State Report

Hawaii

This state report is excerpted from:
The 2014 Report to Congress on the Prevention and Reduction of Underage Drinking
Hawaii

State Profile and Underage Drinking Facts*

State Population: 1,392,313
Population Ages 12–20: 147,000

<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>23.4</td>
<td>34,000</td>
</tr>
<tr>
<td>Past-Month Binge Alcohol Use</td>
<td>15.7</td>
<td>23,000</td>
</tr>
<tr>
<td>Ages 12–14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Past-Month Alcohol Use</td>
<td>6.7</td>
<td>3,000</td>
</tr>
<tr>
<td>Past-Month Binge Alcohol Use</td>
<td>4.8</td>
<td>2,000</td>
</tr>
<tr>
<td>Ages 15–17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Past-Month Alcohol Use</td>
<td>20.1</td>
<td>10,000</td>
</tr>
<tr>
<td>Past-Month Binge Alcohol Use</td>
<td>12.6</td>
<td>6,000</td>
</tr>
<tr>
<td>Ages 18–20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Past-Month Alcohol Use</td>
<td>40.6</td>
<td>21,000</td>
</tr>
<tr>
<td>Past-Month Binge Alcohol Use</td>
<td>27.9</td>
<td>15,000</td>
</tr>
</tbody>
</table>

Alcohol-Attributable Deaths (under 21) 11
Years of Potential Life Lost (under 21) 680

<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>61.0</td>
<td>7</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: Although Hawaii does not prohibit Internal Possession as defined in this report, it has a statutory provision 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.” Laws that prohibit minors from having alcohol in their bodies, but 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.

Provision(s) 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”)

Penalties applicable to minors under age 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

Penalties 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

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, of which 10 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 of 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 old 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 18 to 20 years old 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 include (1) designated resort areas; (2) hotel or condominium hotel liquor licenses.

**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 21 years old 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
Registration is not required.

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

Alcohol Pricing Policies

Alcohol Tax

Beer (5 percent alcohol)
• Specific excise tax: $0.93 per gallon

Note: $0.54 per gallon for containers of 7 gallons or more.

Wine (12 percent alcohol)
• Specific excise tax: $1.38 per gallon

Spirits (40 percent alcohol)
• Specific excise tax: $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:**
The State of Hawaii, Department of Health, Alcohol and Drug Abuse Division, is primarily responsible for the Enforcing Underage Drinking Laws (EUDL) program. The county police departments and the Liquor Commission are responsible for enforcement.

## Enforcement Strategies

**State law enforcement agencies use:**
- Cops in Shops: No
- Shoulder Tap Operations: No
- Party Patrol Operations or Programs: No
- Underage Alcohol–Related Fatality Investigations: No

**Local law enforcement agencies use:**
- Cops in Shops: Yes
- Shoulder Tap Operations: No
- Party Patrol Operations or Programs: Yes
- Underage Alcohol–Related Fatality Investigations: Yes

**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:
- Dept. of Liquor Control for registration
- Dept. of Taxation for Hawaii Dept. of Taxation

Such laws are also enforced by local law enforcement agencies:
- Don’t know

## Enforcement Statistics

**State collects data on the number of minors found in possession by state law enforcement agencies:**
- Yes
- Number of minors found in possession by state law enforcement agencies: 413
- Number pertains to the 12 months ending: 4/30/2013
- Data include arrests/citations issued by local law enforcement agencies: Yes

**State conducts underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors:**
- Yes

Data are collected on these activities:
- Number of retail licensees in state: 982
- Number of licensees checked for compliance by state agencies:
  - Including random checks: 794
  - Number of licensees that failed state compliance checks: 166
  - Numbers pertain to the 12 months ending: 4/30/2013

Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments:
- Both on- and off-sale establishments

**State conducts random underage compliance checks/decoy operations:**
- Yes

Number of licensees subject to random state compliance checks/decoy operations: 211
Number of licensees that failed random state compliance checks: 37

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

Data are collected on these activities:
- Number of licensees checked for compliance by local agencies: 657
- Number of licensees that failed local compliance checks: 124
- Numbers pertain to the 12 months ending: 4/30/2013
## Sanctions

<table>
<thead>
<tr>
<th>State collects data on fines imposed on retail establishments that furnish minors</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of fines imposed by the state</td>
<td>31</td>
</tr>
<tr>
<td>Total amount in fines across all licensees</td>
<td>$33,000</td>
</tr>
<tr>
<td>Smallest fine imposed</td>
<td>$1,000 ($2,000 with $1,000 suspended for 1 year)</td>
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<tr>
<td>Largest fine imposed</td>
<td>$3,000</td>
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<tr>
<td>Numbers pertain to the 12 months ending</td>
<td>12/31/2012</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of suspensions imposed by the state</td>
<td>0</td>
</tr>
<tr>
<td>Total days of suspensions across all licensees</td>
<td>0</td>
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<tr>
<td>Shortest period of suspension imposed (in days)</td>
<td>0</td>
</tr>
<tr>
<td>Longest period of suspension imposed (in days)</td>
<td>0</td>
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<tr>
<td>Numbers pertain to the 12 months ending</td>
<td>12/31/2012</td>
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</table>

<table>
<thead>
<tr>
<th>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of license revocations imposed</td>
<td>0</td>
</tr>
<tr>
<td>Numbers pertain to the 12 months ending</td>
<td>12/31/2012</td>
</tr>
</tbody>
</table>

### Additional Clarification

Some of the responses are from the Department of Liquor Control in the County of Kauai, University of Hawaii, Public Health Studies, Honolulu Police Department, Hawaii County Police Department-Kona, and the Maui Police Departments. Not all of the police departments and the liquor control departments have participated in this survey.

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 Excluding special licenses such as temporary, seasonal, and common carrier licenses.
4 Does not include fines imposed by local agencies.
5 Does not include suspensions imposed by local agencies.
6 Does not include revocations imposed by local agencies.

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

#### Enforcing Underage Drinking Laws Program

<table>
<thead>
<tr>
<th>Program serves specific or general population</th>
<th>General population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of youth served</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Number of parents served</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Number of caregivers served</td>
<td>Not applicable</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>No data</td>
</tr>
</tbody>
</table>

**Program Description:** Provide services to reduce the accessibility and use of alcohol by minors under age 21 and change community social norms through coordination of a statewide council, county coalitions, enforcement strategies, environmental strategies, a media campaign, and educational strategies. In addition to the above, provide and conduct an alcohol sales random sample survey to determine the rate of alcohol sales to underage youth in retail outlets and liquor establishments and support enforcement operations under Hawaii Revised Statutes, section §712-1250.5, which makes it a misdemeanor offense to promote intoxicating liquor to a person under age 21 in the State of Hawaii.

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404  Report to Congress on the Prevention and Reduction of Underage Drinking
Community-Based Strategy To Discourage the Use of Alcohol Products by Minors

<table>
<thead>
<tr>
<th>Program serves specific or general population</th>
<th>General population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of youth served</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Number of parents served</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Number of caregivers served</td>
<td>Not applicable</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>No data</td>
</tr>
</tbody>
</table>

Program Description: This is an environmental strategy that establishes or changes written and unwritten community standards, norms, and attitudes, thereby influencing the incidence and prevalence of substance abuse in the general population.

Additional Underage Drinking Prevention Programs Operated or Funded by the State

No data

URL for more program information: No data

Program description: No data

Additional Clarification

No data

Additional Information Related to Underage Drinking Prevention Programs

State collaborates with federally recognized Tribal governments in the prevention of underage drinking

Description of collaboration: Not applicable

State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing

Description of program: Not applicable

State has adopted or developed best practice standards for underage drinking prevention programs

Agencies/organizations that established best practices standards:
- OJJDP, Department of Justice, SAMHSA
- State of Hawaii, Department of Health, Alcohol and Drug Abuse Division, Department of Attorney General
- Coalition for a Drug Free Hawaii

Other: No

Best practice standards description: One of the best practice standards our state uses is off-premise compliance checks. These checks provide our local law enforcement officers (police departments) the tool to let our alcohol retail establishments know it is illegal to sell alcohol to anyone under age 21. The police departments work with our School of Public Health Studies to also record the number of stores not in compliance to get a better percentage of stores that are in compliance with the law. We also use social norms marketing and environmental strategies. The Alcohol and Drug Abuse Division (ADAD) has and continues to use the Strategic Prevention Framework (SPF logic model) to strategize with our best practice standards. This logic model helps with a clear understanding of the specific substance abuse problems in the community and the involvement of community members to do something about it. Our coalition, Hawaii Partnerships to Prevent Underage Drinking (HPPUD), works collectively to ensure that the youth have a healthy lifestyle.

Additional Clarification

No data
### State Interagency Collaboration

<table>
<thead>
<tr>
<th>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</th>
<th>Yes</th>
</tr>
</thead>
</table>

**Committee contact information:**
- Name: Valerie Mariano
- E-mail: valerie.s.mariano@hawaii.gov
- Address: Department of the Attorney General, Crime Prevention & Justice Assistance Division, 235 South Beretania Street, Suite 401, Honolulu, HI 96813
- Phone: 808-586-1444

**Agencies/organizations represented on the committee:**
- Mayor’s Office
- University of Hawaii at Manoa
- Maui Economic Opportunity
- County Liquor Commission Departments
- Parent and Child Together
- Coalition for Drug Free Hawaii
- MADD Hawaii
- Dept. of Health, Fetal Alcohol Spectrum Disorder, Maternal and Child Health Branch, Alcohol and Drug Abuse Division
- State Dept. of Transportation
- Alu Like, Inc. (Native Hawaiian organization)
- Hina Mauka (Teen Substance Abuse Organization)
- The Institute for Family Enrichment
- National Guard, Drug Demand Reduction Unit
- State Department of the Attorney General
- County Police Departments
- University of Hawaii
- City and County of Honolulu
- Department of Community Services Tobacco Prevention Coalition
- Borthwick Mortuary Dignity Memorial

**A website or other public source exists to describe committee activities**
- Yes

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### Underage Drinking Reports

<table>
<thead>
<tr>
<th>State has prepared a plan for preventing underage drinking in the last 3 years</th>
<th>Yes</th>
</tr>
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<tbody>
<tr>
<td>Prepared by: National Guard, Drug Demand Reduction Unit</td>
<td></td>
</tr>
<tr>
<td>Plan can be accessed via: contact <a href="mailto:valerie.s.mariano@hawaii.gov">valerie.s.mariano@hawaii.gov</a> to access the plan</td>
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<table>
<thead>
<tr>
<th>State has prepared a report on preventing underage drinking in the last 3 years</th>
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<tbody>
<tr>
<td>Prepared by: Not applicable</td>
<td></td>
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<tr>
<td>Plan can be accessed via: Not applicable</td>
<td></td>
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</tbody>
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### Additional Clarification

- No data

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### State Expenditures for the Prevention of Underage Drinking

| Compliance checks 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 |
### State Reports – Hawaii

<table>
<thead>
<tr>
<th>Programs targeted to institutes of higher learning:</th>
<th>Estimate of state funds expended</th>
<th>Data not available</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Estimate based on the 12 months ending</td>
<td>Data not available</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Programs that target youth in the juvenile justice system:</th>
<th>Estimate of state funds expended</th>
<th>Data not available</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Estimate based on the 12 months ending</td>
<td>Data not available</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Programs that target youth in the child welfare system:</th>
<th>Estimate of state funds expended</th>
<th>Data not available</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Estimate based on the 12 months ending</td>
<td>Data not available</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Other programs:</th>
<th>Estimate of state funds expended</th>
<th>$99,777</th>
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<tbody>
<tr>
<td></td>
<td>Estimate based on the 12 months ending</td>
<td>4/01/2013</td>
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### Funds Dedicated to Underage Drinking

State derives funds dedicated to underage drinking from the following revenue streams:

<table>
<thead>
<tr>
<th>Revenue stream</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxes</td>
<td>No</td>
</tr>
<tr>
<td>Fines</td>
<td>No</td>
</tr>
<tr>
<td>Fees</td>
<td>No</td>
</tr>
<tr>
<td>Other</td>
<td>No</td>
</tr>
</tbody>
</table>

Description of funding streams and how they are used:

- Not applicable

### Additional Clarification

No data