State Report

Hawaii

This state report is excerpted from:
The 2013 Report to Congress on the Prevention and Reduction of Underage Drinking
submitted to Congress by The U.S. Department of Health and Human Services.

To obtain more information and a copy of the full Report to Congress go to:
https://www.stopalcoholabuse.gov
Hawaii

State Profile and Underage Drinking Facts *

State Population: 1,374,810
Population Ages 12–20: 146,000

<table>
<thead>
<tr>
<th>Ages 12–20</th>
<th>Percentage</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Past-Month Alcohol Use</td>
<td>24.5</td>
<td>36,000</td>
</tr>
<tr>
<td>Past-Month Binge Alcohol Use</td>
<td>16.5</td>
<td>24,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ages 12–14</th>
<th>Percentage</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Past-Month Alcohol Use</td>
<td>8.0</td>
<td>4,000</td>
</tr>
<tr>
<td>Past-Month Binge Alcohol Use</td>
<td>4.4</td>
<td>2,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ages 15–17</th>
<th>Percentage</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Past-Month Alcohol Use</td>
<td>20.3</td>
<td>10,000</td>
</tr>
<tr>
<td>Past-Month Binge Alcohol Use</td>
<td>12.3</td>
<td>000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ages 18–20</th>
<th>Percentage</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Past-Month Alcohol Use</td>
<td>42.4</td>
<td>22,000</td>
</tr>
<tr>
<td>Past-Month Binge Alcohol Use</td>
<td>30.6</td>
<td>16,000</td>
</tr>
</tbody>
</table>

| Alcohol-Attributable Deaths (under 21) | 12 |
| Years of Potential Life Lost (under 21) | 707 |

<table>
<thead>
<tr>
<th>Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC &gt; 0.01</th>
<th>Percentage</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>39.0</td>
<td>6</td>
</tr>
</tbody>
</table>

* See Appendix C for data sources.
Laws Addressing Minors in Possession of Alcohol

Underage Possession of Alcohol
Possession is prohibited with the following exception(s):
- Private location

Underage Consumption of Alcohol
Consumption is prohibited with the following exception(s):
- Private location

Internal Possession by Minors
Internal possession is not explicitly prohibited.

Note: Hawaii has a statutory provision stating that “[n]o 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” and that “‘consume’ or ‘consumption’ includes the ingestion of liquor” (Haw. Rev. Stat. § 281-101.5). Laws that prohibit minors from having alcohol in their bodies, but which do so without reference to a blood, breath, or urine test, are not considered as prohibiting Internal Possession, for purposes of this report.

Underage Purchase of Alcohol
Purchase is prohibited, but youth may purchase for law enforcement purposes.

False Identification for Obtaining Alcohol

Provision(s) Targeting Minors
- Use of a false ID to obtain alcohol is a criminal offense.
- Penalty may include driver’s license suspension through a judicial procedure.

Provisions Targeting Retailers
- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older.
- General affirmative defense—the retailer came to a good faith or reasonable decision that the purchaser was 21 years or older; inspection of an identification card not required.

Note: In Hawaii, the retailer has a defense to a charge of furnishing to a minor if, in making the sale or allowing the consumption of liquor by a minor, the retailer was misled by the appearance of the minor and the attending circumstances into honestly believing that the minor was of legal age, and if the retailer can prove that he or she acted in good faith.

Laws Targeting Underage Drinking and Driving

BAC Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)
- BAC limit: 0.02
- BAC level at or above the limit is per se (conclusive) evidence of a violation
- Applies to drivers under age 21
Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose Laws”)

Provisions Applicable to Minors Under Age 18

Type(s) of Violation Leading to Driver’s License Suspension, Revocation, or Denial
- Underage purchase
- Underage possession
- Underage consumption

Authority To Impose Driver’s License Sanction
- Discretionary

Length of Suspension/Revocation
- Minimum: 180 days
- Maximum: Not specified

Provisions Applicable to Minors Ages 18 to 21

Type(s) of Violation Leading to Driver’s License Suspension, Revocation, or Denial
- Underage purchase
- Underage possession
- Underage consumption

Authority To Impose Driver’s License Sanction
- Mandatory

Length of Suspension/Revocation
- Minimum: 180 days
- Maximum: Not specified

Graduated Driver’s License

Learner Stage
- Minimum entry age: 15 years, 6 months
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

Intermediate Stage
- Minimum age: 16
- Unsupervised night driving
  - Prohibited after: 11 p.m.
  - Primary enforcement of the night-driving rule
- Passenger restrictions exist: No more than one passenger under 18, except household members, unless accompanied by parent or guardian
  - Primary enforcement of the passenger-restriction rule

License Stage
- Minimum age to lift restrictions: 17
Laws Targeting Alcohol Suppliers

Furnishing Alcohol to Minors
Furnishing is prohibited with the following exception(s):
• Parent/guardian

Compliance Check Protocols
No data

Penalty Guidelines for Sales to Minors
No data

Responsible Beverage Service
No beverage service training requirement

Minimum Ages for Off-Premises Sellers
• Beer: 18
• Wine: 18
• Spirits: 18

Condition(s) That Must Be Met in order for an Underage Person To Sell Alcoholic Beverages
• Manager/supervisor is present.

Note: Liquor can be sold by persons 18 to 20 years of age only 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.

Minimum Ages for On-Premises Sellers
• Beer: 18 for both servers and bartenders
• Wine: 18 for both servers and bartenders
• Spirits: 18 for both servers and bartenders

Condition(s) That Must Be Met in order for an Underage Person To Sell Alcoholic Beverages
• Manager/supervisor is present.

Note: Liquor can be sold or served by persons ages 18 to 20 only 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. Persons below age 18 may sell or serve liquor 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.
Distance Limitations for New Alcohol Outlets Near Universities and Schools

*Colleges and Universities*

No distance limitation

*Primary and Secondary Schools*

Prohibitions against outlet siting:
- Off-premises outlets: No
- On-premises outlets: Yes—within 500 feet, if 40 percent of registered voters or property owners within area protest.
- Alcohol products: Beer, wine, spirits

*Note:* Exceptions are (1) hotels of more than 50 rooms; (2) bona fide private clubs.

**Dram Shop Liability**

- There is no statutory liability.
- The courts recognize common law dram shop liability.

**Social Host Liability Laws**

Statutory liability exists subject to the following conditions:
- Limitations on who may be sued: Social host must be age 21 or older.

**Host Party Laws**

Social host law is not specifically limited to underage drinking parties
- Action by underage guest that triggers violation: Possession
- Property type(s) covered by liability law: Residence, outdoor, other
- Standard for hosts’ knowledge or action regarding the party: Knowledge—host must have actual knowledge of the occurrence
- Exception(s): Family

**Retailer Interstate Shipments of Alcohol**

Prohibition against retailer interstate shipments:
- Beer: Uncertain
- Wine: Uncertain
- Spirits: Uncertain

*Note:* Any adult may obtain a state permit to receive one shipment of beer, wine, or distilled spirits per year for personal use from outside the state, not to exceed 5 gallons. Only one permit is allowed per household. It is uncertain whether an out-of-state retailer may ship the alcohol directly to the permittee for his or her personal use.

**Direct Sales/Shipments of Alcohol by Producers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

*Age Verification Requirements:* None

*State Approval/Permit Requirements*
- Producer/shipper must obtain state permit.
Reporting Requirements: None

Shipping Label Statement Requirements
• Contains alcohol
• Recipient must be 21

Note: Any adult may obtain a state permit to receive one shipment of beer, wine, or distilled spirits per year for personal use from outside the state, not to exceed 5 gallons. Only one permit is allowed per household.

Keg Registration
Not required

Alcohol Pricing Policies

Home Delivery
• Beer: No law
• Wine: No law
• Spirits: No law

Alcohol Tax
• Beer (5 percent alcohol): Specific excise tax is $0.93 per gallon ($0.54 per gallon for containers of 7 gallons or more).
• Wine (12 percent alcohol): Specific excise tax is $1.38 per gallon.
• Spirits (40 percent alcohol): Specific excise tax is $5.98 per gallon.

Drink Specials
No law

Wholesale Pricing
Pricing restrictions exist.

Beer (5 percent alcohol)
• Retailer credit: Restricted—30 days maximum

Wine (12 percent alcohol)
• Retailer credit: Restricted—30 days maximum

Spirits (40 percent alcohol)
• Retailer credit: Restricted—30 days maximum
## Hawaii State Survey Responses

### State Agency Information

**Agency with primary responsibility for enforcing underage drinking laws:**
Department of Liquor Control and County Police Departments

**Methods by which local and state enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:**
The Department of Liquor Control (local) and the county police departments (local) share information and resources. In addition, the state Department of Health, Alcohol and Drug Abuse Division receives the Enforcing Underage Drinking Laws (EUDL) block grant and provides funding for county police departments and the University of Hawaii (state) to conduct compliance checks and park sweeps.

### Enforcement Strategies

#### State law enforcement agencies use:

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cops in Shops</td>
<td>No</td>
</tr>
<tr>
<td>Shoulder Tap Operations</td>
<td>No</td>
</tr>
<tr>
<td>Party Patrol Operations or Programs</td>
<td>No</td>
</tr>
<tr>
<td>Underage Alcohol–Related Fatality Investigations</td>
<td>No</td>
</tr>
</tbody>
</table>

#### Local law enforcement agencies use:

<table>
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<tr>
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<th>Use</th>
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<tr>
<td>Cops in Shops</td>
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<td>Underage Alcohol–Related Fatality Investigations</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**State has a program to investigate and enforce direct sales/shipment laws**
Yes

Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors
No data

Such laws are also enforced by local law enforcement agencies
Yes

### Enforcement Statistics

**State collects data on the number of minors found in possession**
No

<table>
<thead>
<tr>
<th>Data</th>
<th>No data</th>
<th>Data not collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of minors found in possession¹ by state law enforcement agencies</td>
<td>Data not collected</td>
<td>Data not collected</td>
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<tr>
<td>Number pertains to the 12 months ending</td>
<td>Data not collected</td>
<td>Data not collected</td>
</tr>
<tr>
<td>Data include arrests/citations issued by local law enforcement agencies</td>
<td>Data not collected</td>
<td>Data not collected</td>
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**State conducts underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors**
Yes

<table>
<thead>
<tr>
<th>Data</th>
<th>Yes</th>
<th>Data not collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Data are collected on these activities</td>
<td>Yes</td>
<td>Data not collected</td>
</tr>
<tr>
<td>Number of licensees checked for compliance by state agencies</td>
<td>585</td>
<td>Data not collected</td>
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<tr>
<td>Number of licensees that failed state compliance checks</td>
<td>60</td>
<td>Data not collected</td>
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<tr>
<td>Numbers pertain to the 12 months ending</td>
<td>12/31/2011</td>
<td>Data not collected</td>
</tr>
</tbody>
</table>

**Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors**
Yes

<table>
<thead>
<tr>
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<th>Yes</th>
<th>Data not collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Data are collected on these activities</td>
<td>Yes</td>
<td>Data not collected</td>
</tr>
<tr>
<td>Number of licensees checked for compliance by local agencies</td>
<td>120</td>
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<tr>
<td>Number of licensees that failed local compliance checks</td>
<td>24</td>
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<tr>
<td>Numbers pertain to the 12 months ending</td>
<td>01/14/2012</td>
<td>Data not collected</td>
</tr>
</tbody>
</table>

### Sanctions

**State collects data on fines imposed on retail establishments that furnish minors**
Yes

<table>
<thead>
<tr>
<th>Data</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of fines imposed by the state³</td>
<td>24</td>
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<tr>
<td>Total amount in fines across all licensees</td>
<td>$29,000</td>
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<tr>
<td>Numbers pertain to the 12 months ending</td>
<td>03/15/2012</td>
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</tbody>
</table>

**State collects data on license suspensions imposed on retail establishments specifically for furnishing minors**
Yes

<table>
<thead>
<tr>
<th>Data</th>
<th>Yes</th>
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</thead>
<tbody>
<tr>
<td>Number of suspensions imposed by the state⁴</td>
<td>2</td>
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<tr>
<td>Total days of suspensions across all licensees</td>
<td>37</td>
</tr>
<tr>
<td>Numbers pertain to the 12 months ending</td>
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</tr>
</tbody>
</table>
**State collects data on license revocations imposed on retail establishments specifically for furnishing minors**

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of license revocations imposed(^5)</td>
<td>0</td>
</tr>
<tr>
<td>Numbers pertain to the 12 months ending</td>
<td>No data</td>
</tr>
</tbody>
</table>

**Additional Clarification**

There was no cooperation from three of Hawaii’s County Liquor Control Boards. The information provided was from the Hawaii County Liquor Control Board and from the state Department of Health, Alcohol and Drug Abuse Division, which receives the EUDL grant. In addition, information on compliance checks is from the University of Hawaii, which assists the state in conjunction with the county police departments to conduct off-premise, on-premise (Kauai only) compliance checks and the Random Sample Alcohol Survey (statewide).

1 Or having consumed or purchased per state statutes.
2 Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors.
3 Does not include fines imposed by local agencies.
4 Does not include suspensions imposed by local agencies.
5 Does not include revocations imposed by local agencies.

### Underage Drinking Prevention Programs Operated or Funded by the State:

#### Programs SPECIFIC TO Underage Drinking

**Enforcing Underage Drinking Laws Program**

<table>
<thead>
<tr>
<th></th>
<th>No data</th>
</tr>
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<tbody>
<tr>
<td>Number of youth served</td>
<td>No data</td>
</tr>
<tr>
<td>Number of parents served</td>
<td>No data</td>
</tr>
<tr>
<td>Number of caregivers served</td>
<td>No data</td>
</tr>
<tr>
<td>Numbers pertain to the 12 months ending</td>
<td>No data</td>
</tr>
<tr>
<td>Program has been evaluated</td>
<td>No</td>
</tr>
<tr>
<td>Evaluation report is available</td>
<td>Not applicable</td>
</tr>
<tr>
<td>URL for evaluation report:</td>
<td>Not applicable</td>
</tr>
<tr>
<td>URL for more program information:</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

Program description: The EUDL Program supports and enhances efforts by state coalitions to prohibit the sale of alcoholic beverages to minors and the purchase and consumption of alcoholic beverages by minors. (Minors are defined as individuals under 21 years old.)

**Hawaii Strategic Prevention Framework–State Incentive Grant (HSPF SIG)**

<table>
<thead>
<tr>
<th></th>
<th>No data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of youth served</td>
<td>No data</td>
</tr>
<tr>
<td>Number of parents served</td>
<td>No data</td>
</tr>
<tr>
<td>Number of caregivers served</td>
<td>No data</td>
</tr>
<tr>
<td>Numbers pertain to the 12 months ending</td>
<td>No data</td>
</tr>
<tr>
<td>Program has been evaluated</td>
<td>No data</td>
</tr>
<tr>
<td>Evaluation report is available</td>
<td>No data</td>
</tr>
<tr>
<td>URL for evaluation report:</td>
<td>No data</td>
</tr>
<tr>
<td>URL for more program information:</td>
<td>No data</td>
</tr>
</tbody>
</table>

Program description: The purpose of the HSPF SIG is to improve the quality of life for Hawaii citizens of all ages by preventing and reducing their abuse of and dependence on alcohol and drugs.

**Sober Truth on Preventing Underage Drinking (STOP) Act Coalition for Drug Free Hawaii**

<table>
<thead>
<tr>
<th></th>
<th>1,330</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of youth served</td>
<td>1,330</td>
</tr>
<tr>
<td>Number of parents served</td>
<td>2,000</td>
</tr>
<tr>
<td>Number of caregivers served</td>
<td>60</td>
</tr>
<tr>
<td>Numbers pertain to the 12 months ending</td>
<td>12/31/2010</td>
</tr>
<tr>
<td>Program has been evaluated</td>
<td>No</td>
</tr>
<tr>
<td>Evaluation report is available</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>
**Program description:** The purpose of this program is to prevent and reduce alcohol use among youth in the Ewa, Hawaii, community. It was created to strengthen collaboration among the coalition-formed EWAlution and to use state-of-the-art practices and initiatives that have proven to be effective in preventing and reducing alcohol use among youth.

**Mothers Against Drunk Driving (MADD)–Hawaii**

- Number of youth served: No data
- Number of parents served: No data
- Number of caregivers served: No data
- Numbers pertain to the 12 months ending: No data
- Program has been evaluated: No
- Evaluation report is available: Not applicable

URL for evaluation report: Not applicable
URL for more program information: http://www.maddhawaii.com

Program description: MADD Hawaii offers free support services to injured victims of impaired driving crashes and to bereaved families and friends of those killed or injured in highway crashes. MADD Hawaii has helped pass scores of new laws to strengthen the state’s impaired driving statutes, prevent underage drinking, and give victims of impaired driving crashes more voice. MADD has underage drinking prevention programs available for high school students (Youth in Action), elementary school children (Protecting You Protecting Me), and college students (UMADD). MADD Hawaii has offices in Honolulu and Hilo and programs operating on Maui and Kauai. MADD Hawaii has conducted its signature holiday red ribbon campaign, “Tie One On for Safety,” for over 20 years. Over 400,000 ribbons are distributed annually for people to display on their vehicles as a pledge that they will be a safe and sober driver.

**Underage Drinking Prevention Programs Operated or Funded by the State:**

- Programs RELATED TO Underage Drinking: None listed

URL for more program information: Not applicable

Program description: Not applicable

**Additional Information Related to Underage Drinking Prevention Programs**

- **State collaborates with federally recognized Tribal governments in the prevention of underage drinking:** No recognized Tribal governments
  
  Description of collaboration: Not applicable

- **State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing:** No
  
  Program description: Not applicable

- **State has adopted or developed best practice standards for underage drinking prevention programs:** Yes
  
  Best practice standards description: On- and off-premises compliance checks

**Additional Clarification**

None given
State Interagency Collaboration

A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities

Yes

Committee contact information:
Name: Val Mariano
E-mail: valerie.s.mariano@hawaii.gov
Address: 235 South Beretania St. #401, Honolulu, HI 96813-2419
Phone: 808-586-1444

Agencies/organizations represented on the committee:
- Hawaii Department of Transportation
- Advocacy Organization
- Alcohol and Drug Abuse Division
- Department of the Attorney General
- Liquor Control Board
- County Police Departments
- Department of Land and Natural Resources
- Mothers Against Drunk Driving
- Coalition for Drug Free Hawaii
- Department of Defense—Hawaii Army National Guard

A website or other public source exists to describe committee activities

No

Underage Drinking Reports

State has prepared a plan for preventing underage drinking in the last 3 years

Yes

Prepared by: Hawaii Partnership to Prevent Underage Drinking (HPPUD) Coalition
Plan can be accessed via: No data

State has prepared a report on preventing underage drinking in the last 3 years

Yes

Prepared by: Alcohol and Drug Abuse Division

Additional Clarification
None given

State Expenditures for the Prevention of Underage Drinking

Compliance checks/decoy operations in retail outlets:
- Estimate of state funds expended: Data not available
- Estimate based on the 12 months ending: Data not available

Checkpoints and saturation patrols:
- Estimate of state funds expended: Data not available
- Estimate based on the 12 months ending: Data not available

Community-based programs to prevent underage drinking:
- Estimate of state funds expended: Data not available
- Estimate based on the 12 months ending: Data not available

K–12 school-based programs to prevent underage drinking:
- Estimate of state funds expended: Data not available
- Estimate based on the 12 months ending: Data not available

Programs targeted to institutes of higher learning:
- Estimate of state funds expended: Data not available
- Estimate based on the 12 months ending: Data not available

Programs that target youth in the juvenile justice system:
- Estimate of state funds expended: Data not available
- Estimate based on the 12 months ending: Data not available

Programs that target youth in the child welfare system:
### State Reports – Hawaii

| Estimate of state funds expended | Data not available |
| Estimate based on the 12 months ending | Data not available |

**Other programs:**
- Programs or strategies included: No data
- Estimate of state funds expended: Not applicable
- Estimate based on the 12 months ending: Not applicable

### Funds Dedicated to Underage Drinking

State derives funds dedicated to underage drinking from the following revenue streams:
- Taxes: No data
- Fines: No data
- Fees: No data
- Other: No data

**Description of funding streams and how they are used:**
- No data

**Additional Clarification**
- None given