

STAND. COM. REP. NO.

2333

Honolulu, Hawaii

FEB 14 2018

RE: S.B. No. 2826
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Transportation and Energy, to which was referred S.B. No. 2826 entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY,"

begs leave to report as follows:

The purpose and intent of this measure is to expand the definition of "drug" in chapter 291E, Hawaii Revised Statutes, to include any substance that can impair the ability of a person to operate a vehicle safely, in order to allow law enforcement to quickly adapt and prosecute offenders who are using new emerging drugs that have not been added to the controlled substance schedules at the time of the offense.

Your Committee received testimony in support of this measure from the Department of Transportation; Honolulu Police Department; Department of the Prosecuting Attorney, County of Maui; Mothers Against Drunk Driving, Hawaii Chapter; Hawaii Strategic Highway Safety Plan; and one individual. Your Committee received comments on this measure from the Consumer Healthcare Products Association.

Your Committee finds that even though some drivers might be under the influence of an intoxicant while driving, thereby creating a dangerous situation on the roads, they might not be prosecuted if the driver is not under the influence of a "drug", which is currently narrowly defined under the law. By generalizing the definition to include any substance that could



impair the driver, prosecution of these individuals who endanger lives can proceed. This measure is particularly relevant as other measures have proposed removing marijuana, which makes up seventy percent of drug-related impaired driving convictions, from the controlled substance list.

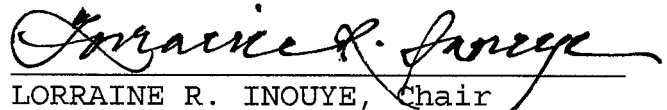
However, your Committee notes that this measure, as currently written, could still lead to problems with interpretation.

Accordingly, your Committee has amended this measure by:

- (1) Further expanding the definition of "drug" to mean anything that impairs a person rather than any substance that, when taken into the human body, can impair the ability of a person to operate a vehicle; and
- (2) Making technical, nonsubstantive amendments for the purpose of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation and Energy that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2826, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2826, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Transportation and
Energy,


LORRAINE R. INOUE, Chair



