

JAN 23 2026

A BILL FOR AN ACT

RELATING TO LIQUOR.

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

1 SECTION 1. The legislature finds that the United States
2 Surgeon General has determined that the consumption of liquor
3 and alcoholic beverages increases the risk of cancer. Leading
4 national and international health authorities classify liquor
5 and alcoholic beverages as group 1 carcinogens that are causally
6 linked to at least seven types of cancer, including breast
7 cancer in women, colorectal cancer, liver cancer, esophageal
8 cancer, mouth cancer, throat cancer, and voice box cancer.
9 Accordingly, liquor and alcohol consumption is responsible for a
10 substantial share of preventable cancer cases and deaths each
11 year.

12 The legislature further finds that the risk of liquor- and
13 alcohol-related cancer increases proportionally to the amount of
14 liquor or alcohol that one consumes. For some types of cancer,
15 however, the risk increases even at low levels of liquor and
16 alcohol consumption, such as for breast cancer in females.
17 Fewer than half of American adults are aware that drinking



1 liquor or alcohol may cause cancer, underscoring the need for
2 clear, factual cancer-risk warnings for liquor and alcohol
3 consumption to enable consumers to make informed choices.

4 Accordingly, the purpose of this Act is to:

- 5 (1) Require an advertisement for liquor or alcohol to
6 include a cancer-risk warning;
- 7 (2) Establish guidelines for cancer-risk warnings included
8 in advertisements for liquor or alcohol; and
- 9 (3) Establish penalties for an advertiser that fails to
10 include a compliant cancer-risk warning in an
11 advertisement for liquor or alcohol.

12 SECTION 2. This Act shall be known and may be cited as the
13 "Alcohol and Liquor Advertising Cancer-Risk Warning Act".

14 SECTION 3. Chapter 281, Hawaii Revised Statutes, is
15 amended by adding a new part to be appropriately designated and
16 to read as follows:

17 **"PART . CANCER-RISK WARNINGS IN LIQUOR ADVERTISEMENTS**

18 **§281-A Definitions.** As used in this part:

19 "Advertisement" or "advertising" means any paid or in-kind
20 communication, marketing, or promotion of any liquor, alcoholic
21 beverage, beverage containing liquor, or brand of alcoholic



1 beverage or liquor, other than labeling or packaging, that is
2 disseminated through print, digital, audio, video, outdoor,
3 transit, point-of-sale display, event sponsorship material,
4 social media, or any other mass media channel.

5 "Advertiser" means a manufacturer, importer, distributor,
6 wholesaler, retailer, alcohol- and liquor-delivery marketplace,
7 or any agent or affiliate who creates places, or pays for an
8 advertisement.

9 "Department" means the department of health.

10 "Digital advertisement" means any advertisement delivered
11 through a website, mobile application, streaming audio or video,
12 social media, search engine, or digital out-of-home screen.

13 "Label" and "labeling" shall have the same meaning as
14 defined in title 27 Code of Federal Regulations.

15 "Point-of-sale display" means any non-price advertising
16 sign or display at a retail location that advertises a brand of
17 alcoholic beverage or promotes liquor consumption.

18 **§281-B Cancer-risk warning; liquor advertisements;**
19 **required; alternative statements; modifications; prohibited.**

20 (a) Beginning January 1, 2027, an advertisement for liquor



1 shall clearly and conspicuously include one of the following
2 cancer-risk warning statements:

3 (1) "Drinking alcohol and liquor causes cancer, including
4 breast and colorectal cancer"; or

5 (2) "The Surgeon General has advised that alcohol and
6 liquor cause cancer, including breast and colorectal
7 cancer".

8 (b) The department may authorize equivalent factual
9 statements that:

10 (1) Convey the same material risk information;

11 (2) Are supported by the best available public health
12 evidence; and

13 (3) Are not less prominently displayed than the statement
14 required under subsection (a).

15 (c) An advertiser shall not add any text, image, or sound
16 that contradicts or diminishes the cancer-risk warning.

17 (d) In addition to the cancer-risk warning required under
18 this section, the department may issue alternative warnings for
19 narrowly-targeted campaigns, including but not limited to
20 pregnancy risks and impaired driving risks associated with the
21 consumption of liquor.



1 **§281-C Visual advertisements; audio-only advertisements;**
2 **digital advertisements; out-of-home advertisements; point-of-**
3 **sale display advertisements; retail licensees; requirements.**

4 (a) A cancer-risk warning required by section 281-B included in
5 a visual advertisement for liquor, including a print, outdoor,
6 static, digital, or video advertisement, shall:

7 (1) Occupy not less than fifteen per cent of the total
8 display area of the advertisement; provided that for a
9 video advertisement, a cancer-risk warning shall:

10 (A) Occupy not less than ten per cent of the total
11 display area of the advertisement; and

12 (B) Be displayed for the entire duration of the video
13 advertisement;

14 (2) Be displayed on a high-contrast solid background in
15 sans-serif font with a minimum font size of not less
16 than four per cent of the height of the advertisement;
17 provided that for a video or digital advertisement,
18 the minimum font size shall be not less than four per
19 cent of the height in pixels;



1 (3) Be displayed as a continuous text block aligned to the
2 left or center with a one-point border and a cap-
3 height padding of not less than half-a-point;

4 (4) Be displayed in the upper quarter of the advertisement
5 or immediately adjacent to the principal claim or
6 product image; and

7 (5) Not be rotated or obscured.

8 (b) An audio-only advertisement for liquor, including a
9 radio, streaming audio, or podcast advertisement, shall include
10 the cancer-risk warning required by section 281-B, which shall
11 be:

12 (1) Preceded by an announcement of the word "warning";

13 (2) Not less than four seconds in duration; and

14 (3) Plainly audible and spoken at a normal pace.

15 (c) An audio-visual advertisement for liquor shall include
16 the cancer-risk warning required by section 281-B that meets the
17 requirements described in subsections (a) and (b).

18 (d) A digital advertisement for liquor shall include the
19 cancer-risk warning required by section 281-B, which shall:

20 (1) Be displayed on the landing screen without user action
21 and shall remain visible for not less than five



1 seconds before any action to dismiss the warning
2 becomes available to the user;

3 (2) For a responsive layout, be scaled to maintain the
4 minimum area and height requirements described in
5 subsection (a); or

6 (3) For a short-form video not more than fifteen seconds
7 in duration, be displayed on-screen for the entirety
8 of the short-form video.

9 (e) An out-of-home advertisement for liquor, including any
10 advertisement displayed on a billboard or public transit, shall
11 include the cancer-risk warning required by section 281-B that:

12 (1) Meets the requirements described in subsection (a);
13 and

14 (2) Is legible from a reasonable viewing distance;
15 provided that the department may adopt rules to
16 regulate minimum letter heights in accordance with the
17 dimensions of a sign.

18 (f) A point-of-sale display advertisement for liquor,
19 including endcaps, brand signage, shelf talkers with dimensions
20 larger than fifteen square inches, shall include the cancer-risk
21 warning required by section 281-B, which shall be not less than



1 five inches in height and seven inches in width or fifteen per
2 cent of the display area, whichever is greater.

3 (g) A retail licensee that sells liquor to consumers for
4 off-premises consumption shall display at least one cancer-risk
5 warning notice that shall be:

6 (1) Approved by the department; and

7 (2) Not less than eleven inches in height and seventeen
8 inches in width.

9 (h) The department shall provide the cancer-risk warning
10 template in compliance with subsection (g) at no cost to a
11 retail licensee.

12 **§281-D Exemptions.** (a) This part shall not apply to any
13 label, labeling, or packaging requirements for liquor to the
14 extent governed by Alcohol and Tobacco Tax and Trade Bureau
15 standards adopted pursuant to title 27 Code of Federal
16 Regulations.

17 (b) The following shall be exempt from the requirements of
18 this part:

19 (1) Any content promoting the purchase or consumption of
20 liquor not paid for by an advertiser;



1 (2) A promotional item with a total printable area not
2 more than nine square inches; provided that any
3 advertisement accompanying the promotional item shall
4 be in compliance with the requirements of this part;
5 and

6 (3) A price-only sign on the premises of a retail licensee
7 that displays only numerals, unit descriptions, and
8 required disclosures.

9 **§281-E Penalties; enforcement; liability; recordkeeping**

10 **required.** (a) An advertiser who violates this part shall be
11 subject to a fine of not more than:

12 (1) \$1,000 per noncompliant advertisement for a first
13 violation;

14 (2) \$5,000 per noncompliant advertisement for a second
15 violation within twelve months of the first violation;
16 and

17 (3) \$10,000 per noncompliant advertisement for a
18 subsequent violation within twelve months of a second
19 or previous violation.

20 (b) Each noncompliant advertisement for liquor shall
21 constitute a separate violation.



1 (c) For a digital advertisement, an enforcing agency shall
2 issue written notice to the retail licensee and allow the retail
3 licensee not more than seventy-two hours to cure the violation
4 before assessing a penalty for a first violation by that
5 advertiser in a twelve-month period.

6 (d) A third-party platform or publisher shall not be
7 liable for a violation of this part; provided that the third-
8 party platform or publisher:

9 (1) Implements and maintains standard processes to ensure
10 that cancer-risk warnings are included in
11 advertisements and in compliance with this part;

12 (2) Provides written notice to advertisers of the
13 requirements of this part; and

14 (3) Promptly removes or corrects noncompliant
15 advertisements upon notice from the department.

16 (e) An advertiser shall retain for not less than two years
17 any media buys, creative proofs, and ad-server screenshots
18 sufficient to demonstrate compliance with this part to the
19 department. An advertiser shall produce the required material
20 to an enforcing agency upon request.



1 (f) For the purposes of this section, "enforcing agency"
2 means the department of the attorney general, department of
3 commerce and consumer affairs, department of health, or
4 appropriate county liquor commission.

5 **§281-F Rules.** The department shall adopt rules pursuant
6 to chapter 91 to carry out the purposes of this part. The rules
7 shall include requirements for:

- 8 (1) Model artwork files, including vector and raster,
9 minimum pixel sizes, contrast ratios, and typography
10 specifications for cancer-risk warnings; and
11 (2) The languages into which an advertiser shall translate
12 cancer-risk warnings."

13 SECTION 4. In codifying the new sections added by section
14 2 of this Act, the revisor of statutes shall substitute
15 appropriate section numbers for the letters used in designating
16 the new sections in this Act.

17 SECTION 5. This Act shall take effect on January 1, 2027.

18

INTRODUCED BY: Karl Rhoads



S.B. NO. 2733

Report Title:

Department of Health; Department of the Attorney General; Liquor Commissions; Intoxicating Liquor; Advertisements; Cancer-Risk Warnings; Penalties

Description:

Requires an advertisement for liquor or alcohol to include a cancer-risk warning. Establishes guidelines for cancer-risk warnings included in advertisements for liquor or alcohol. Establishes penalties for an advertiser that fails to include a compliant cancer-risk warning in an advertisement for liquor or alcohol. Effective 1/1/2027.

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