
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 the current system
2 for direct shipment of alcohol is not applied equally across all
3 producers. Existing law only allows for the direct shipment of
4 wine by wineries but not small breweries and small distilleries.
5 Allowing the direct shipment of beer and distilled spirits will
6 create equal opportunities for brewers and distillers with
7 wineries.

8 Accordingly, the purpose of this Act is to:

9 (1) Allow direct shipment of beer and distilled spirits by
10 certain licensees; and
11 (2) Require the liquor commission of each county to adopt
12 rules and regulations.

13 SECTION 2. Chapter 281, Hawaii Revised Statutes, is
14 amended by adding a new section to part III to be appropriately
15 designated and to read as follows:

16 "§281- Direct shipment of beer and distilled spirits by
17 manufacturers. (a) Any person holding:



- 1 (1) A general excise tax license from the department of
- 2 taxation; and
- 3 (2) Either:
 - 4 (A) A class 1, class 14, or class 18 license to
 - 5 manufacture beer or distilled spirits under
 - 6 section 281-31; or
 - 7 (B) A license to manufacture beer or distilled
 - 8 spirits issued by another state and produces less
 - 9 than one hundred fifty barrels of malt beverages
 - 10 or twenty thousand barrels of distilled spirits,
 - 11 may pay any applicable fees and obtain a direct beer and
 - 12 distilled spirits shipper permit from the liquor commission of
 - 13 the county in which the beer or distilled spirits is
 - 14 manufactured that authorizes the holder to directly ship beer
 - 15 and distilled spirits to persons in any county of this State;
 - 16 provided that any person who holds a license to manufacture beer
 - 17 or distilled spirits pursuant to paragraph 2(B) may obtain a
 - 18 direct beer and distilled spirits shipper permit from the liquor
 - 19 commission of the county in this State to which the person will
 - 20 be shipping beer or distilled spirits.



1 (b) The holder of the direct beer and distilled spirits
2 shipper permit may sell and ship beer and distilled spirits to
3 any person twenty-one years of age or older in any county of the
4 State for personal use only and not for resale, and shall:
5 (1) Ship beer and distilled spirits directly to the person
6 only in containers that are conspicuously labeled with
7 the words:
8 "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 YEARS
9 OR OLDER REQUIRED FOR DELIVERY.;
10 (2) Require that the carrier of the shipment obtain the
11 signature of any person twenty-one years of age or
12 older before delivering the shipment;
13 (3) Ship not more than twenty-four two and one quarter
14 gallon cases of beer and not more than six nine-liter
15 cases of distilled spirits to any household per year;
16 (4) Report no later than January 31 of each year, to the
17 liquor commission in each county in which a direct
18 beer and distilled spirits shipment was made, the
19 total amount of beer and distilled spirits shipped to
20 persons in that county during the preceding calendar
21 year;



1 (5) Pay all applicable general excise and gallonage taxes.

2 For gallonage tax purposes, all beer and distilled
3 spirits sold under a direct beer and distilled spirits
4 shipper permit shall be deemed to be beer and
5 distilled spirits sold in the State; and

6 (6) Be subject to audit by the liquor commission of each
7 county in which a direct beer and distilled spirits
8 shipment has been made.

9 (c) The holder of a license to manufacture beer or
10 distilled spirits issued by another state may annually renew a
11 direct beer and distilled spirits shipper permit by providing to
12 the liquor commission that issued the permit a copy of the
13 license and paying all required fees. The holder of a class 1,
14 class 14, or class 18 license to manufacture beer or distilled
15 spirits under section 281-31 may renew a direct beer and
16 distilled spirits shipper permit concurrently with the
17 applicable license by complying with all applicable laws and
18 paying all required fees.

19 (d) The sale and shipment of beer and distilled spirits
20 directly to a person in the State by a person that does not
21 possess a valid direct beer and distilled spirits shipper permit



1 is prohibited. Knowingly violating this section is a
2 misdemeanor.

3 (e) The liquor commission in each county shall adopt rules
4 necessary to carry out the intent and purpose of this section;
5 provided that the liquor commission in each county shall ensure
6 that that liquor commission's respective rulemaking actions do
7 not interfere with, or unduly delay, the implementation of this
8 section.

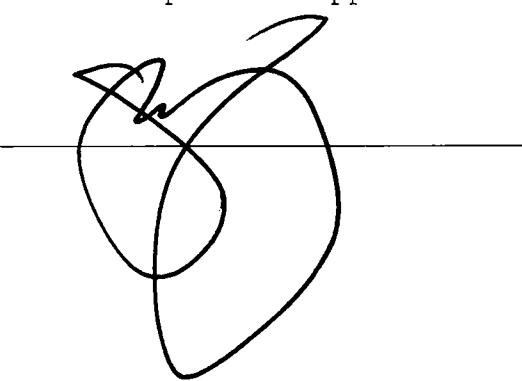
9 (f) For the purposes of this section:

10 "Beer" has the same meaning as defined in section 244D-1.
11 "Distilled spirits" has the same meaning as in section
12 244D-1."

13 SECTION 3. New statutory material is underscored.

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

15

INTRODUCED BY: 



S.B. NO. 2911

Report Title:

Beer; Distilled Spirits; Direct Shipping; Manufacturers

Description:

Allows direct shipment of beer and distilled spirits by certain licensees. Requires the liquor commission of each county to adopt rules and regulations.

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

