee, with commission approval, may provide off-premises
21 catering; provided further that the catering activity is



1 directly related to the licensee's operation as a condominium
2 hotel.

3 Procedures such as room service, self-service (no-host),
4 minibars or similar service in apartments, and service at
5 private parties in areas that are the property of and contiguous
6 to the condominium hotel, are permitted with commission
7 approval.

8 A condominium hotel licensee shall not sell liquor in the
9 manner authorized by a class 4 retail dealer's license.

10 [~~(p)~~] (q) It shall be unlawful for any retail licensee,
11 except a class 10 licensee, to purchase, acquire, or sell liquor
12 from any person other than a wholesaler licensed pursuant to
13 this chapter, except as otherwise provided in this section.

14 [~~(q)~~] (r) Any provision to the contrary notwithstanding,
15 at the discretion of the county liquor commission, permission
16 may be granted to a bona fide hotel, restaurant, or club
17 licensed under class 2, class 6, class 11, class 12, or class 14
18 to allow a patron to remove from the licensed premises any
19 portion of wine that was purchased for consumption with a meal;
20 provided that it is recorked or resealed in its original
21 container. This subsection applies only to a valid holder of a



1 class 2, class 6, class 11, class 12, or class 14 license
2 engaged in meal service.

3 [~~r~~] (s) Sections 281-57 to 281-61 shall not apply to
4 classes 7 through 10 and 13."

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

7 SECTION 5. This Act shall take effect on January 1, 2025.



Report Title:

Liquor Licenses; Condominium Hotels

Description:

Establishes a condominium hotel class of liquor license.
(HB1018 HD2)

