

JAN 17 2020

A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

1 SECTION 1. The legislature finds that a number of outdoor
2 festivals, parades, and races take place on the streets of ,
3 neighborhoods each year. These require certain streets to be
4 closed to traffic using permits granted by the department of
5 transportation. In some cases, event organizers are granted
6 special permits by the counties' liquor commissions allowing
7 them to serve alcohol. There is a range of sentiment coming
8 from residents, property owners, business owners, and others
9 regarding the possible impact of the sale of alcohol at some
10 events on crowd behavior, noise, and other types of nuisance.

11 The purpose of this Act is to clarify the setting in which
12 outdoor alcohol special licenses may be issued.

13 SECTION 2. Section 281-1, Hawaii Revised Statutes, is
14 amended by adding a new definition to be appropriately inserted
15 and to read as follows:

16 "Beer garden" means a defined, outdoor premise of not more
17 than three thousand contiguous square feet that is open to the



1 public and consists of boundaries enclosed with a solid barrier
2 of no less than forty-two inches in height, as measured from the
3 floor to the top, constructed of wood, concrete, plastic, rope,
4 wrought iron fencing, or other material approved by the
5 commission, in which beer, wine, and spirits are sold and
6 consumed."

7 SECTION 3. Section 281-31, Hawaii Revised Statutes, is
8 amended by amending subsection (j) to read as follows:

9 "(j) Class 10. Special license.

10 (1) A special license may be granted for the sale of
11 liquor for a period not to exceed three days and
12 pursuant to commission rule may be approved by the
13 administrator for fundraising events by nonprofit
14 organizations, political candidates, and political
15 parties; provided that any registered educational or
16 charitable nonprofit organization may sell liquors in
17 their original packages for off-premises consumption;
18 provided further that any social club granted tax-
19 exempt status pursuant to section 501(c)(7) of the
20 Internal Revenue Code of 1986, as amended, may sell
21 wine from the social club's inventory to the club's



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1 members for off-premises consumption. Of this class,
2 there shall be the following kinds:

- 3 (A) General (includes all liquor except alcohol);
- 4 (B) Beer and wine; and
- 5 (C) Beer.

6 Liquor sold under a class 10 license shall be consumed
7 on the premises[-]; provided that a class 10 license
8 shall not be granted for an outdoor premise unless
9 liquor shall be sold and consumed only within a beer
10 garden.

11 (2) Notwithstanding any other section of this chapter to
12 the contrary, the commission shall waive any hearings,
13 fees, notarization of documents, submission of floor
14 plans and other governmental clearances, and other
15 requirements for the issuance of a class 10 license.

16 The class 10 license granted under this subsection for
17 a fundraising event shall include the ability to
18 auction off, at a live or silent auction, liquor in
19 sealed or covered glass, ceramic, or metal containers
20 or services that provide liquor. No criminal history
21 record check under section 281-53.5 or 846-2.7 or any



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1 other section of this chapter shall be required. The
2 commission may require proof of liquor liability
3 insurance for the fundraising event and a current list
4 of officers and directors if the applicant is a
5 nonprofit organization."

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

8 SECTION 5. This Act shall take effect upon its approval.

9

INTRODUCED BY: _____

Kal Rhoad

[Signature]



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Report Title:

Beer Gardens; Class 10 Special License; Intoxicating Liquor

Description:

Requires that a class 10 special license be issued for the sale and consumption of liquor in an outdoor premise only within a beer garden. Defines beer garden.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

