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# A BILL FOR AN ACT

RELATING TO LIQUOR LICENSES.

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

1 SECTION 1. Section 281-31, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "**§281-31 Licenses, classes.** (a) Licenses may be granted  
4 by the liquor commission as provided in this section.

5 (b) Class 1. Manufacturer license. A license for the  
6 manufacture of liquor shall authorize the licensee to:

7 (1) Manufacture the liquor therein specified;

8 (2) Sell it in original packages to any wholesaler who  
9 holds a license to resell it; and

10 (3) Sell beer, wine, or other specified liquor  
11 manufactured or distilled on the licensee's premises  
12 from fruits or other products grown in the State, in  
13 any quantity:

14 (A) At wholesale in original packages to any person  
15 who holds a license to resell it; and

16 (B) To any person for private use and consumption.



1 Under this license, no liquor shall be consumed on the  
2 premises, except as authorized by the commission. Of this  
3 class, there shall be the following kinds:

- 4 (1) Beer;
- 5 (2) Wine;
- 6 (3) Alcohol; and
- 7 (4) Other specified liquor.

8 It shall be unlawful for any holder of a manufacturer  
9 license to have any interest whatsoever in the license or  
10 licensed premises of any other licensee. This subsection shall  
11 not prevent the holder of a manufacturer license under this  
12 chapter or under the law of another jurisdiction from  
13 maintaining any interest in the license or licensed premises of  
14 a wholesale dealer licensee under this chapter.

15 (c) Class 2. Restaurant license.

16 (1) A license under this class shall authorize the  
17 licensee to sell liquor specified in this subsection  
18 for consumption on the premises; provided that a  
19 restaurant licensee, with commission approval, may  
20 provide off-premises catering of food and liquor;  
21 provided further that the catering activity shall be



1 directly related to the licensee's operation as a  
2 restaurant. A license under this class shall also  
3 authorize the licensee to sell beer, malt beverages,  
4 or cider for off-premises consumption; provided that  
5 the licensee has the appropriate kind of license  
6 pursuant to paragraph (3); provided further that the  
7 beer, malt beverage, or cider is sold in a securely  
8 sealed or covered glass, ceramic, or metal container  
9 that is sold to or provided by the patron, and each  
10 sealed or covered glass, ceramic, or metal container  
11 does not exceed a maximum capacity of one-half gallon.  
12 A licensee under this class shall be issued a license  
13 according to the category of establishment the  
14 licensee owns or operates. The categories of  
15 establishment shall be as follows:  
16 (A) A standard bar; or  
17 (B) Premises in which live entertainment or recorded  
18 music is provided. Facilities for dancing by the  
19 patrons may be permitted as provided by  
20 commission rules.



1 (2) If a licensee under class 2 desires to change the  
2 category of establishment the licensee owns or  
3 operates, the licensee shall apply for a new license  
4 applicable to the category of the licensee's  
5 establishment.

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

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

8 (B) Beer and wine; and

9 (C) Beer.

10 (4) A new class 2 license may be issued prior to an  
11 establishment commencing operation. An application  
12 for a new class 2 license shall include a  
13 certification by the applicant that the applicant  
14 intends to and shall derive no less than thirty per  
15 cent of the establishment's gross revenue from the  
16 sale of foods.

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



1 (d) Class 3. Wholesale dealer license. A license for the  
2 sale of liquor at wholesale shall authorize the licensee to  
3 import and sell only to licensees or to others who are by law  
4 authorized to resell the liquor specified by the license but are  
5 not by law required to hold a license; provided that a class 3  
6 licensee may sell samples of liquor back to the manufacturer.  
7 Under a class 3 license, no liquor shall be consumed on the  
8 premises except as authorized by the commission. Of this class,  
9 there shall be the following kinds:

- 10 (1) General (includes all liquor except alcohol);  
11 (2) Beer and wine; and  
12 (3) Alcohol.

13 If any wholesale dealer solicits or takes any orders in any  
14 county other than that where the dealer's place of business is  
15 located, the orders may be filled only by shipment direct from  
16 the county in which the wholesale dealer holds the dealer  
17 license. Nothing in this subsection shall prevent a wholesaler  
18 from selling liquor to post exchanges, ships' service stores,  
19 army or navy officers' clubs, or similar organizations located  
20 on army or navy reservations, or to any vessel other than  
21 vessels performing a regular water transportation service



1 between any two or more ports in the State, or to aviation  
2 companies who operate an aerial transportation enterprise  
3 subject to chapter 269 and engaged in regular flight passenger  
4 services between any two or more airports in the State for use  
5 on aircraft, or aviation companies engaged in transpacific  
6 flight operations for use on aircraft outside the jurisdiction  
7 of the State.

8 (e) Class 4. Retail dealer license. A license to sell  
9 liquor at retail or to class 10 licensees shall authorize the  
10 licensee to sell the liquor therein specified in their original  
11 packages. A license under this class shall also authorize the  
12 licensee to sell beer, malt beverages, or cider in non-original  
13 packages; provided that the beer, malt beverage, or cider is  
14 sold in a securely sealed or covered glass, ceramic, or metal  
15 container that is sold to or provided by the patron, and each  
16 sealed or covered glass, ceramic, or metal container does not  
17 exceed a maximum capacity of one half-gallon. Under a class 4  
18 license, no liquor shall be consumed on the premises except as  
19 authorized by the commission. Of this class, there shall be the  
20 following kinds:

21 (1) General (includes all liquor except alcohol);



- 1           (2) Beer and wine; and
- 2           (3) Alcohol.
- 3           (f) Class 5. Dispenser license.
- 4           (1) A license under this class shall authorize the
- 5                 licensee to sell liquor specified in this subsection
- 6                 for consumption on the premises. A licensee under
- 7                 this class shall be issued a license according to the
- 8                 category of establishment the licensee owns or
- 9                 operates. The categories of establishments shall be
- 10                as follows:
- 11            (A) A standard bar;
- 12            (B) Premises in which a person performs or entertains
- 13                 unclothed or in attire restricted to use by
- 14                 entertainers pursuant to commission rules;
- 15            (C) Premises in which live entertainment or recorded
- 16                 music is provided; provided that facilities for
- 17                 dancing by the patrons may be permitted as
- 18                 provided by commission rules; or
- 19            (D) Premises in which employees or entertainers are
- 20                 compensated to sit with patrons, regardless of
- 21                 whether the employees or entertainers are



1           consuming nonalcoholic beverages while in the  
2           company of the patrons pursuant to commission  
3           rules.

4           (2) If a licensee under class 5 desires to change the  
5           category of establishment the licensee owns or  
6           operates, the licensee shall apply for a new license  
7           applicable to the category of the licensee's  
8           establishment.

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

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

11           (B) Beer and wine; and

12           (C) Beer.

13           (g) Class 6. Club license. A club license shall be  
14           general only but shall exclude alcohol and shall authorize the  
15           licensee to sell liquor to members of the club and to guests of  
16           the club enjoying the privileges of membership for consumption  
17           only on the premises kept and operated by the club; provided  
18           that the license shall also authorize any club member to keep in  
19           the member's private locker on the premises a reasonable  
20           quantity of liquor owned by the member for the member's own  
21           personal use and not to be sold that may be consumed only on the





1 premises. A club licensee shall be authorized to host  
2 charitable functions that are open to the general public only  
3 pursuant to commission rules.

4 The categories of establishment shall be as follows:

- 5 (1) A standard bar; or
- 6 (2) Premises in which live entertainment or recorded music  
7 is provided. Facilities for dancing by the patrons  
8 may be permitted as provided by commission rules.

9 (h) Class 8. Transient vessel license. A general license  
10 may be granted to the owner of any vessel for the sale of liquor  
11 other than alcohol on board the vessel while en route within the  
12 jurisdictional limits of the State and within any port of the  
13 State. Sales shall be made only for consumption by passengers  
14 and their guests on board the vessel. The license shall be  
15 issuable in each county where the sales are to be made; provided  
16 that the application for the license may be made by any agent  
17 representing the owner.

18 (i) Class 9. Tour or cruise vessel license. A general  
19 license may be granted to the owner of any tour or cruise vessel  
20 for the sale of liquor other than alcohol on board the vessel  
21 while in the waters of the State; provided that sales be made



1 only for consumption by passengers on board while the vessel is  
2 in operation outside the port or dock of any island of the  
3 State, unless otherwise approved by the county where the license  
4 has been issued. The license shall be issuable in the county  
5 where the home port of the vessel is situated. If, on any  
6 vessel for which no license has been obtained under this  
7 chapter, any liquor is sold or served within three miles of the  
8 shore of any island of the State, it shall constitute a  
9 violation of this chapter.

10 The categories of establishment shall be as follows:

- 11 (1) A standard bar; or
- 12 (2) Premises in which live entertainment or recorded music  
13 is provided. Facilities for dancing by the patrons  
14 may be permitted as provided by commission rules.
- 15 (j) Class 10. Special license.
- 16 (1) A special license may be granted for the sale of  
17 liquor for a period not to exceed three days and  
18 pursuant to commission rule may be approved by the  
19 administrator for fundraising events by nonprofit  
20 organizations, political candidates, and political  
21 parties; provided that any registered educational or



1 charitable nonprofit organization may sell liquors in  
2 their original packages for off-premises consumption;  
3 provided further that any social club granted  
4 tax-exempt status pursuant to section 501(c)(7) of the  
5 Internal Revenue Code of 1986, as amended, may sell  
6 wine from the social club's inventory to the club's  
7 members for off-premises consumption. Of this class,  
8 there shall be the following kinds:

- 9 (A) General (includes all liquor except alcohol);  
10 (B) Beer and wine; and  
11 (C) Beer.

12 Liquor sold under a class 10 license shall be consumed  
13 on the premises.

- 14 (2) Notwithstanding any other section of this chapter to  
15 the contrary, the commission shall waive any hearings,  
16 fees, notarization of documents, submission of floor  
17 plans and other governmental clearances, and other  
18 requirements for the issuance of a class 10 license.  
19 The class 10 license granted under this subsection for  
20 a fundraising event shall include the ability to  
21 auction off, at a live or silent auction, liquor in



1 sealed or covered glass, ceramic, or metal containers  
2 or services that provide liquor. No criminal history  
3 record check under section 281-53.5 or 846-2.7 or any  
4 other section of this chapter shall be required. The  
5 commission may require proof of liquor liability  
6 insurance for the fundraising event and a current list  
7 of officers and directors if the applicant is a  
8 nonprofit organization.

9 (k) Class 11. Cabaret license. A cabaret license shall  
10 be general only but shall exclude alcohol and shall authorize  
11 the sale of liquor for consumption on the premises. A cabaret  
12 license shall be issued only for premises where food is served,  
13 facilities for dancing by the patrons including a dance floor  
14 are provided, and live or amplified recorded music or  
15 professional entertainment, except professional entertainment by  
16 a person who performs or entertains unclothed, is provided for  
17 the patrons; provided that professional entertainment by persons  
18 who perform or entertain unclothed shall be authorized by:

19 (1) A cabaret license for premises where professional  
20 entertainment by persons who perform or entertain



1           unclothed was presented on a regular and consistent  
2           basis immediately prior to June 15, 1990; or  
3           (2) A cabaret license that, pursuant to rules adopted by  
4           the liquor commission, permits professional  
5           entertainment by persons who perform or entertain  
6           unclothed.

7           A cabaret license under paragraph (1) or (2) authorizing  
8           professional entertainment by persons who perform or entertain  
9           unclothed shall be transferable through June 30, 2000. A  
10          cabaret license under paragraph (1) or (2) authorizing  
11          professional entertainment by persons who perform or entertain  
12          unclothed shall not be transferable after June 30, 2000, except  
13          upon approval by the liquor commission and pursuant to rules  
14          adopted by the commission. Notwithstanding any rule of the  
15          liquor commission to the contrary, cabarets in resort areas may  
16          be opened for the transaction of business until 4 a.m.  
17          throughout the entire week. A cabaret license shall not be  
18          issued for any premises located within an apartment mixed use  
19          subprecinct within a special improvement or special district in  
20          which the economy is primarily based on tourism.



1           (1) Class 12. Hotel license. A license to sell liquor in  
2 a hotel shall authorize the licensee to provide entertainment  
3 and dancing on the hotel premises and to sell all liquor except  
4 alcohol for consumption on the premises; provided that a hotel  
5 licensee, with commission approval, may provide off-premises  
6 catering of food and liquor if the catering activity is directly  
7 related to the licensee's food service.

8           Procedures [~~such as~~] including room service, self-service  
9 no-host minibars or similar service in guest rooms, and service  
10 at parties in areas that are the property of and contiguous to  
11 the hotel are permitted with commission approval.

12           Any licensee who would otherwise fall within the hotel  
13 license class but holds a different class of license may be  
14 required to apply for a hotel license.

15           If the licensee applies for a change of classification  
16 prior to July 30, 1992, the licensee shall not be subject to the  
17 requirements of sections 281-52, 281-54, and 281-57 through  
18 281-59.

19           Any licensee holding a class 12 license on May 1, 2007 who  
20 would otherwise qualify for a class 15 license may apply to the  
21 liquor commission of the county in which the licensee is seeking



1 a change in liquor license for a change to a class 15 license;  
2 provided that the licensee shall not be subject to the  
3 requirements of section 281-54 and sections 281-57 to 281-60.

4 If a licensee holding a class 12 license on May 1, 2007  
5 applies for a change to a class 15 license, the respective  
6 liquor commission shall hold a public hearing upon notice. On  
7 the day of hearing or any adjournment thereof, the liquor  
8 commission shall consider the application, accept all written or  
9 oral testimony for or against the application, and render its  
10 decision granting or refusing the application. If the  
11 application is denied, the class 12 license shall continue in  
12 effect in accordance with law.

13 (m) Class 13. Caterer license. A general license may be  
14 granted to any applicant who serves food as part of their  
15 operation for the sale of liquor other than alcohol while  
16 performing food catering functions off the premises.

17 No catering service for the sale of liquor shall be  
18 performed off the licensee's premises unless prior written  
19 notice of the service has been delivered to the office of the  
20 liquor commission of the county concerned. The notice shall  
21 state the date, time, and location of the proposed event and



1 shall include a written statement signed by the owner or  
2 representative of the property that the function will be subject  
3 to the liquor laws and to inspection by investigators.

4 (n) Class 14. Brewpub license. A brewpub licensee:

5 (1) May sell malt beverages manufactured on the licensee's  
6 premises for consumption on the premises;

7 (2) May sell malt beverages manufactured by the licensee  
8 in brewery-sealed packages to class 3 wholesale dealer  
9 licensees pursuant to conditions imposed by the county  
10 by ordinance or rule;

11 (3) May sell intoxicating liquor purchased from a class 3  
12 wholesale dealer licensee to consumers for consumption  
13 on the licensee's premises. The categories of  
14 establishments shall be as follows:

15 (A) A standard bar; or

16 (B) Premises in which live entertainment or recorded  
17 music is provided. Facilities for dancing by the  
18 patrons may be permitted as provided by  
19 commission rules;

20 (4) May, subject to federal labeling and bottling  
21 requirements, sell malt beverages manufactured on the





1 licensee's premises to consumers in brewery-sealed  
2 kegs and recyclable or reusable containers and sell  
3 malt beverages manufactured on the licensee's premises  
4 or purchased from a class 1 manufacturer licensee, a  
5 class 3 wholesale dealer licensee, a class 14 brewpub  
6 licensee, or a class 18 small craft producer pub  
7 licensee to consumers in growlers for off-premises  
8 consumption; provided that for purposes of this  
9 paragraph, "growler" means a recyclable or reusable  
10 container that does not exceed one gallon and is  
11 securely sealed on the licensee's premises;

12 (5) Shall comply with all requirements pertaining to class  
13 4 retail dealer licensees when engaging in the retail  
14 sale of malt beverages;

15 (6) May, subject to federal labeling and bottling  
16 requirements, sell malt beverages manufactured on the  
17 licensee's premises in brewery-sealed containers  
18 directly to class 2 restaurant licensees, class 3  
19 wholesale dealer licensees, class 4 retail dealer  
20 licensees, class 5 dispenser licensees, class 6 club  
21 licensees, class 8 transient vessel licensees, class 9



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

10 (7) May conduct the activities under paragraphs (1) to (6)  
 11 at locations other than the licensee's primary  
 12 manufacturing premises; provided that:

13 (A) The manufacturing takes place in Hawaii;

14 (B) Each of the other locations:

15 (i) Operates within the State under the same  
 16 trade name for the premises; and

17 (ii) Is properly licensed within the county of  
 18 its operation as a class 1 manufacturer  
 19 licensee, class 2 restaurant licensee, class  
 20 4 retail dealer licensee, class 5 dispenser  
 21 licensee, class 12 hotel licensee, class 14



1                    brewpub licensee, or class 18 small craft  
2                    producer pub licensee;

3            (C)    The county liquor commission of the county in  
4                    which the licensee satellite is located shall  
5                    have jurisdiction of the satellite; and

6            (D)    All requirements of the license class of the  
7                    location shall be in effect as required by the  
8                    county liquor commission for the satellite  
9                    licensed premises; and

10           (8)    May allow minors, who are accompanied by a parent or  
11                    legal guardian of legal drinking age, on the  
12                    licensee's premises.

13           (o)    Class 15.    Condominium hotel license.    A license to  
14                    sell liquor in a condominium hotel shall authorize the licensee  
15                    to provide entertainment and dancing on the condominium hotel  
16                    premises and to sell all liquor except alcohol for consumption  
17                    on the premises; provided that a condominium hotel licensee,  
18                    with commission approval, may provide off-premises catering;  
19                    provided further that the catering activity is directly related  
20                    to the licensee's operation as a condominium hotel.

1           Procedures [~~such as~~] including room service, self-service  
 2 no-host minibars or similar service in apartments, and service  
 3 at private parties in areas that are the property of and  
 4 contiguous to the condominium hotel are permitted with  
 5 commission approval.

6           A condominium hotel licensee shall not sell liquor in the  
 7 manner authorized by a class 4 retail dealer license.

8           Any licensee who would otherwise meet the criteria for the  
 9 condominium hotel license class but holds a different class of  
 10 license may be required to apply for a condominium hotel  
 11 license.

12           (p) Class 16. Winery license. A winery licensee:

13           (1) Shall manufacture not more than twenty thousand  
 14 barrels of wine on the licensee's premises during the  
 15 license year;

16           (2) May sell wine manufactured on the licensee's premises  
 17 for consumption on the premises;

18           (3) May sell wine manufactured by the licensee in  
 19 winery-sealed packages to class 3 wholesale dealer  
 20 licensees pursuant to conditions imposed by the county  
 21 by ordinance or rule;



1           (4) May, subject to federal labeling and bottling  
2                   requirements, sell wine manufactured on the licensee's  
3                   premises in winery-sealed kegs and magnums to  
4                   consumers for off-premises consumption; provided that  
5                   for purposes of this paragraph, "magnum" means a glass  
6                   container not to exceed one half-gallon, [~~which~~] that  
7                   may be securely sealed;

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

15          (6) Shall comply with all rules pertaining to class 4  
16                  retail dealer licensees when engaging in the retail  
17                  sale of wine; and

18          (7) May sell wine manufactured on the licensee's premises  
19                  in winery-sealed containers directly to class 2  
20                  restaurant licensees, class 3 wholesale dealer  
21                  licensees, class 4 retail dealer licensees, class 5



1 dispenser licensees, class 6 club licensees, class 8  
2 transient vessel licensees, class 9 tour or cruise  
3 vessel licensees, class 10 special licensees, class 11  
4 cabaret licensees, class 12 hotel licensees, class 13  
5 caterer licensees, class 14 brewpub licensees, class  
6 15 condominium hotel licensees, and class 18 small  
7 craft producer pub licensees pursuant to conditions  
8 imposed by county planning and public works  
9 departments and rules governing class 3 wholesale  
10 dealer licensees.

11 (q) Class 17. Bring-your-own-beverage license. In  
12 counties having a population in excess of [~~500,000,~~] five  
13 hundred thousand, there is established a class 17 license;  
14 provided that in a county having a population of [~~500,000~~] five  
15 hundred thousand or less, the respective commission may  
16 establish a class 17 license to which this subsection shall  
17 apply.

18 (1) A general license of this class shall authorize the  
19 licensee to permit patrons to bring their own liquors  
20 for consumption on the premises between the hours of  
21 6:00 a.m. to 2:00 a.m. the following day. A licensee



1 under this class shall be issued a license according  
2 to the category of establishment the licensee owns or  
3 operates. The categories of establishments shall be  
4 as follows:

5 (A) Premises in which recorded music and live  
6 entertainment, including karaoke, are provided;  
7 or

8 (B) Premises in which recorded music and live  
9 entertainment, including karaoke and dancing, are  
10 provided.

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

16 (3) A licensee under this class shall not be subject to  
17 liquor commission rules relating to percentage fees.

18 (r) Class 18. Small craft producer pub license. A small  
19 craft producer pub licensee:

20 (1) Shall manufacture not more than:

21 (A) Seventy thousand barrels of malt beverages;



- 1 (B) Twenty thousand barrels of wine; or
- 2 (C) Seven thousand five hundred barrels of alcohol,  
3 on the licensee's premises during the license year;  
4 provided that for purposes of this paragraph, "barrel"  
5 means a container not exceeding thirty-one gallons or  
6 wine gallons of liquor;
- 7 (2) May sell malt beverages, wine, or alcohol manufactured  
8 on the licensee's premises for consumption on the  
9 premises;
- 10 (3) May sell malt beverages, wine, or alcohol manufactured  
11 by the licensee in producer-sealed packages to class 3  
12 wholesale dealer licensees pursuant to conditions  
13 imposed by the county by ordinance or rule;
- 14 (4) May sell intoxicating liquor purchased from a class 3  
15 wholesale dealer licensee to consumers for consumption  
16 on the licensee's premises. The categories of  
17 establishments shall be as follows:
- 18 (A) A standard bar; or
- 19 (B) Premises in which live entertainment or recorded  
20 music is provided. Facilities for dancing by the





- 1 patrons may be permitted as provided by  
2 commission rules;
- 3 (5) May, subject to federal labeling and bottling  
4 requirements, sell malt beverages manufactured on the  
5 licensee's premises to consumers in producer-sealed  
6 kegs and recyclable or reusable containers and sell  
7 malt beverages manufactured on the licensee's premises  
8 or purchased from a class 1 manufacturer licensee, a  
9 class 3 wholesale dealer licensee, a class 14 brewpub  
10 licensee, or a class 18 small craft producer pub  
11 licensee to consumers in growlers for off-premises  
12 consumption; provided that for purposes of this  
13 paragraph, "growler" means a recyclable or reusable  
14 container that does not exceed one gallon, [~~which~~  
15 that shall be securely sealed;
- 16 (6) May, subject to federal labeling and bottling  
17 requirements, sell wine or alcohol manufactured on the  
18 licensee's premises in recyclable containers provided  
19 by the licensee or by the consumer [~~which~~ that do not  
20 exceed:
- 21 (A) One gallon per container for wine; and



1 (B) One liter for alcohol; and  
2 are securely sealed on the licensee's premises to  
3 consumers for off-premises consumption;  
4 (7) Shall comply with all requirements pertaining to class  
5 4 retail dealer licensees when engaging in the retail  
6 sale of malt beverages, wine, and alcohol;  
7 (8) May, subject to federal labeling and bottling  
8 requirements, sell malt beverages, wine, and alcohol  
9 manufactured on the licensee's premises in  
10 producer-sealed containers directly to class 2  
11 restaurant licensees, class 3 wholesale dealer  
12 licensees, class 4 retail dealer licensees, class 5  
13 dispenser licensees, class 6 club licensees, class 8  
14 transient vessel licensees, class 9 tour or cruise  
15 vessel licensees, class 10 special licensees, class 11  
16 cabaret licensees, class 12 hotel licensees, class 13  
17 caterer licensees, class 14 brewpub licensees, class  
18 15 condominium hotel licensees, class 18 small craft  
19 producer pub licensees, and consumers pursuant to  
20 conditions imposed by county ordinances or rules



1 governing class 1 manufacturer licensees and class 3  
2 wholesale dealer licensees;

3 (9) May conduct the activities under paragraphs (1) to (8)  
4 at locations other than the licensee's premises;  
5 provided that:

6 (A) The manufacturing takes place in Hawaii;

7 (B) Each of the other locations:

8 (i) Operates within the State under the same  
9 trade name for the premises; and

10 (ii) Is properly licensed within the county of  
11 its operation as a class 1 manufacturer  
12 licensee, class 2 restaurant licensee, class  
13 4 retail dealer licensee, class 5 dispenser  
14 licensee, class 12 hotel licensee, class 14  
15 brewpub licensee, or class 18 small craft  
16 producer pub licensee;

17 (C) The county liquor commission of the county in  
18 which the licensee satellite is located shall  
19 have jurisdiction of the satellite; and

20 (D) All requirements of the license class of the  
21 location shall be in effect as required by the



1                   county liquor commission for the satellite  
2                   licensed premises; and  
3       (10) May allow minors, who are accompanied by a parent or  
4           legal guardian of legal drinking age, on the  
5           licensee's premises.  
6       (s) Restaurants, retail dealers, dispensers, clubs,  
7 cabarets, hotels, caterers, brewpubs, condominium hotels,  
8 bring-your-own-beverage establishments, and small craft producer  
9 pubs licensed under class 2, class 4, class 5, class 6, class  
10 11, class 12, class 13, class 14, class 15, class 17, and class  
11 18 shall maintain at all times liquor liability insurance  
12 coverage in an amount not less than \$1,000,000; provided that  
13 convenience minimarts holding a class 4 license shall not be  
14 required to maintain liquor liability insurance coverage in that  
15 amount. Proof of coverage shall be kept on the premises and  
16 shall be made available for inspection by the commission at any  
17 time during the licensee's regular business hours. In the event  
18 of a licensee's failure to obtain or maintain the required  
19 coverage, the commission shall refuse to issue or renew a  
20 license or shall suspend or terminate the license as



1 appropriate. No license shall be granted, reinstated, or  
2 renewed until after the required insurance coverage is obtained.

3 (t) It shall be unlawful for any retail licensee except a  
4 class 10 licensee to purchase or acquire liquor from any person  
5 other than a wholesaler licensed pursuant to this chapter,  
6 except as otherwise provided in this section.

7 (u) Any provision to the contrary notwithstanding, a  
8 patron may remove from any class of licensed premises any  
9 portion of wine, liquor, or beer that was purchased on or  
10 brought onto the premises of the licensee engaged in meal  
11 service for consumption with a meal; provided that it is  
12 recorked or resealed in its original container.

13 (v) Sections 281-57 to 281-60 shall not apply to classes  
14 8, 9, 10, and 13.

15 (w) Any provision of this section to the contrary  
16 notwithstanding, a commission may authorize a licensee to sell  
17 with food unopened:

18 (1) Beer;

19 (2) Wine; and

20 (3) Prepackaged cocktails,



1 for pick up, delivery, take out, or other means to be consumed  
2 off-premises."

3 SECTION 2. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect on June 30, 3000.



**Report Title:**

Liquor Licenses; Liquor Commission; Sales; Off-Premises  
Consumption

**Description:**

Authorizes a county liquor commission to allow licensees to sell unopened beer, wine, and prepackaged cocktails with food for pick up, delivery, take out, or other means to be consumed off-premises. Effective 6/30/3000. (HD1)

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

