

JAN 28 2015

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# A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

1           SECTION 1. Section 281-31, Hawaii Revised Statutes, is  
2 amended as follows:  
3           1. By amending subsection (c) to read:  
4           "(c) Class 2. Restaurant license.  
5           (1) A license under this class shall authorize the  
6           licensee to sell liquor specified in this subsection  
7           for consumption on the premises; provided that a  
8           restaurant licensee, with commission approval, may  
9           provide off-premises catering of food and liquor;  
10          provided further that the catering activity shall be  
11          directly related to the licensee's operation as a  
12          restaurant. A license under this class shall also  
13          authorize the licensee to sell beer, malt beverages,  
14          wine, or cider for off-premises consumption; provided  
15          that the beer, malt beverage, wine, or cider is sold  
16          in a securely sealed or covered glass, ceramic, or  
17          metal container that is sold to or provided by the



1           patron, and each sealed or covered glass, ceramic, or  
2           metal container does not exceed a maximum capacity of  
3           one-half gallon. A licensee under this class shall be  
4           issued a license according to the category of  
5           establishment the licensee owns or operates. The  
6           categories of establishment shall be as follows:

7           (A) A standard bar; or

8           (B) Premises in which live entertainment or recorded  
9           music is provided. Facilities for dancing by the  
10          patrons may be permitted as provided by  
11          commission rules.

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

17          (3) Of this class, there shall be the following kinds:

18           (A) General (includes all liquor except alcohol);

19           (B) Beer and wine; and

20           (C) Beer.



1 Notwithstanding section 281-57, the commission may approve at  
2 one public hearing and without notice the change to a class 2  
3 restaurant license of a licensee holding a class 5 dispenser  
4 license who meets the requirements of a class 2 license."

5 2. By amending subsection (e) to read:

6 "(e) Class 4. Retail dealer license. A license to sell  
7 liquor at retail or to class 10 licensees shall authorize the  
8 licensee to sell the liquor therein specified in their original  
9 packages. A license under this class shall also authorize the  
10 licensee to sell beer, malt beverages, wine, or cider for off-  
11 premises consumption; provided that the beer, malt beverage,  
12 wine, or cider is sold in a securely sealed or covered glass,  
13 ceramic, or metal container that is sold to or provided by the  
14 patron, and each sealed or covered glass, ceramic, or metal  
15 container does not exceed a maximum capacity of one half-gallon.

16 Under a class 4 license, no liquor shall be consumed on the  
17 premises except as authorized by the commission. Of this class,  
18 there shall be the following kinds:

- 19 (1) General (includes all liquor except alcohol);  
20 (2) Beer and wine; and  
21 (3) Alcohol."



1           3. By amending subsection (n) to read:  
2           "(n) Class 14. Brewpub license. A brewpub licensee:  
3           (1) May sell malt beverages manufactured on the licensee's  
4                 premises for consumption on the premises;  
5           (2) May sell malt beverages manufactured by the licensee  
6                 in brewery-sealed packages to class 3 wholesale dealer  
7                 licensees pursuant to conditions imposed by the county  
8                 by ordinance or rule;  
9           (3) May sell intoxicating liquor purchased from a class 3  
10                 wholesale dealer licensee to consumers for consumption  
11                 on the licensee's premises. The categories of  
12                 establishments shall be as follows:  
13                 (A) A standard bar; or  
14                 (B) Premises in which live entertainment or recorded  
15                 music is provided. Facilities for dancing by the  
16                 patrons may be permitted as provided by  
17                 commission rules;  
18           (4) May, subject to federal labeling and bottling  
19                 requirements, sell malt beverages manufactured on the  
20                 licensee's premises to consumers in brewery-sealed  
21                 kegs and sell malt beverages manufactured on the

1           licensee's premises or purchased from a class 1  
2           manufacturer licensee, a class 3 wholesale dealer  
3           licensee, a class 14 brewpub licensee, or a class 18  
4           small craft producer pub licensee to consumers in  
5           growlers for off-premises consumption; provided that  
6           for purposes of this paragraph, "growler" means a  
7           glass, ceramic, or metal container, not to exceed one  
8           half-gallon, which shall be securely sealed;

9           (5) May, subject to federal labeling and bottling  
10           requirements, sell malt beverages manufactured on the  
11           licensee's premises in recyclable containers provided  
12           by the licensee or by the consumer which do not exceed  
13           one gallon per container and are securely sealed on  
14           the licensee's premises to consumers for off-premises  
15           consumption;

16           (6) Shall comply with all regulations pertaining to class  
17           4 retail dealer licensees when engaging in the retail  
18           sale of malt beverages;

19           (7) May, subject to federal labeling and bottling  
20           requirements, sell malt beverages manufactured on the  
21           licensee's premises in brewery-sealed containers



1 directly to class 2 restaurant licensees, class 3  
2 wholesale dealer licensees, class 4 retail dealer  
3 licensees, class 5 dispenser licensees, class 6 club  
4 licensees, class 8 transient vessel licensees, class 9  
5 tour or cruise vessel licensees, class 10 special  
6 licensees, class 11 cabaret licensees, class 12 hotel  
7 licensees, class 13 caterer licensees, class 14  
8 brewpub licensees, class 15 condominium hotel  
9 licensees, class 18 small craft producer pub  
10 licensees, and consumers pursuant to conditions  
11 imposed by county regulations governing class 1  
12 manufacturer licensees and class 3 wholesale dealer  
13 licensees; and

14 (8) May conduct the activities under paragraphs (1) to (7)  
15 at one location other than the licensee's premises;  
16 provided that:

17 (A) The manufacturing takes place in Hawaii; and

18 (B) The other location is properly licensed under the  
19 same ownership."

20 4. By amending subsection (r) to read:



1           "(r) Class 18. Small craft producer pub license. A small  
2 craft producer pub licensee:

3           (1) Shall manufacture not more than:

4                 (A) Sixty thousand barrels of malt beverages;

5                 (B) Twenty thousand barrels of wine; or

6                 (C) Seven thousand five hundred barrels of alcohol on  
7                     the licensee's premises during the license year;

8                 provided that for purposes of this paragraph, "barrel"  
9                 means a container not exceeding thirty-one gallons or  
10                 wine gallons of liquor;

11           (2) May sell malt beverages, wine, or alcohol manufactured  
12                 on the licensee's premises for consumption on the  
13                 premises;

14           (3) May sell malt beverages, wine, or alcohol manufactured  
15                 by the licensee in producer-sealed packages to class 3  
16                 wholesale dealer licensees pursuant to conditions  
17                 imposed by the county by ordinance or rule;

18           (4) May sell intoxicating liquor purchased from a class 3  
19                 wholesale dealer licensee to consumers for consumption  
20                 on the licensee's premises. The categories of  
21                 establishments shall be as follows:



- 1 (A) A standard bar; or
- 2 (B) Premises in which live entertainment or recorded
- 3 music is provided. Facilities for dancing by the
- 4 patrons may be permitted as provided by
- 5 commission rules;
- 6 (5) May, subject to federal labeling and bottling
- 7 requirements, sell malt beverages manufactured on the
- 8 licensee's premises to consumers in producer-sealed
- 9 kegs and sell malt beverages manufactured on the
- 10 licensee's premises or purchased from a class 1
- 11 manufacturer licensee, a class 3 wholesale dealer
- 12 licensee, a class 14 brewpub licensee, or a class 18
- 13 small craft producer pub licensee to consumers in
- 14 growlers for off-premises consumption; provided that
- 15 for purposes of this paragraph, "growler" means a
- 16 glass, ceramic, or metal container, not to exceed one
- 17 half-gallon, which shall be securely sealed;
- 18 (6) May, subject to federal labeling and bottling
- 19 requirements, sell malt beverages, wine, or alcohol
- 20 manufactured on the licensee's premises in recyclable



1 containers provided by the licensee or by the consumer  
2 which do not exceed:

3 (A) One gallon per container for malt beverages and  
4 wine; and

5 (B) One liter for alcohol; and  
6 are securely sealed on the licensee's premises to  
7 consumers for off-premises consumption;

8 (7) Shall comply with all regulations pertaining to class  
9 4 retail dealer licensees when engaging in the retail  
10 sale of malt beverages, wine, and alcohol;

11 (8) May, subject to federal labeling and bottling  
12 requirements, sell malt beverages, wine, and alcohol  
13 manufactured on the licensee's premises in producer-  
14 sealed containers directly to class 2 restaurant  
15 licensees, class 3 wholesale dealer licensees, class 4  
16 retail dealer licensees, class 5 dispenser licensees,  
17 class 6 club licensees, class 8 transient vessel  
18 licensees, class 9 tour or cruise vessel licensees,  
19 class 10 special licensees, class 11 cabaret  
20 licensees, class 12 hotel licensees, class 13 caterer  
21 licensees, class 14 brewpub licensees, class 15



# S.B. NO. 1151

1           condominium hotel licensees, class 18 small craft  
 2           producer pub licensees, and consumers pursuant to  
 3           conditions imposed by county regulations governing  
 4           class 1 manufacturer licensees and class 3 wholesale  
 5           dealer licensees; and

6           (9) May conduct the activities under paragraphs (1) to (8)  
 7           at one location other than the licensee's premises;  
 8           provided that:

9           (A) The manufacturing takes place in Hawaii; and

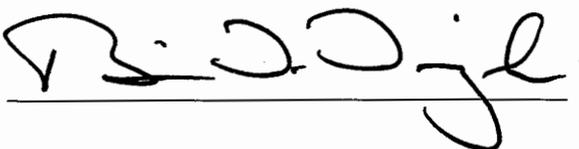
10           (B) The other location is properly licensed under the  
 11           same ownership."

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

15           SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: 



# S.B. NO. 1151

**Report Title:**

Liquor Licenses; Restaurant; Retail Dealer; Brewpub; Small Craft Producer Pub

**Description:**

Authorizes restaurants and retail dealers with a liquor license to sell beer, malt beverages, wine, or cider for off-premises consumption, under certain conditions. Authorizes brewpubs and small craft producer pubs with a liquor license to sell for off-premises consumption malt beverages purchased from another liquor licensee.

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