STAND. COM. REP. NO. 989

Honolulu, Hawaii Monlulb, 2009 RE: S.B. No. 697 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 697 entitled:

"A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR,"

begs leave to report as follows:

The purpose of this bill is to provide help to those struggling with substance abuse addiction by requiring that money collected by county liquor commissions from fines against licensees be used for substance abuse treatment and prevention programs in addition to alcohol education programs.

The Honolulu Liquor Commission and Anheuser Busch Companies supported the intent of this bill. The Hawaii Food Industry Association provided comments.

While your Committee certainly supports any measure that would provide increased funding for substance abuse treatment and prevention programs, your Committee also acknowledges the merit of the testifiers' concerns.

The point was raised that this bill, as expressed in its title, deals specifically with intoxicating liquor. Including language that refers broadly to substance abuse gives the impression that fines collected against liquor licensees may be used to fund unrelated social programs. This may then lead to the indiscriminate creation of additional fines merely to provide a funding source for these unrelated social programs.

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Your Committee notes and suggests to your Committee on Consumer Protection & Commerce that a possible remedy for these concerns may be to change the language to only include alcoholrelated treatment and prevention programs.

Upon further consideration, your Committee has amended this bill by:

- Including provisions that re-classify the offense of promoting intoxicating liquor to a person under the age of twenty-one as a petty misdemeanor;
- (2) Mandating a 24-hour term of imprisonment for any person convicted of promoting intoxicating liquor to a person under the age of twenty-one;
- (3) Including provisions specifying additional terms of imprisonment for repeat offenders of promoting intoxicating liquor to a person under the age of twentyone;
- (4) Including a savings clause; and

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(5) Changing the effective date to January 1, 2050, to encourage further discussion.

Technical, nonsubstantive amendments were also made for clarity, consistency and style.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 697, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 697, H.D. 1, and be referred to the Committee on Consumer Protection & Commerce.

> Respectfully submitted on behalf of the members of the Committee on Human Services,

M. MIZUNC

State of Hawaii House of Representatives The Twenty-fifth Legislature



## **Record of Votes of the Committee on Human Services**

Bill/Resolution No.:	Committee Referral:			Date:		
SB 697	HUS, CPC, FIN			03/02/09		
The committee is reconsidering its previous decision on the measure.						
The recommendation is to: D Pass, unamended (as is) Pass, with amendments (HD) D Hold						
Pass short form bill with HD to recommit for future public hearing (recommit)						
HUS Members		Ayes	Ayes (WR)		Nays	Excused
1. MIZUNO, John M. (C)						
2. BROWER, Tom (VC)						
3. BELATTI, Della Au						
4 DEDTRAM Los III						. /
4. BERTRAM, Joe, III						V
5. CARROLL, Mele						$\sim$
			Bas -			
6. NISHIMOTO, Scott Y.		$\checkmark$				
7. SHIMABUKURO, Maile S.L.						$\checkmark$
8. YAMANE, Ryan I.						
9. WARD, Gene		/				
		<b>V</b>				
						·
TOTAL (9)		5				4
The recommendation is: Adopted  Not Adopted						
If joint referral, did not support recommendation.						
Tel mar						
Vice Chair's or designee's signature:						
Distribution: Original (White) – Committ	tee Dup	plicate (Yellow) -	Chief Clerk's	Office	Duplicate (Pi	nk) – HMSO