STAND. COM. REP. NO.

645

Honolulu, Hawaii March 4 , 2011

RE: H.B. No. 904 H.D. 2

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and Judiciary, to which was referred H.B. No. 904, H.D. 1, entitled:

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

beg leave to report as follows:

The purpose of this bill is to prohibit the sale, offer for sale, advertisement, or distribution of any caffeinated beer beverage unless labeled as an "intoxicating liquor" with a warning about potentially harmful effects.

The Distilled Spirits Council of the United States supported the intent of this bill.

Your Committees amended this measure by deleting language relating to the exclusion of various alcoholic beverages that contain caffeine naturally. Your Committees find that the definition of "caffeinated beer beverage" will exclude such beverages. In addition, extracts derived from foods with naturally occurring caffeine could be considered "food additives", creating an unnecessary ambiguity.

Your Committees also made technical nonsubtantive amendments to this bill for consistency, style, and clarity.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with



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the intent and purpose of H.B. No. 904, H.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 904, H.D. 2.

Respectfully submitted on behalf of the members of the Committees on Consumer Protection & Commerce and Judiciary,

GILBERT KEITH-AGARAN, Chair

ROBERT N. HERKES, Chair

HB904 HD2 HSCR CPC-JUD HMS 2011-2498

H5CR 645

State of Hawaii House of Representatives The Twenty-sixth Legislature

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 90H HD I Committee	HLT, OC	JUD Date:	2/2:	12011
□ The committee is reconsidering its previous decision	,			7
The recommendation is to: Pass, unamended (Pass short form bil		ss, with amendments (I mmit for future public		
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. HERKES, Robert N. (C)				
2. YAMANE, Ryan I. (VC)	/		<u>, </u>	
3. BROWER, Tom				
4. CABANILLA, Rida T.R.				
5. CARROLL, Mele	· · · · · · · · · · · · · · · · · · ·		·	
6. ITO, Ken	/			
7. KEITH-AGARAN, Gilbert S.C.	/			
8. LUKE, Sylvia				
9. McKELVEY, Angus L.K.				
10. MORITA, Hermina M.				
11. OSHIRO, Blake K.	/	· · · · · · · · · · · · · · · · · · ·		
12. SOUKI, Joseph M.	1			,,,,
13. TSUJI, Clift				
14. CHING, Corinne W.L.				
15. MARUMOTO, Barbara C.				
16. THIELEN, Cynthia				
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TOTAL (16)	13			<u>ک</u>
The recommendation is: Adopted If joint referral,	Not Adopt	did not support	recommendation	ı
Vice Chair's or designee's signature:	Ma			
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State of Hawaii House of Representatives The Twenty-sixth Legislature

Record of Votes of the Committee on Judiciary

□ The commit	tee is reconsidering its previous decis	sion on the measure.	I	23/11	
The recommen			ss, with amendments (mmit for future public		
	JUD Members	Ayes	Ayes (WR)	Nays	Excuse
1. KEITH-	AGARAN, Gilbert S.C. (C)			<u></u>	
2. RHOAD	S, Karl (VC)				
3. BROWE	R, Tom	~			
4. CABANI	LLA, Rida T.R.				<u> </u>
5. CARRO	LL, Mele				
6. HERKES	S, Robert N.	-			
7. ITO, Ker)				
8. LUKE, S	ylvia				
9. McKELV	/EY, Angus L.K.	· · · · ·			
10. MORITA	A, Hermina M.				
11. OSHIRO	, Blake K.		•		
12. SOUKI, .	Joseph M.	~			
13. TSUJI, C	lift	~			
14. FONTAI	NE, George R.				1
15. MARUM	OTO, Barbara C.				
16. THIELE	N, Cynthia				
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	TOTAL (16)	13	∂	0	3
The recommen	dation is: Adopted If joint referral, _	Not Adopt committee acronym	did not suppor	t recommendatio	n.
Vice Chair's o	designee's signature:	l that	h	~	