



**Office of the Public Defender
State of Hawaii**



**Testimony of the Office of the Public Defender
to the House Committee on Judiciary**

February 27, 2018

H.B. No. 2399: RELATING TO HIGHWAY SAFETY.

Chair Scott Y. Nishimoto and Members of the Committee:

The Office of the Public Defender opposes passage of H.B. No. 2399. This Bill expands the definition of “drug” for offenses under Hawaii Revised Statutes Chapter 291E. We understand why there is need to expand the definition of a “drug” in light of the synthetic drugs being manufactured to evade the Schedule I – IV definitions. Specifically, our concerns are with the proposed definition – *“any substance that, when taken into the human body, can impair the ability of a person to operate a vehicle safely”*. We have serious concerns that this proposed definition is simply too vague and ambiguous and that it would violate established case law, the Hawaii State Constitution and the Constitution of the United States.

First, the term *“any substance”* could include things like caffeine from consuming too many cups of coffee, energy drinks or soda. It could include substances like too much sugar or too much tobacco. It could include common food and drinks that may help you feel more energy or help you relax. We submit that this phrase is too vague, subject to wide interpretation and is simply too problematic and needs revision.

Second, the phrase *“can impair the ability of a person to operate a vehicle safely”* does not provide enough context or clarification to give citizens a clear idea of what “impairment” means in the context of operating a vehicle. Does it mean a person who swerves within his or her lane of traffic one time while feeling extra hyper from the third cup of coffee he or she consumed 20 minutes earlier is therefore impaired and in violation of the law? Does it mean a person who is tired from a long day at work who has an extra energy drink to get home is impaired if he or she is in a fender-bender during rush hour traffic and automatically in violation of the law? We submit these hypotheticals to illustrate the problems with the proposed definition and how it can be misconstrued in its current form. We encourage revision.

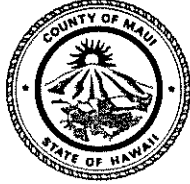
In addition, we are concerned that a simple traffic lane violation would be treated as an impairment issue for substances like kava, or other natural food or drink products,

without appropriate scientific confirmation or verification as to what amount or concentration of the substance would or could cause impairment. An assumption that a substance can impair operation of a vehicle is not the same as proof of impairment.

For these reasons, we oppose H.B. No. 2399.

Thank you for the opportunity to provide testimony in this matter.

ALAN M. ARAKAWA
Mayor



JOHN D. KIM
Prosecuting Attorney
ROBERT D. RIVERA
First Deputy Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY
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Supervisor - Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY
ON
HB 2399, HD 1 - RELATING TO HIGHWAY SAFETY

March 1, 2018

The Honorable Scott Y. Nishimoto
Chair
The Honorable Joy A. San Buenaventura
Vice Chair
and Members
House Committee on Judiciary

Chair Nishimoto, Vice Chair San Buenaventura, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui **STRONGLY SUPPORTS** HB 2399, HD 1 - Relating to Highway Safety. This measure clarifies the definition of “drug” in HRS Chapter 291E to include any substance that impairs a person, in addition to scheduled controlled substances and their metabolites. This measure will help address the problem of people driving under the influence of substances that cause impairment, but are not alcohol or scheduled controlled substances. Examples of these are kava and certain muscle relaxants.

While we strongly support this measure, we need to request a technical amendment. Section 2, Page 2, Line 8 should read:

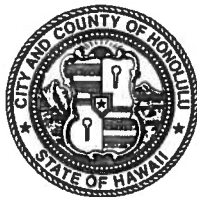
metabolites[.]or anything that impairs a person.”

The reason for this request is that the term “substance” is defined by statute, and would cause confusion in this context.

The Department of the Prosecuting Attorney, County of Maui, requests that this measure be **PASSED AS AMENDED** with our proposed amendment. Thank you very much for the opportunity to provide this testimony.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
JONATHON GREMS
DEPUTY CHIEFS

OUR REFERENCE **BM-GR**

March 1, 2018

The Honorable Scott Y. Nishimoto, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Nishimoto and Members:

SUBJECT: House Bill No. 2399, H.D. 1, Relating to Highway Safety

I am Benjamin Moszkowicz, Acting Captain of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports the passage of House Bill No. 2399, H.D. 1, Relating to Highway Safety.

Currently, when an impaired driver is stopped and arrested for Operating a Vehicle Under the Influence of an Intoxicant (OVUII), he or she is taken to a police station and asked to submit a breath or blood sample to be tested for alcohol concentration. Drivers suspected of being under the influence of a substance other than alcohol are asked to participate in a Drug Influence Evaluation. These evaluations are conducted by officers with specialized training and experience in detecting signs and symptoms associated with drug use and impairment. Following an evaluation, a driver who is still suspected of being under the influence of drugs is requested to submit a sample of his or her blood or urine to determine its drug content.

In order to convict a drug-impaired driver of OVUII, the prosecution must prove that he or she was under the influence of a "drug" that impaired him or her. Hawaii Revised Statutes, Section 291E-1, Definitions, defines a "drug" as a scheduled substance or its metabolite. In cases where suspects refuse to take a blood or urine test, it is extremely difficult to prove it was "a scheduled substance" that caused his or

The Honorable Scott Y. Nishimoto, Chair
and Members

Page 2

March 1, 2018

her impairment. A driver impaired by or under the influence of kawa or Seroquel (a potentially impairing drug prescribed to treat bipolar disorder) would not have a scheduled substance or metabolite in his or her blood. Similarly, a driver impaired by the influence of only synthetic drugs, such as "spice" or "bath salts," would not have a scheduled substance or metabolite in his or her blood.

Failure to prove that particular element would result in a suspect being found not guilty by the court. As the prosecution must prove beyond a reasonable doubt that the suspect is under the influence of a scheduled substance, it is nearly impossible to convict a suspect who refuses to consent to a drug test for OVUII.

This change would not alter the current practice of law enforcement officers arresting suspected alcohol and drug impaired drivers; to establish probable cause to support an arrest, drivers would still have to be impaired. Rather, it would allow impaired drivers to be convicted of OVUII if they refuse to be tested for drugs or test positive for nonscheduled impairing substances.

The HPD urges you to support House Bill No. 2399, H.D. 1, Relating to Highway Safety.

Thank you for the opportunity to testify.

Sincerely,



Benjamin Moszkowicz, Acting Captain
Traffic Division

APPROVED:



Susan Ballard
Chief of Police

TESTIMONY OF THE HAWAI`I POLICE DEPARTMENT

HOUSE BILL 2399 H.D. 1

RELATING TO HIGHWAY SAFETY

BEFORE THE COMMITTEE ON JUDICIARY

DATE : Thursday, March 1, 2018

TIME : 2:00 P.M.

PLACE : Conference Room 325
State Capitol
415 South Beretania Street

PERSON TESTIFYING:

Police Chief Paul K. Ferreira
Hawai`i Police Department
County of Hawai`i

(Written Testimony Only)

Harry Kim
Mayor



Paul K. Ferreira
Police Chief

Kenneth Bugado Jr.
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

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February 27, 2018

Representative Scott Y. Nishimoto
Chairperson and Committee Members
Committee on Judiciary
415 South Beretania Street, Room 016
Honolulu, Hawai'i 96813

RE: HOUSE BILL 2399 H. D. 1 RELATING TO HIGHWAY SAFETY

Dear Representative Nishimoto:

The Hawai'i Police Department strongly supports the passage of House Bill 2399, Relating to Highway Safety. The purpose of this measure is to clarify the definition of "drug" for purposes of the offense of operating a vehicle under the influence of an intoxicant. This measure specifies that a drug for these purposes includes any substance that can impair the ability of a person to operate a vehicle safely.

The Hawai'i Police Department believes it is necessary to clearly define the term "drug" for this section as a means of overcoming a "loop hole" in the current existing law. The use of a drug which impairs the ability of a person to operate a vehicle safely creates a substantial risk to the motoring community.

For these reasons we urge this committee to approve this legislation. Thank you for allowing the Hawai'i Police Department to provide comments relating to House Bill 2399.

Sincerely,

PAUL K. FERREIRA
POLICE CHIEF

Committee on Judiciary
Representative Scott Nishimoto, Chair
Representative Joy A. San Buenaventura, Vice Chair

Hearing Date: Thursday, March 1st, 2018 2 pm
Measure: **HB 2399 HD1**

Dear Chair Nishimoto, Vice Chair San Buenaventura, and members of the House Committee on Judiciary,

My name is Kari Benes and I am the current chair of the Hawaii Strategic Highway Safety Plan (SHSP) asking for your **support of HB 2399 HD1**, which provides clarity to the definition of a “drug” within the impaired driving statute. The definition of a “drug” as stated in HB 2399 HD1, is one of the life saving priorities outlined by the Hawaii SHSP Core Committee.

Providing clarity to the definition of drug within the impaired driving statute will help our trained police officers properly remove dangerous drug-impaired drivers from our roadways. With the ever-changing trends in chemical compositions of illicit drugs and experimentation with things like “tide pods”, it is important to be a step ahead of what is listed as a controlled substance. This measure sends a clear message that we don’t want individuals to be driving under the influence of any type of substance that impairs their ability to drive.

Please support HB 2399 HD1 and SHSP's vision that all of Hawaii's road users arrive safely at their destinations.

To view the Hawaii Strategic Highway Safety Plan go to www.hawaiishsp.com.

Thank you for your time.

Sincerely,

Kari Benes -Chair

Hawaii Strategic Highway Safety Plan



Mothers Against Drunk Driving HAWAII
745 Fort Street, Suite 303
Honolulu, HI 96813
Phone (808) 532-6232
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hi.state@madd.org

March 1, 2018

To: Representative Scott Y. Nishimoto, Chair, House Committee on Judiciary;
Rep. Joy A. San Buenaventura, Vice Chair; and members of the Committee

From: Arkie Koehl and Carol McNamee, Public Policy Committee - MADD Hawaii

Re: House Bill 2399, HD 1 – Relating to Highway Safety

I am Arkie Koehl, offering testimony on behalf of the Hawaii Chapter of Mothers Against Drunk Driving in strong support of House Bill 2399, HD 1, relating to Highway Safety.

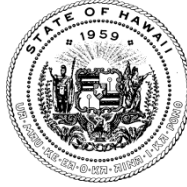
Approximately three years ago, the National MADD organization amended its mission by inserting the phrase, “to help stop *drugged* driving” along with the original “to end *drunk* driving.” This was a major step taken after over 10 years of evaluating the problem of impairment caused by substances other than – or in addition to – alcohol. MADD Hawaii applauded this amendment, largely because our chapter has worked on Hawaii statutes relating to drugs and driving since 1986. We have witnessed the beginning of the DRE (Drug Recognition Expert) program from its inception and have always been extremely impressed with the knowledge and capabilities of this specialized sector of the County Police Departments.

Our state annual fatality statistics are showing an increasing number of highway deaths connected to the presence of drugs. In 2016, the number significantly exceeded alcohol-related fatalities. MADD supports measures that give law enforcement (police and prosecutors) the necessary tools to do their jobs. In the case of HB 2399 which amends the definition of “drugs”, MADD believes that changing times necessitates this amendment to our current statutes. Although Chapter 329 lists scores of drugs in schedules one through four, clever underground chemists are now able to create new drugs at too swift a rate for our statutes to keep pace. This problem results in fewer arrests and more impaired drivers threatening the safety of our roads.

MADD supported HB 2399’s proposed definition of “drug” because it was the same as that used in DRE training and therefore made sense as the standard to use in Hawaii statutes. We understand the reason for the amendment made in the HD1 and give our support to this version.

MADD strongly encourages this committee to pass HB 2399, HD 1.

Thank you for this opportunity to testify.



Testimony by:
JADE T. BUTAY
INTERIM DIRECTOR

Deputy Directors
ROY CATALANI
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 1, 2018
2:00 p.m.
State Capitol, Room 325

**H.B. 2399, H.D. 1
RELATING TO HIGHWAY SAFETY**

House Committee on Judiciary

The Hawaii Department of Transportation (HDOT) **supports** H.B. 2399, H.D. 1 relating to highway safety. The bill clarifies the definition of “drug” in chapter 291E, Hawaii Revised Statutes, regarding the use of intoxicants while operating a vehicle.

Under Hawaii’s current Operating a Vehicle Under the Influence of an Intoxicant (OVUII) statute, a “drug” is defined as any controlled substance listed in schedules I through IV of chapter 329, Hawaii Revised Statutes. With this definition, law enforcement and prosecutors are limited in keeping our roads safe from impaired drivers. Many substances that are being abused are not listed as schedule I through IV drugs, including kava, kratom, toluene, certain muscle relaxants, and over-the-counter cough syrup and anti-diarrheal medicines. Yet they still have the capability to impair drivers. Even adding new drugs to the schedule is not sufficient because changing just one molecule in the substance changes its chemical makeup, thus making it an entirely new drug that is now excluded from the schedule. In this manner, designer and synthetic drugs like “spice” and “bath salts” evade the scheduling process.

This is further exacerbated by the internet, which rapidly spreads the newest drug trends and offers opportunities for the public to learn how to manufacture, obtain and abuse substances.

In addition, there have been recent attempts at the federal and state levels to remove marijuana and tetrahydrocannabinols from the schedule of controlled substances. If these were to succeed, persons found to be driving while impaired by marijuana could not be prosecuted under Hawaii’s current OVUII statute.

HDOT is primarily concerned about improving highway safety and protecting the lives of our community members and visitors. In order to protect our public from impaired drivers, law enforcement and adjudicators should not be forced to rely solely on the controlled substance schedules for OVUII offenses. HDOT coordinates specialized training and certifies law enforcement officers to recognize impairment in drivers under

the influence of drugs through its Drug Recognition Expert (DRE) program to combat this issue.

Thank you for the opportunity to provide testimony.



March 1, 2018

The Honorable Scott Nishimoto
Chairman, Committee on Judiciary
Hawaii House of Representatives
State Capitol, Room 421
415 S Beretania Street
Honolulu, Hawaii 96813

RE: Concerns with H.B. 2399 (Saiki) – Relating to highway safety

Dear Chairman Nishimoto,

I am writing on behalf of the Consumer Healthcare Products Association (CHPA) to express concern with HB 2399 as currently drafted and to suggest a solution. The bill, which is scheduled to be heard by the House Committee on Judiciary on Thursday, March 1, would expand the definition of “drug” as it relates to Hawaii’s impaired driving laws (under chapter 291E, 3 Hawaii Revised Statutes). While the legislation is well intended, CHPA is concerned that the bill proposes to define “drug” so broadly, that it is no longer clear which substances may lead to a person’s conviction for impaired driving. CHPA is proposing minor amendments to address these concerns.

CHPA is the 137-year-old trade association representing the leading manufacturers and marketers of over-the-counter (OTC) medicines and dietary supplements. Every dollar spent by consumers on OTC medicines saves the U.S. healthcare system \$6-\$7, contributing a total of \$102 billion in savings each year. CHPA is committed to empowering consumer self-care by preserving and expanding choice and availability of consumer healthcare products.

CHPA fully supports safe driving laws, and OTC medicines that may impair a person’s ability to safely operate a vehicle are labeled with a clear warning. Any inclusion of OTC medicines under impaired driving statutes should be specifically tied only to such medicines that may interfere with a person’s ability to safely operate a vehicle. The expanded definition of “drug” included in HB 2399 is so broad that it could inadvertently implicate OTC medicines that do not impair a person's ability to “operate a vehicle in a careful and prudent manner.”

CHPA believes that it is possible to preserve the intent of this legislation and strengthen Hawaii’s safe driving laws, while also removing some of the ambiguity present in HB 2399, by amending Section 2. in the following manner:

- 1 SECTION 2. Section 291E-1, Hawaii Revised Statutes, is
- 2 amended by amending the definition of “drug” to read as follows:
- 3 “”Drug” means any controlled substance, as defined and
- 4 enumerated in schedules I through IV of chapter 329, or its

5 metabolites [-], and/or any INTOXICATING substance, AND/OR ANY COMBINATION OF ALCOHOL, A
6 CONTROLLED SUBSTANCE OR AN INTOXICATING SUBSTANCE that impairs a person, when taken
7 into the human body, can impair the ability of a person to operate a vehicle safely.”

Making this small modification to the text of HB 2399 would accomplish the stated goal of the legislation and address CHPA’s concerns, allowing us to take a neutral position on this bill. Such an approach has been used successfully in states such as Michigan¹ and Wisconsin².

CHPA sincerely appreciates your consideration of our position on this important issue. If you have any questions regarding our position, please contact me directly or CHPA’s in-state counsel, Ms. Lauren Zirbel (LSZ Consulting) at 808-294-9968 or LaurenZirbel@gmail.com.

Respectfully submitted,



Carlos I. Gutiérrez
Vice President, State & Local Government Affairs
Consumer Healthcare Products Association

cc: Members, House Committee on Judiciary
Ms. Lauren Zirbel, LSZ Consulting

¹ See MCL §257.625 (1)(a):

[http://www.legislature.mi.gov/\(S\(gmiuyfcyboy0bymdmxqr1iqq\)\)/mileg.aspx?page=getObject&objectName=mcl-257-625](http://www.legislature.mi.gov/(S(gmiuyfcyboy0bymdmxqr1iqq))/mileg.aspx?page=getObject&objectName=mcl-257-625)

² See §346.63 Wisconsin Code: <http://docs.legis.wisconsin.gov/statutes/statutes/346/X/63/1/a>

Justin F. Kollar
Prosecuting Attorney



Rebecca Vogt Like
Second Deputy

Jennifer S. Winn
First Deputy

Diana Gausepohl-White
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THE HONORABLE SCOTT Y. NISHIMOTO, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawai'i

March 1, 2018

Chair Nishimoto, Vice Chair San Buenaventura, and Members of the Committees:

The County of Kaua'i Office of the Prosecuting Attorney offers testimony in STRONG SUPPORT of HB 2399 HD 1, RELATING TO HIGHWAY SAFETY. This bill clarifies the definition of drug in Chapter 291 of the Hawai'i Revised Statutes in meaningful ways that would allow law enforcement to be more effective at detecting and deterring drug-impaired driving in Hawai'i.

Current statutes addressing driving under the influence of drugs (HRS 291E-61) provide that in order to convict someone of the offense, it must be proven that the person is under the influence of a substance that is a scheduled drug. This excludes many pharmacological substances that are capable of impairing a person but may not be scheduled substances because of their newness (i.e. designer drugs, "bath salts", etc.). This amendment would provide for prosecution in these situations.

Accordingly, the Office of the Prosecuting Attorney, County of Kaua'i, requests that this measure be PASSED.

Thank you very much for the opportunity to testify.

MITCHELL D. ROTH
PROSECUTING ATTORNEY

DALE YAMADA ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY



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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL 2399 HD1

A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY

COMMITTEE ON JUDICARY
Rep. Scott Y. Nishimoto, Chair
Rep. Joy A. San Buenaventura, Vice Chair

Thursday, March 1, 2018, 2:00 P.M.
State Capitol, Conference Room 329

Honorable Chair Nishimoto, Vice-Chair San Buenaventura, and Members of the Committee on Judiciary, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in SUPPORT of House Bill No. 2399 HD1.

HB 2399 HD1 addresses a known inadequacy in Hawaii's criminal laws relating to the Use of Intoxicants While Operating a Vehicle. Hawaii Revised Statutes §291E-61(a)(2) criminalizes the behavior of operating a vehicle while under the influence of any drug that impairs the person's ability to operate the vehicle in a careful and prudent manner. However, for the purposes of Chapter 291E, the definition of 'drug' is currently limited to those chemical compounds currently listed in schedules I through IV of HRS Chapter 329.

The current definition prevents prosecution of impaired drivers under the influence of non-scheduled substances including new designer drugs, synthetic cannabinoids ('Spice'), and kava. In addition, other proposed legislation is currently seeking to remove Marijuana from the schedules found in HRS 329. Hawaii's impaired driving laws should not be limited to the substances found in HRS 329.

"Recreational use of novel psychoactive drugs – also known as 'legal highs' – is widespread worldwide and becoming more frequent."¹ The psychoactive compound found in cannabis is delta-9-tetrahydrocannabinol (THC) which interacts with the CB₁ receptors, it has a chemical compound of C₂₁H₃₀O₂.² A variety of similar chemical compounds have been produced that also interact with the CB₁ receptor, however because of their unique chemical compound, the substance goes undetected in traditional drug screening tests.³

¹ Musshoff, Frank & Madea, Burkhard & Kernbach-Wightton, Gerhard & Bicker, Wolfgang & Kneisel, Stefan & Hutter, Melanie & Auwärter, Volker. (2013). Driving under the influence of synthetic cannabinoids ("Spice"): A case series. International journal of legal medicine. 128. . 10.1007/s00414-013-0864-1.

² Id.

³ Id.

Case studies have shown that users of synthetic cannabinoids can display behavior indicative of impairment making operation of motor vehicles unsafe. A user of synthetic cannabinoids may be described as “not able to follow instructions, [having a] retarded sequence of movements, lazy, cumbersome, confused and disoriented, slurred and babbling speech”.⁴ A police officer confronted with a driver displaying this behavior will be able to determine that the driver is unable to operate a vehicle safely due to their impairment. However, unless the impairment can be tied to alcohol or a chemical compound found on schedules I through IV of chapter 329, this dangerous driver will likely face no criminal penalties under Hawaii’s current statutes. This is the same scenario for impairing substances like kava, and designer drugs in the ever changing drug landscape that have yet to be identified.

The Supreme Court of Hawai‘i has previously commented on this issue. State v. Engcabo, 71 Haw. 96, 99, 784 P.2d 865, 866–67 (1989) (Holding the State was required to submit evidence of the specific controlled substance as defined and enumerated on schedules I through IV of chapter 329 that a driver was under the influence of). In Engcabo the Supreme Court stated that they would not expand on what conduct constitutes an offense when the legislation deliberately enumerates what constitutes an offense.

The proposed language found in HB 2399 HD1 provides the method by which legislators can close a loophole in the State’s Impaired Driving Laws. It is a loophole through which dangerously impaired drivers escape criminal sanctions by abusing substances currently not found in schedules I through IV of HRS Chapter 329.

For all of the foregoing reasons, the Office of the Prosecuting Attorney, County of Hawai‘i SUPPORTS the passage of House Bill No. 2399 HD1. Thank you for the opportunity to testify on this matter.

⁴ Id.

LATE

HB-2399-HD-1

Submitted on: 3/1/2018 9:50:52 AM

Testimony for JUD on 3/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jolon Wagner	Individual	Support	No

Comments:

Good Morning,

My name is Jolon Wagner and I am an Officer in the Honolulu Police Department. The views and opinions given in this testimony are solely of this writer, they are not supported or endorsed by the HPD and this testimony is being given as a private citizen on my own personal time using my own personal resources.

As an officer in the HPD there have been numerous occasions when I have seen vehicles in front of me being operated in a manner that is not only hazardous to other road users but also to the operator themselves. Upon stopping this vehicle I have found that the operator is under the influence of Kava, which I know to be **NOT** on the list of scheduled substances. As a Drug Recognition Expert I know that in order to get a conviction for OVUII under the current version of the law that the state needs to prove that the person is impaired by a scheduled substance. In these cases mentioned before, I know that there is no chance of proving this case.

Through my personal history there have been times when my brother has spoken to me about his own drug use. He related to me that one of the reasons that he uses drugs is to "escape reality." Through talking to other people while at work, that theme seems to be a common one among drug users. The impact to public safety is enormous if you think that people who are taking various drugs to "escape reality" then get behind the wheel of a motor car and drive on our roadways.

The reason to take some prescription drugs is to interact with the neurons in a person's brain. Manufacturers of illicit drugs have the same goal in mind, to interact with the neurons of a person's brain. Marijuana is also ingested to interact with a person's brain chemistry. Makers of illicit drugs are always adapting their product to be ahead of law enforcement, changing chemical makeups of their product, to keep the product that they are selling off the list of scheduled substances but still mind impairing.

As an Officer and road user, too many times have I seen impaired people either almost hit or actually collide with other users or even officers.

The revision of the definition of the word drug as suggested by this bill would allow a qualified officer to charge a person with impaired driving with the vast training and

experience that A Drug Recognition Expert Officer has received. This Drug Evaluation and Classification Program is established nationwide and has been tested and validated by the National Highway Traffic Safety Administration as a valid method to detect an impaired driver. The officers certified in this program are done so to aid in the safe operation of vehicles upon our roadways, to make the roadways we all drive on and are even pedestrians on, safe for all users.

I thank the committee for its time and wish to show my support for this measure, in amending the definition of the word drug.