



# LATE TESTIMONY

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**JAMES R. AIONA, JR.**  
LIEUTENANT GOVERNOR

**February 18, 2010**

### **TESTIMONY ON HOUSE BILL 2905 A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR**

**HOUSE COMMITTEE ON  
COMMITTEE ON CONSUMER PROTECTION & COMMERCE**  
**Representative Robert N. Herkes, Chair**  
**Representative Glenn Wakai, Vice Chair**

**HOUSE COMMITTEE ON JUDICIARY**  
**Representative Jon Riki Karamatsu, Chair**  
**Representative Ken Ito, Vice Chair**

**Thursday, February 18, 2010  
2:00 PM., Conference Room 325**

Good Afternoon Chairs Herkes and Karamatsu, Vice Chairs Wakai and Ito, and Members of the Committees:

The Office of the Lieutenant Governor strongly opposes Section 3 of H.B. 2905 which seeks to amend Hawai'i Revised Statutes (HRS) Section 101.5. Specifically, Section 3 of H.B. 2905, among other things, would downgrade the offenses of purchasing, possessing, or consuming alcohol by persons aged eighteen to twenty one, from a petty misdemeanor to a violation subject to citation. The bill also would allow courts to impose monetary fines as a penalty for such violations, instead of suspending the drivers' licenses of those convicted of these offenses and requiring alcohol education and counseling as well as community service, as currently mandated by the "Use and Lose" law. As its name implies, the "Use & Lose" law (Act 203, SLH 2006) requires the suspension of driving privileges of those under the age of 21 who are convicted of illegally purchasing, consuming, or possessing alcohol. Additionally, all violators are required to perform 75 hours of

community service, and undergo 8 to 12 hours of alcohol education and counseling.

One of three identified strategies of the Hawai‘i Drug Control Plan is “to prevent illicit drug use and underage drinking before it starts.” Reducing underage drinking is a high priority for the state administration. Alcohol is by far the number-one drug of choice for Hawai‘i teens. It is an entry-level drug that often leads to abuse of other illegal substances such as marijuana or crystal methamphetamine. In a 2005 survey<sup>1</sup>, 65% of Hawaii high school students reported that they had used alcohol at least once in their lives. 35% reported that they had had at least one drink in the past 30 days; and, alarmingly, close to 20% said that they engaged in binge drinking within the past 30 days.

Moreover, even if it never leads to the abuse of other illicit drugs, underage alcohol use, in and of itself, places our entire community at risk. Underage drinking has long been associated with poor academic performance, violence, suicide, risky sexual activities, victimization, other problem behaviors, and even death. The numbers do not lie:

- Underage alcohol use is more likely to kill young people than all other illegal drugs combined.<sup>2</sup>
- Motor vehicle crashes are the leading cause of death among youth ages 15 to 20.<sup>3</sup>
- In 2001, underage drinking cost the citizens of Hawai‘i \$182 million.<sup>4</sup>

Clearly, underage drinking must be addressed not only with strong measures, but also with strong messages in order to change the often permissive culture and attitudes surrounding alcohol use. Underage drinking can not be viewed as a minor infraction or a simple “rite of passage” for our teens. If we do not treat underage drinking as the serious societal problem that it is, we only perpetuate its destructive cycle. Each time we learn about another young life lost as a result of underage alcohol use, we are reminded that the consequences could have been avoided if we as a society had taken the necessary steps to prevent that young person from obtaining and using alcohol in the first place.

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<sup>1</sup> Hawaii Youth Risk Behavior Surveys (2005)

<sup>2</sup> “Alcohol Alert” National Institute on Alcohol Abuse and Alcoholism, No. 59, April 2003.

<sup>3</sup> “Alcohol Alert” National Institute on Alcohol Abuse and Alcoholism, No. 59, April 2003.

<sup>4</sup> “Underage Drinking in Hawaii: The Facts” Pacific Institute for Research and Evaluation, March, 2004.

Just last year, alcohol poisoning tragically took the life of Makamae Ah Mook Sang, a promising young student at Roosevelt High School. Ah Mook Sang, an otherwise active and healthy young lady who participated in hula and canoe paddling, allegedly obtained the alcohol at a house party where a large number of minors were drinking.

As a former Family Court Judge, the Lt. Governor has seen first hand the devastating consequences of illegal underage drinking on our community. He knew that a driver's license is often a young person's most prized possession, because it represents to them their new-found freedom and independence. That is why he and many others in the community concerned about underage drinking pushed for a "Use and Lose" law in Hawaii. With the passage of the "Use and Lose" law, Hawaii joined 36 other states that have some form of "Use and Lose" laws on the books as a means to reduce and deter underage drinking.<sup>5</sup>

H.B. 2905, by allowing for monetary fines as an alternative disposition, circumvents the strategy behind the "Use and Lose" model by essentially removing the *requirement* that courts suspend the driving privileges of those who violate the underage drinking laws. For the target population that we are trying to reach, we believe that monetary fines will not have the same deterrent effect as the mandatory suspension of driving privileges. This is evidenced by the fact that monetary fines, which have always been a potential consequence for underage drinking, have simply failed to serve as an effective deterrent. Moreover, this bill, as drafted, would also allow the court to forego ordering community service and alcohol education/counseling as well. In effect, H.B. 2905 dilutes the "Use and Lose" law and reduces its likelihood of success.

Additionally, by reducing the underage drinking laws from a criminal offense (petty misdemeanor) to a violation subject to citation that "shall be treated as a traffic infraction for purposes of disposition[,]" H.B. 2905 send the wrong message to the community of the seriousness and severity of underage drinking and its often tragic consequences.

Finally, we believe that subsections (f) and (g) of Section 3, which allow courts to impose a financial penalty in lieu of license suspension is unnecessary and redundant. Under the current law, family and district courts already have the ability to impose fines if they believe it is a reasonable and necessary component

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<sup>5</sup> National Institute on Alcohol Abuse and Alcoholism (2005).

of sentencing. Therefore, the only value of subsections (f) and (g) is to allow violators to avoid license suspension after conviction or adjudication.

Thank you for the opportunity to testify.