
A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

1 SECTION 1. Section 281-33.6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " **[+]§281-33.6[+]** **Direct shipment of wine by wineries.** (a)

4 Any person holding:

5 (1) A general excise tax license from the department of
6 taxation; and

7 (2) Either:

8 (A) A class 1 license to manufacture wine under
9 section 281-31; or

10 (B) A license to manufacture wine issued by another
11 state,

12 may pay any applicable fees and obtain a direct wine shipper
13 permit from the liquor commission of the county to which the
14 wine will be shipped authorizing the holder to directly ship
15 wine to persons in the county pursuant to this section.

16 (b) The holder of a direct wine shipper permit may sell
17 and annually ship to any person twenty-one years of age or
18 older, in the county that issued the permit, no more than six



1 nine-liter cases of wine per household, less any wine previously
 2 purchased by direct shipment by the person's household during
 3 that year, as stated by the person in accordance with paragraph
 4 (3), for personal use only and not for resale~~[, and]~~. The
 5 holder of a direct wine shipping permit shall:

6 (1) Ship wine directly to the person only in containers
 7 that are conspicuously labeled with the words:
 8 "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 YEARS
 9 OR OLDER REQUIRED FOR DELIVERY.";

10 (2) Require that the carrier of the shipment obtain the
 11 signature of any person twenty-one years of age or
 12 older before delivering the shipment;

13 (3) Require that any person purchasing wine via direct
 14 shipment provide a written certification to the permit
 15 holder and the liquor commission of the county that
 16 issued the permit, stating the amount of wine
 17 previously purchased by the person's household during
 18 the year and acknowledging that no household may
 19 purchase more than six nine-liter cases of wine per
 20 year via direct shipment;

21 [~~3~~] (4) Report, no later than January 31 of each year to
 22 the liquor commission in each county where a direct



1 wine shipper permit is held, the: total amount of
 2 wine shipped to persons in the county during the
 3 preceding calendar year[+], the identity and address
 4 of each household to whom shipment was made during the
 5 preceding calendar year; and the quantity of wine
 6 shipped to each household;

7 [~~4~~] (5) Pay all applicable general excise and gallonage
 8 taxes. For gallonage tax purposes, all wine sold
 9 under a direct wine shipper permit shall be deemed to
 10 be wine sold in the State; and

11 [~~5~~] (6) Be subject to audit by the liquor commission of
 12 each county in which a permit is held.

13 (c) The holder of a license to manufacture wine issued by
 14 another state may annually renew a direct wine shipper permit by
 15 providing the liquor commission that issued the permit with a
 16 copy of the license and paying all required fees. The holder of
 17 a class 1 license to manufacture wine under section 281-31 may
 18 renew a direct wine shipper permit concurrently with the class 1
 19 license by complying with all applicable laws and paying all
 20 required fees.

21 (d) The sale and shipment of wine directly to a person in
 22 this State by a person that does not possess a valid direct wine



1 shipper permit is prohibited. Knowingly violating this law is a
2 misdemeanor.

3 (e) No household shall purchase more than six nine-liter
4 cases of wine per year via direct shipment. Knowingly violating
5 this section is a misdemeanor.

6 [~~e~~] (f) The liquor [~~+~~commission~~+~~] in each county may
7 adopt rules [~~and regulations~~] necessary to carry out the intent
8 and purpose of this section."

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. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

15

INTRODUCED BY: Calvin K. Ay

JAN 22 2007



Report Title:

Direct Purchase/Shipment of Wine; Limits; Misdemeanor

Description:

Limits purchase of wine by direct shipment by a household to 6 9-liter cases per year. Allows wineries to ship no more than 6 9-liter cases of wine per year to a household, less any wine previously purchased by direct shipment by the household for that year. Makes violation a misdemeanor.

