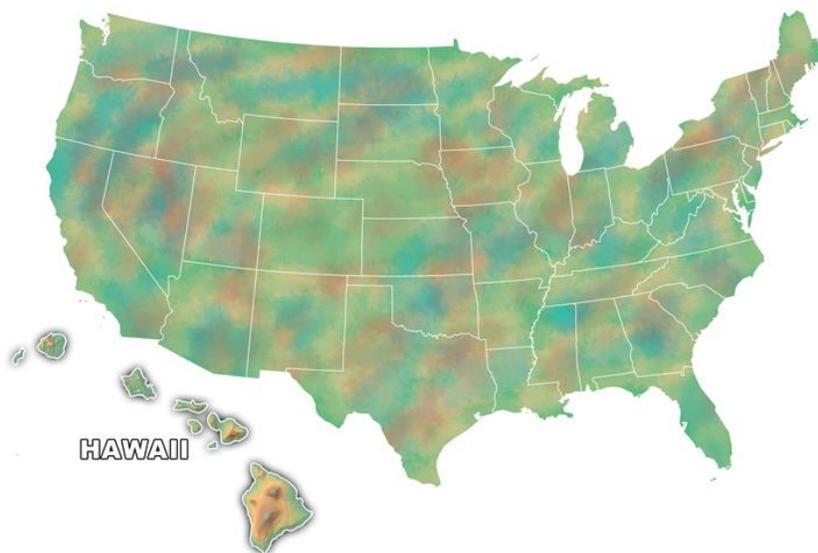


State Report

Hawaii

This document is excerpted from:

The December 2015 Report to Congress on the Prevention and Reduction of Underage Drinking



Hawaii

State Profile and Underage Drinking Facts*

State Population: 1,404,054
 Population Ages 12–20: 146,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	23.0	33,000
Past-Month Binge Alcohol Use	14.9	22,000
Ages 12–14		
Past-Month Alcohol Use	7.4	3,000
Past-Month Binge Alcohol Use	5.5	3,000
Ages 15–17		
Past-Month Alcohol Use	21.7	11,000
Past-Month Binge Alcohol Use	12.9	6,000
Ages 18–20		
Past-Month Alcohol Use	38.4	19,000
Past-Month Binge Alcohol Use	25.5	13,000
Alcohol-Attributable Deaths (under 21)		11
Years of Potential Life Lost (under 21)		680
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	60	3

* 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 ages 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: Recklessness—the host may not have acted with actual knowledge of the party, but must have acted with intentional disregard for the probable consequences of his or her actions.
- 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	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i>	
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 Department of Liquor Control are responsible for enforcement.	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	No data
Shoulder Tap Operations	No data
Party Patrol Operations or Programs	No data
Underage Alcohol-Related Fatality Investigations	No data
<i>Local law enforcement agencies use:</i>	
Cops in Shops	No data
Shoulder Tap Operations	No data
Party Patrol Operations or Programs	No data
Underage Alcohol-Related Fatality Investigations	No data
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	Yes
Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	Dept. of Liquor Control in each county (Maui, Kauai, Hawaii, Honolulu)
Such laws are also enforced by local law enforcement agencies	Yes
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	Don't know
Number of minors found in possession by state law enforcement agencies	No data
Number pertains to the 12 months ending	No data
Data include arrests/citations issued by local law enforcement agencies	No data
<i>State conducts underage compliance checks/decoy operations² to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	Yes
Data are collected on these activities	Yes
Number of retail licensees in state ³	911
Number of licensees checked for compliance by state agencies (including random checks)	579
Number of licensees that failed state compliance checks	100
Numbers pertain to the 12 months ending	4/30/2014
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Both on- and off-sale establishments
<i>State conducts random underage compliance checks/decoy operations</i>	Yes
Number of licensees subject to random state compliance checks/decoy operations	579
Number of licensees that failed random state compliance checks	100
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	Yes
Data are collected on these activities	Yes
Number of licensees checked for compliance by local agencies	266
Number of licensees that failed local compliance checks	55
Numbers pertain to the 12 months ending	3/31/2014

Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	Yes
Number of fines imposed by the state ⁴	24
Total amount in fines across all licensees	\$27,500
Smallest fine imposed	\$1,000
Largest fine imposed	\$3,000
Numbers pertain to the 12 months ending	4/30/2014
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of suspensions imposed by the state ⁵	1
Total days of suspensions across all licensees	5
Shortest period of suspension imposed (in days)	5
Longest period of suspension imposed (in days)	5
Numbers pertain to the 12 months ending	4/30/2014
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	No
Number of license revocations imposed ⁶	Not applicable
Numbers pertain to the 12 months ending	Not applicable
Additional Clarification	
No data	

¹Or having consumed or purchased per state statutes.

²Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors.

³Excluding special licenses such as temporary, seasonal, and common carrier licenses.

⁴Does not include fines imposed by local agencies.

⁵Does not include suspensions imposed by local agencies.

⁶Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State	
Enforcing Underage Drinking Laws (EUDL) Program	
Program serves specific or general population	General population
Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	No data
Program Description: Provide services to reduce the accessibility and use of alcohol by minors under age 21. The EUDL program assists our statewide council and county coalitions to change community social norms through these strategies (enforcements, environmental, media, and educational). The enforcement strategies assist in conducting an alcohol sales random sample survey to determine the rate of alcohol sales to underage youth in retail outlets and liquor establishments by supporting 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 Hawaii.	

Community-Based Strategy To Discourage the Use of Alcohol Products by Minors	
Program serves specific or general population	General population
Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Program has been evaluated	No
Evaluation report is available	Not applicable

URL for evaluation report:	Not applicable
URL for more program information:	No data
Program Description: This environmental strategy 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	
<i>State collaborates with federally recognized tribal governments in the prevention of underage drinking</i>	No recognized tribal governments
Description of collaboration: Not applicable	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	No
Program description: Not applicable	
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
Agencies/organizations that established best practices standards:	
Federal agency(ies): Office of Juvenile Justice and Delinquency Prevention	Yes
Agency(ies) within your state: Department of Health, Alcohol and Drug Abuse Division	Yes
Nongovernmental agency(ies):	No
Other:	No
Best practice standards description: (1) The best practice standard our state uses is off-premise compliance checks, whereby our local law enforcement officers (police departments) along with University of Hawaii and student field researchers visit alcohol retail establishments to determine if these establishments are complying with the state law prohibiting selling to anyone under age 21. In addition, the School of Public Health Studies conducts a random sample survey to determine our noncompliance rate. (2) Media strategies such as Social Norms Marketing and Environmental Strategies. (3) We use the SPF logic model to help communities develop a clear action plan to address substance abuse problems and underage drinking. (4) The Hawaii Partnerships to Prevent Underage Drinking (HPPUD) is a coalition that works collectively to address underage drinking and ensure that our youth have a healthy lifestyle.	
Additional Clarification	
No data	
State Interagency Collaboration	
<i>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Yes
<i>Committee contact information:</i>	
Name: Valerie Mariano	
E-mail: Valerie.S.Mariano@hawaii.gov	
Address: 235 South Beretania Street, Suite 401, Honolulu, HI 96813	
Phone: 808-586-1444	
<i>Agencies/organizations represented on the committee:</i>	
Parents and Child Together	
Department of the Attorney General	
County Liquor Control Board	
University of Hawaii at Manoa	

Maui Economic Opportunity Coalition for Drug Free Hawaii Department of Health State Department of Transportation Alu Like, Inc. Hina Mauka Institute for Family Enrichment County Police Departments Mayor's Office City and County of Honolulu	
A website or other public source exists to describe committee activities	Yes
URL or other means of access: http://ag.hawaii.gov/432dah0432-partnership-to-prevent-underage-drinking	

Underage Drinking Reports	
State has prepared a plan for preventing underage drinking in the last 3 years	Yes
Prepared by: Department of the Attorney General–Crime Prevention and Justice Assistance Division, National Guard, County of Kauai, Department of Health–Alcohol and Drug Abuse Division, Department of Health–Maternal and Child Health Plan can be accessed via: No data	
State has prepared a report on preventing underage drinking in the last 3 years	Yes
Prepared by: The Alcohol and Drug Abuse Division has prepared report to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) for their semiannual report on the EUDL program. Plan can be accessed via: No data	
Additional Clarification	
No data	

State Expenditures for the Prevention of Underage Drinking	
<i>Compliance checks in retail outlets:</i>	
Estimate of state funds expended	\$262,879
Estimate based on the 12 months ending	5/31/2014
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$100,000
Estimate based on the 12 months ending	6/30/2013
<i>K–12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Other programs:</i>	
Programs or strategies included:	Data not available
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

Funds Dedicated to Underage Drinking

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

Taxes	No
Fines	No
Fees	No
Other: EUDL block grant fund	Yes

Description of funding streams and how they are used:

Majority of the funds received from the OJJDP-EUDL Block Grant fund the compliance checks, random sample survey, media, and coalitions.

Additional Clarification

No data