

JAN 22 2021

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# A BILL FOR AN ACT

RELATING TO LIQUOR FINES COLLECTED PER YEAR.

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

1           SECTION 1. The Substance Abuse and Mental Health Services  
2 Administration of the United States Department of Health and  
3 Human Services reports that the annual rate of alcohol abuse in  
4 Hawaii has been higher than the national average every year  
5 since 2010.

6           Impaired driving while under the influence of alcohol  
7 contributes to roughly forty per cent of all fatal accidents in  
8 Hawaii annually.

9           There have been various forms of legislation enacted over  
10 the years that help to protect the public from drunk drivers.  
11 However, more must be done to prevent alcohol-related deaths,  
12 including preventing and treating alcohol addiction.

13           Allocating a portion of liquor fines collected per year to  
14 fund alcohol addiction treatment programs is another tool to  
15 help minimize and, ultimately, prevent impaired driving.



1           The purpose of this Act is to allocate an additional  
2 fifteen per cent of liquor fines collected per year to be used  
3 to fund alcohol addiction treatment programs.

4           SECTION 2. Section 281-17, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6           "(a) The liquor commission, within its own county, shall  
7 have the jurisdiction, power, authority, and discretion, subject  
8 only to this chapter:

- 9           (1) To grant, refuse, suspend, and revoke any license for  
10 the manufacture, importation, and sale of liquors;
- 11           (2) To take appropriate action against a person who,  
12 directly or indirectly, manufactures, sells, or  
13 purchases any liquor without being authorized pursuant  
14 to this chapter; provided that in counties that have  
15 established by charter a liquor control adjudication  
16 board, the board shall have the jurisdiction, power,  
17 authority, and discretion to hear and determine  
18 administrative complaints of the director regarding  
19 violations of the liquor laws of the State or of the  
20 rules of the liquor commission, and impose penalties  
21 for violations thereof as may be provided by law;



- 1           (3) To control, supervise, and regulate the manufacture,  
2                   importation, and sale of liquors by investigation,  
3                   enforcement, and education; provided that any  
4                   educational program shall be limited to the commission  
5                   staff, commissioners, liquor control adjudication  
6                   board members, and licensees and their employees, and  
7                   shall be financed through the money collected from the  
8                   assessment of fines against licensees; provided that  
9                   fine moneys[+] not to exceed ten per cent a year of  
10                  fines accumulated[+] may be used to fund public  
11                  liquor-related educational or enforcement programs[+]  
12                  and fine moneys, not to exceed fifteen per cent a year  
13                  of fines accumulated, may be used to fund alcohol  
14                  addiction treatment programs;
- 15           (4) From time to time to make, amend, and repeal rules,  
16                   not inconsistent with this chapter, as in the judgment  
17                   of the commission are deemed appropriate for carrying  
18                   out this chapter and for the efficient administration  
19                   thereof, and the proper conduct of the business of all  
20                   licensees, including every matter or thing required to  
21                   be done or [~~which~~] that may be done with the approval



1 or consent, by order, under the direction or  
2 supervision of, or as prescribed by the commission;  
3 which rules, when adopted as provided in chapter 91  
4 shall have the force and effect of law;

5 (5) Subject to chapter 76, to appoint and remove an  
6 administrator, who may also be appointed an  
7 investigator and who shall be responsible for the  
8 operations and activities of the staff. The  
9 administrator may hire and remove hearing officers,  
10 investigators, and clerical or other assistants as its  
11 business may from time to time require, prescribe  
12 their duties and fix their compensation, and engage  
13 the services of experts and persons engaged in the  
14 practice of a profession, if deemed expedient. Every  
15 investigator, within the scope of the investigator's  
16 duties, shall have the powers of a police officer;

17 (6) To limit the number of licenses of any class or kind  
18 within the county, or the number of licenses of any  
19 class or kind to do business in any given locality,  
20 when in the judgment of the commission such  
21 limitations are in the public interest;



- 1           (7) To prescribe the nature of the proof to be furnished,  
2           the notices to be given, and the conditions to be met  
3           or observed in case of the issuance of a duplicate  
4           license in place of one alleged to have been lost or  
5           destroyed, including a requirement of any indemnity  
6           deemed appropriate to the case;
- 7           (8) To fix the hours between which licensed premises of  
8           any class or classes may regularly be open for the  
9           transaction of business, which shall be uniform  
10          throughout the county as to each class respectively;
- 11          (9) To prescribe all forms to be used for the purposes of  
12          this chapter not otherwise provided for in this  
13          chapter, and the character and manner of keeping of  
14          books, records, and accounts to be kept by licensees  
15          in any matter pertaining to their business;
- 16          (10) To investigate violations of this chapter, chapter  
17          244D and, notwithstanding any law to the contrary,  
18          violations of the applicable department of health's  
19          allowable noise levels, through its investigators or  
20          otherwise, to include covert operations, and to report  
21          violations to the prosecuting officer for prosecution



1 and, where appropriate, the director of taxation to  
2 hear and determine complaints against any licensee;

3 (11) To prescribe, by rule, the terms, conditions, and  
4 circumstances under which persons or any class of  
5 persons may be employed by holders of licenses;

6 (12) To prescribe, by rule, the term of any license or  
7 solicitor's and representative's permit authorized by  
8 this chapter, the annual or prorated amount, the  
9 manner of payment of fees for the licenses and  
10 permits, and the amount of filing fees;

11 (13) To prescribe, by rule, regulations on dancing in  
12 licensed premises; and

13 (14) To prescribe, by rule, the circumstances and penalty  
14 for the unauthorized manufacturing or selling of any  
15 liquor."

16 SECTION 3. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.



# S.B. NO. 436

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

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INTRODUCED BY: *[Handwritten Signature]*  
By Request



# S.B. NO. 436

**Report Title:**

Hawaii State Association of Counties Package; Liquor Commission; Educational and Enforcement Programs; Fines

**Description:**

Authorizes a county liquor commission to use 15% of fines assessed against liquor licensees to fund alcohol addiction treatment programs.

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

