

# **The Kauai Liquor Control Commission**

Server-Training

(for Managers & Assistant Managers)

## **Study Guide**



**Department of Liquor Control**

County of Kauai

4444 Rice St., Suite 120

Lihue, HI 96766

Fax: 808-241-6585

Ph. 808-241-4966

## **About Us**

### **The Kauai Liquor Control Commission**

Our Mission: To protect the health, safety and welfare of the residents of Kauai County by effectively and fairly enforcing Federal and State laws and County liquor rules as they apply to the manufacture, sale and distribution of alcoholic beverages.

The Kauai Liquor Control Commission is authorized by Chapter 281 of the Hawaii Revised Statutes.

There are seven (7) citizen commissioners who set policy, hold hearings and make decisions. The commission meets twice a month and are appointed by the Mayor and are subject to County council confirmation.

### **The Department of Liquor Control**

The Department of Liquor Control, as authorized by State statute, is responsible for enforcement of Section 281 of the Hawaii Revised Statutes and the rules of the liquor commission. The department also serves as the staff for the seven-member commission that has the sole jurisdiction to approve or renew liquor applications, and also suspend or revoke a license once it has been issued. Currently, the commission meets twice monthly and performs both regulatory and adjudication functions.

The liquor department is divided into three distinctive branches with specific functions and responsibilities, all working toward the same mission.

The department provides the administrative services for the commission. It investigates all applications for liquor licenses and compiles all the facts and statistics on all the matters before the commission.

The department has police powers to enforce the liquor laws. It inspects all liquor licensed premises to insure compliance with the liquor laws and the commission's rules and regulations. It investigates all alleged violations and complaints of alleged violations and reports all violations to the commission.

## **Alcohol Overview**

What is alcohol? Alcohol is a colorless, volatile flammable liquid that is the intoxicating constituent of wine, beer, spirits, and other drinks, and is also used as an industrial solvent as fuel. Liquor contains one-half of one percent or more of alcohol by volume used for beverage purposes.

*The following information regarding alcohol is taken from the National Institute on Alcohol Abuse and Alcoholism. Additional information can be found on [www.niaaa.nih.gov](http://www.niaaa.nih.gov)*

## **Overview of Alcohol Consumption**

Alcohol's effects vary from person to person, depending on a variety of factors, including:

- How much you drink
- How often you drink
- Your age
- Your health status
- Your family history
- Size of a person
- Gender

Drinking alcohol in small amounts may not necessarily be a problem. Drinking alcohol in excess may cause a range of consequences and potential health risks.

## **Consequences of drinking too much**

Alcohol enters your bloodstream as soon as you take your first sip. Alcohol's immediate effects can appear within about 10 minutes. As you drink, you increase your Blood Alcohol Concentration (BAC) level, which is the amount of alcohol present in your bloodstream. A BAC of .08% is considered legal intoxication in the State of Hawaii.

**The higher your BAC, the more impaired you become by alcohol's effects. These effects can include:**

Reduced inhibitions  
Slurred speech  
Motor impairment  
Confusion  
Memory problems  
Concentration problems  
Coma  
Breathing problems  
Death

**Other risks of drinking can include:**

Car crashes and other accidents  
Risky behavior  
Violent behavior  
Suicide and homicide

**People who drink too much over a long period of time may experience alcohol's longer-term effects, which can include:**

Alcohol dependence, addiction  
Health problems  
Increased risk for certain cancers

**How does alcohol affect the human body?**

**Brain:** Alcohol interferes with the brain's communication pathways, and can affect the way the brain (looks and) works. These disruptions can change mood and behavior, and make it harder to think clearly and move with coordination.

**Heart:** Drinking a lot over a long time or too much on a single occasion can damage the heart, causing problems including:  
Cardiomyopathy – Stretching and drooping of heart muscle  
Arrhythmias – Irregular heart beat  
Stroke

High blood pressure

**Liver:** Heavy drinking takes a toll on the liver, and can lead to a variety of problems and liver inflammations including:

Steatosis, or fatty liver

Alcoholic hepatitis

Fibrosis and Cirrhosis

**Pancreas:** Alcohol may cause the pancreas to produce toxic substances that can eventually lead to pancreatitis, a dangerous inflammation and swelling of the blood vessels in the pancreas that prevents proper digestion.

**Cancer:** Drinking too much alcohol can increase your risk of developing certain cancers, including cancers of the:

Mouth

Esophagus

Throat

Liver

Breast

**Immune System:** Drinking in excess can weaken your immune system, making your body a much easier target for disease. Chronic drinkers are more liable to contract diseases like pneumonia and tuberculosis than other people who do not drink heavily. Drinking a lot on a single occasion slows your body's ability to ward off infections – even up to 24 hours after being intoxicated.

## **Study Guide**

### **I. Introduction**

The Server-Training Study Guide will help prepare you for the required Kauai Liquor Control Commission's Manager/Assistant Manager test. It is a requirement for all employees to be familiar with the Liquor Laws of Hawaii and the Rules of the Liquor Commission. This study guide will focus some important laws and rules that may impact you while on the job.

**After reading the provided information, you will gain understanding in the following areas:**

1. Identifying and dealing with intoxicated persons,
2. Reviewing liquor laws and rules, and
3. Dangers of driving while intoxicated

### **II. Liquor Laws of Hawaii and Rules of the Liquor Commission (booklet)**

All employees must be familiar with the Liquor Laws of Hawaii and the Rules of the Liquor Commission.

Every licensee shall have a **current** copy of the statutes relating to intoxicating liquor and the rules of the Commission available at all times on the licensed premises.

Customers shall be entitled to examine the statutes and rules upon request and employees must know where the booklet is located.

The booklet contains:

Chapter 281 of the Hawaii Revised Statutes (HRS) consists of the Hawaii State Liquor Laws.

Rules & Regulations of the Kauai Liquor Control Commission.

Throughout this study guide, we will refer to the State Laws from Chapter 281 of the Hawaii Revised Statutes and the Kauai Liquor Commission Rules. Please refer to the Liquor Laws of Hawaii & Rules of the Liquor Commission (currently, a blue booklet) for the complete text of the law and/or rule being discussed. The laws and rules are listed numerically in separate sections of the booklet.

8

The laws and rules are also available on our website at [www.kauai.gov/liquor](http://www.kauai.gov/liquor).

### **III. Registration of Employees**

Anyone applying for their Manager's Card (liquor card) must provide the following:

Valid government issued photo ID (driver's license, state ID, military ID, passport, etc.)

If you have previously obtained a Manager's Card from another Hawaii county, it will be accepted for as long as it is valid.

**There are two (2) types of Manager's Cards** (liquor cards). Each identified by color.

- 1) **Blue:** Manager and Assistant Manager On-Premise
- 2) **Red:** Manager and Assistant Manager Off-Premise

### **IV. Managers/Assistant Managers**

Managers and Assistant Managers are required to be registered with the Commission prior to working and must successfully pass the examination.

An on-premise licensee must have a registered manager in active charge of the licensed premises whenever there are non-employees in the premises.

An off-premise licensee must have a registered manager in the premises whenever liquor can be legally sold.

Manager's Cards shall be valid for five (5) years from the date of issue).

Managers must be at least 21 years of age.

Managers (like all other employees) may not consume liquor while on duty.

Servers must be at least 18 years of age and properly supervised.

Employees may not sit with customers.

Employees may not consume liquor while on duty.

Retail Managers (managers who work at grocery stores, liquor stores, convenience stores, club type stores, drug stores, etc.) must be registered with the Commission and be at least 21 years of age.

If the cashier is 18-20 years of age, they must be properly supervised.

Retail Managers must also ensure no consumption of alcohol by employees or customers is done on the premises.

It is the responsibility of the Licensee, Managers and Assistant Managers to ensure all employees are following the Liquor Laws of Hawaii and the Rules of the Liquor Commission.



## **V. Licensee/Employee Conduct**

Licensees shall be strictly accountable for the conduct of all employees on the licensed premises.

No employee while on duty shall consume liquor.

An employee shall include the licensee and all other persons who perform any type of activity, whether compensated or not, in conjunction with the operation, maintenance, or management of the licensed premises, including but not limited to the dispensing, serving, or selling of liquor, directly or indirectly, or who shall assist in the dispensing, serving, or selling of liquor, or who shall manage or supervise, directly or indirectly, any person who shall dispense, serve, or sell liquor. Any person who performs, whether compensated or not, any act or function as defined above, shall be considered "on duty".

Employees are not permitted to sit with customers during hours of operation.

### **Time Cards**

Time cards are required for all employees who handle, serve, or sell liquor.

Electronic or otherwise recorded payroll registration may be used for the purposes of this rule.

### **Stacking of Drinks**

Employees serving liquor should be mindful of not overserving liquor to customers. Stacking is defined as having more than two standard servings of drinks before a customer at any one time. Standard servings are as follows:

Mixed Drinks - 10 ounce pour

Wine - 5 ounces pour

Beer – 12 ounces pour

Shots (unmixed drink) – 1 ounce pour

If the serving is in excess of these amounts, the customer shall be limited to one drink.

A pitcher, not to exceed 48 ounces, may be served to two or more persons who must be **seated** together.

### **Obstructing Commission Operations**

No Licensee shall allow the obstruction, hampering, or interfering with investigations and inspections or Liquor Commission operations in any way.

### **Practices to Promote Consumption of Liquor, Prohibited.**

No Licensee of any premises licensed to sell liquor for consumption on the premises shall:

1. Sell, advertise or offer to sell “all the liquor you can drink” for a fixed price.
2. Encourage or permit any game or contest that involves the consumption of liquor or the awarding of liquor as a prize.

### **VI. Enforcement**

Liquor Commission Investigators visit Licensees to enforce the Liquor Laws of Hawaii and the Rules of the Liquor Commission.

Liquor Control Investigators do not need warrants.

### **Notice of Hearing**

A Notice of Hearing may be issued to a Licensee should they

be in violation of a County of Kauai Liquor Control Commission Rule or law. The Licensee (owner/representative) must appear at an adjudication hearing before the Liquor Commission where it will be determined if the violation is sustained, the Licensee will pay a reprimand fine, or whether there be a restriction, suspension, or revocation of the liquor license.

Employees who violate the law will be arrested and must appear in court. If found guilty, they may face a penalty of up to a \$2,000 fine and/or one (1) year in jail. Also, personal liability.

### **VIII. Licensee Requirements**

A licensee shall be authorized to sell or serve alcohol and liquor based upon its class of license during the hours specified as follows:

**1) Dispenser (Bar), Club, Restaurant, Brewpub,**

**Tour or Cruise Vessel** - From 6:00am to 2:00am the following day. (Restaurant and Brewpub class: 6:00 a.m. to 11:00 p.m. for retailing of “growlers”)

**2) Cabaret and Hotel** - From 6:00am to 4:00am the following day.

**3) Retail** - From 6:00am to 11:00pm.

**4) Special** – 6:00am to 12 midnight

**5) Caterer** – 6:00 am to midnight

**6) Winery and Small Craft** – 6:a.m. to 2:00 a.m. for dispensing; 6:00 a.m. to 11:00 p.m. for retailing.

No sale, service or consumption of liquor on or within the licensed premises shall be provided before or after the hours established by the Commission.

All vessels containing liquor must be cleared prior to the legal closing time.

A drink shall contain not less than one fluid ounce of liquor unless the customer requests the drink be mixed with a lesser amount of liquor.

It shall be unlawful for any retail licensee (Class 2 or Class

4 through Class 14 license), except a Class 10 licensee, to purchase, acquire, or sell liquor from any person other than a licensed wholesaler.

### **IX. Licensee Display Requirements**

All licensees must have the following items visibly displayed at the licensed premises.

- 1) Original Liquor Commission License (no copies)
- 2) OVUII Poster

### **X. Dangers of Driving While Intoxicated**

Driving under the influence (DUI) is against the law and no person(s) should be driving a vehicle or operating heavy machinery while intoxicated.

Alcohol impairs normal function and affects people's vision, coordination, judgment, reaction time and reflexes. These impairments make it difficult for anyone to drive safely.

The person driving while intoxicated may cause a serious accident and statistics show many DUI related accidents can be fatal.

Help keep your customers safe, the roads safe and our community safe. Don't over-serve your customers, observe them and obey the Laws and Rules of selling and serving liquor.

#### **Four (4) types of people you cannot sell or serve liquor to.**

- 1) Minor (under age 21)
- 2) Under the Influence
- 3) Addicted to Alcohol
- 4) Purchasing for a Minor

Be aware that your customers may have been consuming liquor prior to entering your establishment.

Customers under the influence may not enter or remain on your premises even if they stop drinking liquor.

You may not sell, serve, furnish liquor, or allow consumption of any liquor by anyone under the influence of liquor.

## **XI. Identifying and Dealing with Intoxicated Persons**

Some common signs of intoxication include:

- 1) Red flushed face, blood shot eyes
- 2) Vomiting
- 3) Talking loudly, being disorderly
- 4) Slurred or slowed speech
- 5) Uncoordinated
- 6) Sudden mood changes
- 7) Staggering, swaying, has difficulty walking
- 8) Sleepy

Employees should be familiar with the signs of intoxication and know what action(s) to take when dealing with an intoxicated person.

Here are three (3) examples of customers under the influence who require proper attention. How would you assist these people?

- 1) Customer has slurred speech, seems uncoordinated, and appears sleepy with bloodshot eyes.
- 2) Customer is belligerent, disorderly and starts a fight.
- 3) Customer is found in the restroom disoriented, vomiting and unresponsive.

### **What would you do and who would you call under these circumstances?**

We encourage employers to establish policies and procedures to better prepare themselves to assist customers who may be intoxicated. Employees should be trained on how to handle the example situations mentioned and should be familiar with providing documentation and completing an incident

report which must be submitted within seven (7) days of the incident.

## **Addendum to Server Training Study Guide**

*Cited from the Liquor Laws of Hawaii & Rules & Regulations of the Liquor Control Commission of the County of Kauai booklet*

### **Chapter 281, Hawaii Revised Statutes (HRS) State Liquor Laws**

**§281-1 Definitions.** Whenever used in this chapter, unless otherwise apparent from the context:

**“Addicted to the excessive use of intoxicating liquor”**

refers to one who has acquired the habit of using intoxicating liquor excessively to deprive oneself of reasonable self-control, a common drunkard, or a habitual drunkard.

**“Alcohol”** means the product of distillation of any fermented liquid, whether rectified or not, whatever may be the origin thereof, and includes synthetic ethyl alcohol, but not denatured or other alcohol which is considered nonpotable under the customs laws of the United States.

**“Licensee”** includes also all agents, servants, and employees of the holder of a license.

**"Premises" or "licensed premises"** means the building and property that houses the establishment for which a license has been or is proposed to be issued; provided that in the case of class 12 hotel license, "premises" includes the hotel premises; provided further that in the case of a class 15 condominium hotel license, "premises" includes units, as defined in section 514B-3, that are used to provide transient lodging for periods of less than thirty days under a written contract with the owner or owners of each unit in, and common elements for access

purposes as established by the declaration of condominium property regime of, the condominium hotel; and provided further that if an establishment is in a retail shopping complex the businesses of which have formed a merchants association, "premises" means the establishment. As used in this definition, "establishment" means a single physical location where the selling of liquor takes place.

**§281-31 Licenses, classes.**

(a) Licenses may be granted by the liquor commission as provided in this section.

(b) **Class 1. Manufacturers' licenses.** A license for the manufacture of liquor shall authorize the licensee to:

- (1) Manufacture the liquor therein specified;
- (2) Sell it in original packages to any wholesaler who holds a license to resell it; and
- (3) Sell beer, wine, or other specified liquor manufactured or distilled on the licensee's premises from fruits or other products grown in the State, in any quantity:

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

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

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

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

It shall be unlawful for any holder of a manufacturer's license to have any interest whatsoever in the license or licensed premises of any other licensee. This subsection shall not prevent the holder of a manufacturer's license under this

chapter or under the law of another jurisdiction from maintaining any interest in the license or licensed premises of a wholesale dealer licensee under this chapter.

**(c) Class 2. Restaurant licenses.**

(1) A license under this class shall authorize the licensee to sell liquor specified in this subsection for consumption on the premises; provided that a restaurant licensee, with commission approval, may provide off-premises catering of food and liquor; provided further that the catering activity shall be directly related to the licensee's operation as a restaurant. A licensee under this class shall be issued a license according to the category of establishment the licensee owns or operates. The categories of establishment shall be as follows:

- (A) A standard bar; or
- (B) A premises in which live entertainment or recorded music is provided. Facilities for dancing by the patrons may be permitted as provided by commission rules.

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

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

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

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

**(d) Class 3. Wholesale dealers' licenses.** A license for the



sale of liquor at wholesale shall authorize the licensee to import and sell only to licensees or to others who are by law authorized to resell the liquor specified by the license but are not by law required to hold a license; provided that a class 3 licensee may sell samples of liquor back to the manufacturer. Under a class 3 license, no liquor shall be consumed on the premises except as authorized by the commission. Of this class, there shall be the following kinds:

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

If any wholesale dealer solicits or takes any orders in any county other than that where the dealer's place of business is located, the orders may be filled only by shipment direct from the county in which the wholesale dealer has the dealer's license. Nothing in this subsection shall prevent a wholesaler from selling liquor to post exchanges, ships' service stores, army or navy officers' clubs, or similar organizations located on army or navy reservations, or to any vessel other than vessels performing a regular water transportation service between any two or more ports in the state, or to aviation companies who operate an aerial transportation enterprise subject to chapter 269 and engaged in regular flight passenger services between any two or more airports in the state for use on aircraft, or aviation companies engaged in transpacific flight operations for use on aircraft outside the jurisdiction of the State.

**(e) Class 4. Retail dealers' licenses.** A license to sell liquor at retail or to class 10 licensees shall authorize the licensee to sell the liquor therein specified in their original packages. Under a class 4 license, no liquor shall be consumed on the premises except as authorized by the commission. Of this class, there shall be the following kinds:

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

**(f) Class 5. Dispensers' licenses.**

(1) A license under this class shall authorize the licensee to sell liquor specified in this subsection for consumption on the premises. A licensee under this class shall be issued a license according to the category of establishment the licensee owns or operates. The categories of establishments shall be as follows:

- (A) A standard bar;
- (B) A premise in which a person performs or entertains unclothed or in attire restricted to use by entertainers pursuant to commission rules;
- (C) A premise in which live entertainment or recorded music is provided; provided that facilities for dancing by the patrons may be permitted as provided by commission rules; or
- (D) A premise in which employees or entertainers are compensated to sit with patrons, regardless of whether the employees or entertainers are consuming nonalcoholic beverages while in the company of the patrons pursuant to commission rules.

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

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

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

**(g) Class 6. Club licenses.** A club license shall be general only but shall exclude alcohol and shall authorize the licensee to sell liquor to members of the club and to guests of the club enjoying the privileges of membership for consumption only on the premises kept and operated by the club; provided that

**See HRS 281-31 Hawaii Liquor Laws for other classes.**

the license shall also authorize any club member to keep in the member's private locker on the premises a reasonable quantity of liquor owned by the member for the member's own personal use and not to be sold that may be consumed only on the premises. A club licensee shall be authorized to host charitable functions that are open to the general public only pursuant to commission rules.

The categories of establishment shall be as follows:

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

**§281-71 Posting of license.** Every license issued and in effect under this chapter shall at all times be conspicuously posted and exposed to view, convenient for inspection, on the licensed premises. For failure thereof the license may be suspended or revoked by the liquor commission or liquor control adjudication board.

**§281-78 Prohibitions.**

**(a) No person shall consume any liquor on any:**

- (1) Public highway, except as permitted in section 291-3.4;
- (2) Public sidewalk, including any sidewalk within a public housing project as defined in section 356D-1 or 356D-91; or
- (3) Common area of a public housing project as defined in section 356D-1 or 356D-91. For purposes of this paragraph, "common area" means roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances and exits of the building or buildings, basements, yards, gardens, recreational facilities, parking areas, storage spaces, and other parts of the project normally in

common use or other areas designated by the Hawaii public housing authority.

**(b) At no time under any circumstances shall any licensee or its employee:**

- (1) Sell, serve, or furnish any liquor to, or allow the consumption of any liquor by:
  - (A) Any minor;
  - (B) Any person at the time under the influence of liquor;
  - (C) Any person known to the licensee to be addicted to the excessive use of intoxicating liquor; or
  - (D) Any person for consumption in any vehicle that is licensed to travel on public highways;provided that the consumption or sale of liquor to a minor shall not be deemed to be a violation of this subsection if, in making the sale or allowing the consumption of any liquor by a minor, the licensee was misled by the appearance of the minor and the attending circumstances into honestly believing that the minor was of legal age and the licensee acted in good faith; and provided further that it shall be incumbent upon the licensee to prove that the licensee so acted in good faith;
- (2) Permit any liquor to be consumed on the premises of the licensee or on any premises connected therewith, whether there purchased or not, except as permitted by the terms of its license;
- (3) Permit any liquor to be sold or served by any person eighteen to twenty years of age except in licensed establishments where selling or serving the intoxicating liquor is part of the minor's employment, and where there is proper supervision of these minor employees to ensure that the minors shall not consume the intoxicating liquor;
- (4) Permit any liquor to be sold or served by any person below the age of eighteen years upon any licensed premises, except in individually specified licensed

establishments found to be otherwise suitable by the liquor commission in which an approved program of job training and employment for dining room waiters and waitresses is being conducted in cooperation with the University of Hawaii, the state community college system, or a federally sponsored personnel development and training program, under arrangements that ensure proper control and supervision of employees;

(5) Knowingly permit any person under the influence of liquor or disorderly person to be or remain in or on the licensed premises;

(6) Fail to timely prevent or suppress any violent, quarrelsome, disorderly, lewd, immoral, or unlawful conduct of any person on the premises;

(7) Sell any draught beer unless upon the faucet, spigot, or outlet wherefrom the beer is drawn there is attached a clear and legible notice, placard, or marker which in the English language indicates and declares the name or brand adopted by the manufacturer of the draught beer, so situated as to be clearly legible for a distance of at least ten feet from the spigot, faucet, or outlet, to a purchaser with normal vision;

(8) Receive from a person, as payment or as a consideration for liquor, any personal or household goods, including clothing and food, or any implements of trade. Any person violating this paragraph shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 281-102.

**§281-78.5 Practices to promote excessive consumption of liquor; prohibited.**

(a) No person licensed to sell liquor for consumption on the premises shall engage in practices which promote excessive consumption of liquor.

(b) The liquor commission shall adopt rules pursuant to Chapter 91 to prohibit specific liquor promotion practices which promote excessive consumption of liquor.

(c) Any person who violates this section or any rule adopted by the commission pursuant to this chapter shall be guilty of a violation for each separate offense. Each date of violation shall constitute a separate offense.

**§281-101.5 Prohibitions involving minors; penalty.**

(a) Any adult who provides or purchases liquor for consumption or use by a person under twenty-one years of age shall be guilty of the offense under section 712-1250.5.

(b) No minor shall consume or purchase liquor and no minor shall consume or have liquor in the minor's possession or custody in any public place, public gathering, or public amusement, at any public beach or public park, or in any motor vehicle on a public highway; provided that notwithstanding any other law to the contrary, this subsection shall not apply to:

(1) Possession or custody of liquor by a minor in the course of delivery, pursuant to the direction of the minor's employer lawfully engaged in business necessitating the delivery;

(2) Possession, custody, or consumption of liquor by a minor in connection with the minor's authorized participation in religious ceremonies requiring such possession, custody, or consumption; or

(3) Any person between the ages of eighteen and twenty, who is participating in a controlled purchase as part of a law enforcement activity or a study authorized by the department of health to determine the level of incidence of liquor sales to minors.

(c) No minor shall falsify any identification or use any false identification or identification of another person or of a fictitious person for the purpose of buying or attempting to buy liquor or for the purpose of obtaining employment to sell or serve liquor on licensed premises.

(d) Any person under age eighteen who violates this section shall be subject to the jurisdiction of the family court. Any person age eighteen to twenty-one who violates subsection

(b) or (c) shall be guilty of a petty misdemeanor. The court shall order that any person under twenty-one years of age found to be in violation of this section shall have, in addition to any other disposition or sentencing provision permitted by law, the person's license to operate a motor vehicle, or the person's ability to obtain a license to operate a motor vehicle, suspended as follows:

(1) For licensed drivers, the driver's license shall be suspended for not less than one hundred and eighty days with exceptions to allow, at the discretion of the sentencing court, driving to and from school, school sponsored activities, and employment;

(2) For persons with a provisional license, the provisional license shall be suspended for not less than one hundred and eighty days with exceptions to allow, at the discretion of the sentencing court, driving to and from school, school sponsored activities, and employment.

**§281-102 Other offenses; penalty.** If any person violates this chapter or any rule or regulation in effect by authority of this 44

chapter, whether in connection there with a penalty is referred to or not, for which violation no penalty is specifically prescribed, the person shall be imprisoned not more than six months or fined not more than \$1,000, or both.

## **Rules of the Liquor Commission**

### **DEFINITIONS.**

#### **Rule1.1. Definitions.**

"Application" means the application or the required forms used in making the request and any information contained therein for liquor license, renewal, or transfer thereof, a permit or the amendment of restrictions or conditions placed on a license or for any other request or petition and shall include and not be limited to any affidavit or document filed by the applicant in connection with such

application, oral statement to the commission, the required necessary documentation, and any other forms or documents which may be prescribed from time to time by the commission.

"Applicant" means a person who has filed any application for a permit, management agreement, liquor license, or its like, for consideration by the Department or Commission.

"Blue card" means a card issued by the department to a person 21 years of age or older who has scored at least 85% on a written exam administered by the department for an on-premises establishment.

"Complimentary drink(s)" means individual servings of the licensee's liquor inventory made in exchange for the immediate receipt of goodwill, which shall be valued at the licensee's prices routinely charged to cash-paying customers.

"Customer" means any person other than an on-duty employee of that licensee.

"dBA" means a unit for measuring sound level of all noises as measured with a sound level meter using the "A" weighting network.

"Department" means the Department of Liquor Control of the County of Kauai, State of Hawaii.

"Decibels" means the unit for measuring the volume of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure to the sound measured to the reference pressure, which is 20 micropascals (0.0002 dynes per square centimeter).

"Director" means the director of the Department of Liquor Control of the County of Kauai, State of Hawaii.

"Employee" shall include the licensee and all other persons who perform any type of activity, whether compensated or not, in conjunction with the operation, maintenance, or management of the licensed premises, including but not limited to the dispensing, serving, or selling of liquor, directly or indirectly, or



who shall assist in the dispensing, serving, or selling of liquor, or who shall manage or supervise, directly or indirectly, any person who shall dispense, serve, or sell liquor. Any person who performs, whether compensated or not, any act or function as defined above, shall be considered "on duty".

"Entertainer" means any person who performs a service usually or normally done, on or within licensed premises, regardless of whether that person is under contract or commission, registered or not registered, compensated or not compensated.

"Lap dancing" means any form of physical contact where a person's torso makes contact or is rubbed against another simulating sexual contact.

"Manager" means any person who has a valid blue or red card and who is registered as a manager or assistant manager by the licensee.

"Non-standard bar" means an on premise license that is authorized to have live entertainment with or without dancing by patrons.

"Off premises license, licensee, or establishment" means a retail dealer, license, licensee, or business.

"On premises license, licensee, or establishment" means any license, licensee, or business authorized to sell liquor for consumption on the premises.

"Private party" means a gathering of persons for a special occasion; such as a wedding, an anniversary, a luau, etc., where food and drinks are served.

"Red Card" means a card issued by the department to a person 21 years of age or older who has scored at least 85% on a written exam administered by the department for an off-premises establishment.

"Showroom Facility" is defined as a location having a staged performance with seated guests.

"Strip show," means a burlesque act in which a performer removes his or

her clothing piece by piece.

"Unreasonable noise" means noise emanating from liquor-licensed premises that exceed the maximum allowable decibel level as prescribed in rule 7.4(b).

**Rule 3.1. Posting of license and availability of rules and regulations and Liquor Laws of the State of Hawaii.** (a) The original liquor license shall be conspicuously posted on the licensed premises.

(b) Every licensee shall have a current copy of the rules and regulations of the commission and a copy of the liquor laws of the State of Hawaii available at all times on the licensed premises for examination by employees and customers. A copy viewed on a computer is not acceptable unless the computer is located in a general sales area accessible to all employees and customers.

(c) Licensees and employees shall familiarize themselves with said rules and laws.

**Rule 3.2. Alteration of premises.** A licensee shall obtain approval from the commission prior to making any substantial physical alteration, such as adding or removing walls, changes in entrances and/or exits, relocating wet bars, changing floor levels, etc., to its licensed premises.

**Rule 3.3. Unauthorized liquor.** The possession of any liquor by a licensee on any licensed premises, other than that authorized by the license, is prohibited. The finding of such unauthorized liquor on the licensed premises will be considered prima facie evidence of illegal possession thereof by the licensee.

**Rule 3.4. Surrender of license.** The holder of any license must immediately surrender its license to the commission upon suspension or revocation thereof, or within five days after closing his business if it be otherwise discontinued.

**Rule 3.5. Free goods prohibited, exception.** No licensee shall directly or indirectly offer, furnish, deliver, or give away any free goods, gratuities, gifts, prizes, coupons, premiums, or other article or thing of value to a consumer which is tied in to the sale of liquor, except "pupus" (appetizers) offered in on premises

establishments and advertising specialties which are available to all consumers are exempt from this provision.

**Rule 3.6. Advertisements, posters, and signs.** (a) No licensee shall, directly or indirectly, cause obscene, lewd, or immoral matter to be shown, displayed or distributed either on or from the premises.

(b) Any exterior poster or sign advertising liquor by brand name either in whole or part and maintained on the exterior of a licensed premises shall conform to the sign ordinances of the County government.

**Rule 3.7. Attire and conduct of persons within a licensed premises, exception.** No licensee shall at any time:

- (1) Employ or use any person or permit any person to remain in or upon the licensed premises while such person is unclothed or in such attire, costume, or clothing as to expose to view any portion of the female breast below the top of the areole or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals, except as provided by Rule 8.5;
- (2) Permit any person to perform or simulate sexual acts in its licensed premises.
- (3) Permit the showing of film, still pictures, or electronic reproductions depicting:
  - (a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
  - (b) Nudity or scenes wherein a person displays the anus, genitalia or female breast below the top of the areole;
  - (c) Any person being touched, caressed or fondled on the anus or genitalia; and
  - (d) Scenes wherein artificial devices or inanimate objects are employed

to depict, or drawing are employed to portray, any of the prohibited activities described above.

**Rule 3.8. Sales to persons below the legal age to purchase liquor prohibited.** No licensee shall sell or furnish any liquor to any person who is below the legal age to neither purchase liquor nor accept any payment, including the signing of any charge slip, from any person who is below the legal age to purchase liquor for any liquor sold.

**Rule 7.13. Fight and disturbance reports.** An on premises licensee shall report all fights and disturbances, on the form provided or approved by the department that occurs in his licensed premises. The report shall be typewritten and submitted to the department within seven days from the time of the incident. Hand written reports will not be accepted.

**Rule 7.9(d) Manager Registration.** Every on premise licensee shall submit a typewritten list of all its management personnel to the department no later than July 31 of each year on the forms provided by the department.

**Rule 10.3(b) Manager Registration.** Every off premise licensee shall submit a typewritten list of all its management personnel to the department no later than July 31 of each year on the forms provided by the department.

**Information provided is as of September 2016 and may be subject to change**