

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

WRITTEN  
TESTIMONY ONLY

**Testimony in SUPPORT of HB0334 SD1  
RELATING TO OPERATING A VEHICLE UNDER THE INFLUENCE OF AN  
INTOXICANT**

**SENATOR KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY  
AND  
SENATOR DONOVAN M. DELA CRUZ, CHAIR  
SENATE COMMITTEE ON WAYS AND MEANS**

Hearing Date: 4/6/2021

Room Number: Videoconference

1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's  
2 Executive Budget Request for the Department of Health's (Department) appropriations and  
3 personnel priorities.

4 **Department Testimony:**

5 Driving under the influence (DUI) of drugs and alcohol continues to be a major safety issue in  
6 Hawaii. Prosecution of arrested suspected drivers impaired by drugs and/or alcohol is a costly  
7 time consuming process. Currently, blood and urine samples for drug analyses are sent to a  
8 mainland laboratory for analysis. This has several draw backs:

- 9 • Samples may not be analyzed in time for prosecution.
- 10 • Laboratories will only analyze for a set battery of drugs. This does not include new  
11 designer drugs.
- 12 • Prosecution costs include sample analysis as well as testimony by expert witnesses and  
13 laboratory personnel. Witness cost include travel and other expenses.
- 14 • A private laboratory can choose to discontinue this service at any time. This occurred  
15 recently for DUI blood alcohol testing.

16 This bill provides for a special fund to establish and sustain a State drug and alcohol testing  
17 laboratory. This bill will allow Department of Transportation (DOT) to transfer funds to the  
18 DOH for this laboratory. Funds will also be supplemented by National Highway Traffic Safety  
19 Administration federal funds.

1 This laboratory would address the drawbacks of using a private mainland laboratory.

- 2 • Samples will not have to be sent to the mainland for analyses. Samples would be  
3 delivered directly to the DOH laboratory thus reducing sample turnaround time.
- 4 • DOH laboratory will analyses a set battery of drug. If there is a suspected drug not in  
5 the battery the laboratory will attempt to identify it. Identification and data on new  
6 impairing drugs will assist not only in law enforcement but also in drug abuse  
7 prevention.
- 8 • Testing and prosecution witness costs will decrease. There will be no travel and witness  
9 costs. Laboratory personnel will be in State and attached to the DOH. This reduction in  
10 prosecution cost will enable the prosecutor to bring to trial more cases. Cases have not  
11 be perused due to cost.
- 12 • A State laboratory will not suddenly discontinue services.

13 The DOH's Environmental Analytical Services Branch of which this new drug lab will be a part  
14 of is a well established regulatory analytical laboratory. The drug lab will be able to draw on the  
15 expertise of other chemists for everything from identification of new drugs to instrument  
16 troubleshooting. Once established this State drug laboratory will help make the State roads and  
17 highways a safer place.

18 **Offered Amendments:** None.

19 Thank you for the opportunity to testify on this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

STEVEN S. ALM  
PROSECUTING ATTORNEY

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 768-7400 • FAX: (808) 768-7515

THOMAS J. BRADY  
FIRST DEPUTY  
PROSECUTING ATTORNEY



**THE HONORABLE KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY**

**THE HONORABLE DONOVAN M. DELA CRUZ, CHAIR  
SENATE COMMITTEE ON WAYS AND MEANS**

**Thirty-First State Legislature  
Regular Session of 2021  
State of Hawai`i**

April 6, 2021

**RE: H.B. 334, H.D. 1, S.D. 1; RELATING TO OPERATING A VEHICLE UNDER THE  
INFLUENCE OF AN INTOXICANT.**

Chair Rhoads, Chair Dela Cruz, Vice Chair Keohokalole, Vice Chair Keith-Agaran, members of the Senate Committee on Judiciary, and members of the Senate Committee on Ways and Means, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in support of H.B. 334, H.D. 1, S.D. 1.

The Department believes the State would greatly benefit from having a statewide drug and alcohol toxicology testing laboratory, as proposed in H.B. 334, H.D. 1, S.D. 1. For purposes of enforcing Hawaii's laws regarding operating a vehicle under the influence of an intoxicant ("OVUII"), having a certified, government-operated laboratory in-state would foreseeably lead to greater cost-efficiency for county police and prosecutors, more streamlined procedures within the laboratory itself—which means more streamlined testimony for trial purposes—and perhaps even increased public safety in the long-run.

Since Clinical Laboratories of Hawaii discontinued offering its drug and alcohol toxicology services in 2019, our county police and prosecutors have had to turn to mainland-based laboratories. This not only leads to increased costs—as numerous witnesses must be subpoenaed for any potential trial, given the system by which these laboratories operate—but has

now made it impossible to proceed to trial on those OVUII cases, due to the laboratories' internal travel restrictions pending the COVID-19 pandemic.

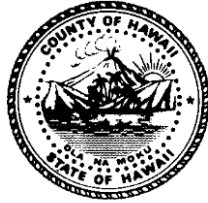
Thus, having a certified, government-run laboratory in Hawaii could avoid future issues pertaining to interstate travel, discontinuation of a specific service, renegotiation of purchasing contracts and so forth. Moreover, this would minimize the relevant costs for county police and prosecutors, and aid in more effective enforcement of Hawaii's OVUII laws.

After several years of discussion and coordination between various State and county agencies, it is our understanding that H.B. 334, H.D. 1, S.D. 1, would enable the State Department of Transportation, Highway Safety Division ("DOT") to provide startup funding to the State Department of Health ("DOH"), for purposes of this joint endeavor. With that funding, DOH could then begin the year-long (or more) process of establishing and recruiting positions, purchasing equipment and software, developing standard operating procedures and testing methodology, and pursuing validation of their methodology. After that, we understand it would still take at least several more months to obtain the appropriate accreditation(s) and certification(s), before county police and prosecutors could begin utilizing the new "state lab" for actual cases.

Given the length of time needed for DOH to lay all of the groundwork for certification and accreditation of the proposed toxicology lab, and the challenges that our Department is currently facing—and will foreseeably face in the future—with mainland-based laboratories, we believe it is very important for this project to get started as soon as possible.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of H.B. 334, H.D. 1, S.D. 1. Thank you for the opportunity to testify on this matter.

**Mitchell D. Roth**  
Mayor



**Paul K. Ferreira**  
Police Chief

**Kenneth Bugado Jr.**  
Deputy Police Chief

## **County of Hawai'i**

### **POLICE DEPARTMENT**

349 Kapi'olani Street • Hilo, Hawai'i 96720-3998  
(808) 935-3311 • Fax (808) 961-2389

April 5, 2021

Senator Karl Rhoads  
Chairperson and Committee Members  
Committee on Judiciary

Senator Donovan M. Dela Cruz  
Chairperson and Committee Members  
Committee on Ways and Means  
415 South Beretania Street  
Honolulu, Hawai'i 96813

RE: HOUSE BILL 334, HD1, SD1, RELATING TO OPERATING A VEHICLE UNDER  
THE INFLUENCE OF AN INTOXICANT  
HEARING DATE: TUESDAY, APRIL 6, 2021  
TIME: 9:45 A.M.

Dear Senator Rhoads and Senator Dela Cruz:

The Hawai'i Police Department supports House Bill 334, HD1, SD1, establishing a state drug and alcohol toxicology testing laboratory fund within the Department of Health.

Section 1 (2) of this Bill allows the Department of Transportation to transfer funds to the Department of Health to support the laboratory. Additionally, federal funds for the laboratory are available through grants from the National Highway Traffic Safety Administration.

Section 2 (1) of this Bill indicates funds will come from the fines collected from those sentenced under the following offenses to be deposited into the fund:

1. Operating a vehicle under the influence of an intoxicant offender as repeat offenders.
2. Habitually operating a vehicle under the influence of an intoxicant.
3. Operating a vehicle after license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant.

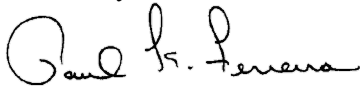
Currently blood and urine samples are being sent to laboratories on the mainland for analysis. This poses many concerns for the process. The laboratories only test for a set panel of drugs, which may not include new intoxicating substances being used by drivers. The delay in receiving the test results from companies on the mainland can cause problems for the prosecution of cases. The costs to bring expert witnesses from the mainland to Hawai'i to testify are exceptionally expensive.

SENATOR KARL RHOADS  
SENATOR DONOVAN M. DELA CRUZ  
April 5, 2021  
Page 2

The necessity to establish a state laboratory became very apparent recently when the private company used by the outer island police departments determined they would no longer conduct tests of blood samples for alcohol concentration. This led Hawai'i, Kaua'i, and Maui County Police Departments to request assistance from the City and County of Honolulu Emergency Services Department Laboratory with those tests until a long term remedy could be identified. Unfortunately blood alcohol testing equipment failed at the Honolulu Lab leaving the state unable to conduct tests on blood samples for a period of time.

It is 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 334, HD1, SD1.

Sincerely,

A handwritten signature in black ink that reads "Paul K. Ferreira". The signature is written in a cursive style with a large initial "P" and "F".

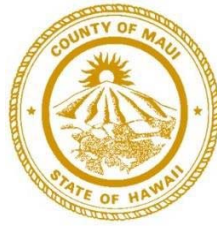
PAUL K. FERREIRA  
POLICE CHIEF

**MICHAEL P. VICTORINO**  
Mayor

**ANDREW H. MARTIN**  
Prosecuting Attorney

**MICHAEL S. KAGAMI**  
First Deputy Prosecuting Attorney

**ROBERT D. RIVERA**  
Second Deputy Prosecuting Attorney



**DEPARTMENT OF THE PROSECUTING ATTORNEY**  
COUNTY OF MAUI  
150 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
PHONE (808) 270-7777 • FAX (808) 270-7625

TESTIMONY ON  
H.B. 334, H.D.1, S.D. 1  
RELATING TO OPERATING A VEHICLE  
UNDER THE INFLUENCE OF AN INTOXICANT.

Committee on Judiciary  
Honorable Karl Rhoads, Chair  
Honorable Jarrett Keohokalole, Vice-Chair

Committee on Ways and Means  
Honorable Donovan M. Dela Cruz, Chair  
Honorable Gilbert S.C. Keith-Agaran, Vice-Chair

The Department of the Prosecuting Attorney, County of Maui strongly supports H.B. 334, HD1, Relating to Operating a Vehicle Under the Influence of an Intoxicant. This bill establishes a state drug and alcohol toxicology testing laboratory special fund.

A state toxicology lab is critically needed in Hawaii. Currently, alcohol testing for Operating a Vehicle Under the Influence of an Intoxicant (“OVUII”) criminal cases is performed by private laboratories in Hawaii, which can be costly, and sometimes inefficient and backlogged due to the large numbers of OVUII samples that are sent from each County (these private laboratories perform many other testing functions such as workplace drug testing). In addition, these private labs do not have the capability to test for drugs in samples from impaired drivers – these samples must be sent to the Mainland for testing, and is considerably expensive when the prosecution is required to subpoena forensic toxicology experts and lab personnel to testify in Court.

A State drug and alcohol toxicology testing laboratory will provide law enforcement and prosecutors with the important resources they need to protect our public from impaired drivers and keep our roadways safe.

Thank you very much for the opportunity to provide testimony on this bill. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries.



**MICHAEL P. VICTORINO**  
MAYOR

OUR REFERENCE  
YOUR REFERENCE

**POLICE DEPARTMENT**  
COUNTY OF MAUI

55 MAHALANI STREET  
WAILUKU, HAWAII 96793  
(808) 244-6400  
FAX (808) 244-6411



**TIVOLI S. FAAUMU**  
CHIEF OF POLICE  
**DEAN M. RICKARD**  
DEPUTY CHIEF OF POLICE

April 5, 2021

The Honorable Karl Rhoads, Chair  
The Honorable Jarrett Keohokalole, Vice Chair  
Members of the Committee on Judiciary  
31<sup>st</sup> Legislature 2021  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

RE: HOUSE BILL 334 RELATING TO OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT

Dear Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

The Maui Police Department strongly SUPPORTS the passage of HB 334, HD1, SD1 which establishes a state fund for a toxicology testing laboratory and establishes fines for offenders to be deposited into the special fund.

A state drug and alcohol toxicology laboratory is greatly needed. The current practice of using private laboratories in Hawaii and on the mainland is costly and inefficient. The local labs often do not have the capabilities to test for certain drugs and sending the samples to the mainland is costly and time consuming, to include flying in expert witnesses.

It is critical for the testing to be comprehensive and the turn-around time to be quick as it may affect the investigation and possible outcome of prosecution. Having a state laboratory will streamline this process and also eliminate the need to maintain private contracts. This will all help our efforts to prevent impaired driving.

Thank you very much for the opportunity to testify.

Sincerely,

TIVOLI S. FAAUMU  
Chief of Police



**Justin F. Kollar**  
Prosecuting Attorney



**Rebecca Vogt Like**  
Second Deputy

**Jennifer S. Winn**  
First Deputy

**Diana Gausepohl-White**  
Victim/Witness Program Director

**OFFICE OF THE PROSECUTING ATTORNEY**

**County of Kaua'i, State of Hawai'i**

3990 Ka'ana Street, Suite 210, Līhu'e, Hawai'i 96766  
808-241-1888 ~ FAX 808-241-1758  
Victim/Witness Program 808-241-1898 or 800-668-5734

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**THE HONORABLE KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY; THE HONORABLE DONOVAN M.  
DELA CRUZ, CHAIR SENATE COMMITTEE ON  
WAYS AND MEANS  
THIRTY-FIRST STATE LEGISLATURE**  
Regular Session of 2021  
State of Hawai'i

April 5, 2021

**RE: HB 334 HD1 SD1 RELATING TO OPERATING A VEHICLE UNDER THE  
INFLUENCE OF AN INTOXICANT**

Chair Rhoads, Chair Dela Cruz, Vice Chair Keohokalole, Vice Chair Keith-  
Agaran and Members of the Senate Committee on Judiciary and Senate Committee on  
Ways and Means:

The Office of the Prosecuting Attorney, County of Kaua'i SUPPORTS HB 334 HD1 SD1,  
establishing a state drug and alcohol toxicology testing laboratory.

The bill establishes a special fund for the creation, operation, management, and  
maintenance of an accredited laboratory in the State of Hawaii. With this special fund  
and the creation of the associated laboratory, state and county law enforcement will be  
able to obtain toxicology evidence for suspected drunk drivers much faster and more  
efficiently.

This provision addresses a specific need for police and prosecutors in the State of  
Hawaii to have toxicology testing completed locally. The current practice of sending  
samples to laboratories in other states costs valuable time in investigations and  
results in considerable costs when witnesses must be flown to Hawaii to provide  
testimony. Hawaii is unique among the states in our geographic isolation and we  
must take measures accordingly to engage in self sustainable practices and to avoid  
dependence on the resources of other states for these important law enforcement  
functions.

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.

*An Equal Opportunity Employer*



Mothers Against Drunk Driving HAWAII  
745 Fort Street, Suite 303  
Honolulu, HI 96813  
Phone (808) 532-6232  
Fax (808) 532-6004  
hi.state@madd.org

April 6, 2021

To: Senator Karl Rhoads, Chair; Senator Jarrett Keohokalole, Vice Chair; and members of the Committee on Judiciary

Senator Donovan Dela Cruz, Chair; Senator Gilbert Keith-Agaran, Vice Chair; and members of the Committee on Ways and Means

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

Re: House Bill 334 HD1 SD1 – Relating to Operating a Vehicle under the Influence of an Intoxicant

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I am Arkie Koehl, offering testimony on behalf of the Hawaii Chapter of Mothers Against Drunk Driving in strong support of House Bill 334 HD1 SD1 – relating to the Use of Intoxicants While Operating a Vehicle.

MADD emphatically endorses the urgent need for a Hawaii-based drug lab, based on the continuing issues caused by Hawaii's reliance on mainland labs, including:

- high costs
- delays affecting prosecution
- necessity to stay abreast of constant underground synthesis of new drugs
- growing incidence of drugs in impaired driving

A funded drug lab in Hawaii is essential for giving law enforcement the necessary information needed to present to the Court and ultimately remove dangerous drivers from our roads.

Please approve and fund this effort to remove a long-standing, significant obstacle to Hawaii's ability to enforce and prosecute our impaired driving laws.

And thank you for the opportunity to submit testimony.



Subject: **Support** HB 334 HD1 SD1

Dear Chair Rhoads, Vice Chair Keohokalole, members of the Senate Committee on Judiciary, Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Senate Committee on Ways and Means,

My name is Kari Benes, and I am the Chair of the Hawaii Strategic Highway Safety Plan (SHSP). The Strategic Highway Safety Plan Core Committee is committed to supporting system changes within the impaired driving statutes that enhance the ability to detect, deter, and mitigate the complexities around impaired driving. HB 334 HD1 SD1 provides a path to a sustainable in-state drug testing laboratory, which will enhance the state's capacity to accurately process, test, and validate scheduled substances found in drivers involved in impaired driving crashes through otherwise costly and laborious out of state efforts.

HB 334 HD1 SD1 aligns with SHSP's life-saving priorities in the updated 2019-2024 plan.

The Hawaii Strategic Highway Safety Plan's vision is that all of Hawaii's road users arrive safely at their destinations. You can help us achieve our goal of reducing yearly fatalities, by supporting this measure.

To view the Strategic Highway Safety Plan, please visit <https://hidot.hawaii.gov/highways/shsp/>

Strategic Highway Safety Plan Mission

*Save lives and reduce injuries on Hawaii's roadways through strategic partnerships and implementation of the Strategic Highway Safety Plan.*

DAVID Y. IGE  
GOVERNOR



**LATE**

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER

**STATE OF HAWAII  
DEPARTMENT OF BUDGET AND FINANCE**

P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE  
BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**WRITTEN ONLY**  
TESTIMONY BY CRAIG K. HIRAI  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE SENATE COMMITTEES ON JUDICIARY AND WAYS AND MEANS  
ON  
HOUSE BILL NO. 334, H.D. 1, S.D. 1

**April 6, 2021  
9:55 a.m.  
Room 211 and Videoconference**

**RELATING TO OPERATING A VEHICLE UNDER THE INFLUENCE OF AN  
INTOXICANT**

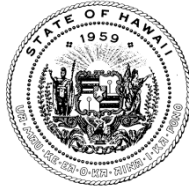
The Department of Budget and Finance (B&F) offers comments on House Bill (H.B.) No. 334, H.D. 1, S.D. 1.

H.B. No. 334, H.D. 1, S.D. 1, establishes the State Drug and Alcohol Toxicology Testing Laboratory Special Fund (SDATTLSF) within the Department of Health (DOH) to establish a State drug and alcohol toxicology testing laboratory (SDATTTL) that is intended to support the prosecution of offenses related to operation of a motor vehicle while under the influence of an intoxicant; specifies that moneys in the State Highway Fund may be expended for the cost of establishing a SDATTTL; requires that fines imposed on offenders convicted of repeat or habitual offenses involving operating a vehicle under the influence of an intoxicant or on offenders convicted of operating a vehicle after a license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant be deposited into the SDATTLSF; and requires DOH to submit a report to the Legislature on the expenditures made from the SDATTLSF.

As a matter of general policy, B&F does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS. Special funds should: 1) serve a need as demonstrated by the purpose, scope of work, and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. Regarding H.B. No. 334, H.D. 1, S.D. 1, it is difficult to determine whether the proposed special fund would be self-sustaining.

Thank you for your consideration of our comments.

DAVID Y. IGE  
GOVERNOR



**LATE**

JADE T. BUTAY  
DIRECTOR

Deputy Directors  
LYNN A.S. ARAKI-REGAN  
DEREK J. CHOW  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN

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

April 6, 2021  
9:55 A.M.  
State Capitol, Teleconference

**H.B. 334, H.D. 1, S.D. 1  
RELATING TO OPERATING A VEHICLE UNDER THE INFLUENCE OF AN  
INTOXICANT**

Senate Committees on Judiciary and Ways and Means

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The Department of Transportation (DOT) **supports** H.B. 334, H.D. 1, S.D. 1 with amendments.

Highway safety in Hawaii is compromised by drunk and drugged drivers who continue to jeopardize the safety of all road users. The police continue their efforts to make our roads safer by arresting those individuals suspected of driving impaired. Bringing these cases to trial can be hampered by test results not being available for their respective hearings in time, as well as court costs being expensive.

Presently, testing of blood and urine samples for drugs in Operating a Vehicle Under the Influence of an Intoxicant (OVUI) cases is performed by a private laboratory in California, which is costly and takes time for shipping of specimen and testing. Occasions have occurred where the test results were not timely for trial, and thereby cases were dismissed.

Testing of blood for alcohol in OVUI cases is currently conducted by the City and County of Honolulu's Health Services Branch, which is overburdened with the responsibility of testing for all counties' police departments. In addition, impaired driving cases are potentially jeopardized if the City and County of Honolulu lab encounters issues such as inoperable instruments or shifting priorities.

Court cases involving drunk or drugged driving can become extremely costly when the prosecution subpoena experts and lab personnel to testify in court, especially if these witnesses are from private laboratories located out of state.

\_\_\_\_. B. NO.

Other states find that costs for drunk and drugged driving cases are greatly reduced when their State-run laboratories perform the testing and confirmations, which will be used in court. Some of these State-run laboratories perform other testing functions, such as workplace drug testing; post mortem drug testing; the testing of inmates and parolees; etc. Such test functions can further reduce costs for the State.

DOT supports the establishment of a special fund to be used towards the establishment and maintenance of a State drug and alcohol toxicology testing laboratory. However, we understand that with the current state of our economy, it is not ideal for repeat and habitual offender fines to be redirected to this special fund. Therefore, we respectfully offer up the attached, proposed S.D. 2, which includes the following requested amendments:

Proposed amendments

- Remove Section 3 from the bill – This change to the state highway fund statute is not needed
- Remove Sections 4-7, relating to the fines collected pursuant to 291E-61(b)(2)(C), 291E-61.5(C)(2)(C) and 291E-62(C)
- Include Sections 7-9 from the original bill – Appropriates funds out of the state highway fund for deposit into the special fund; provides spending authority to the Department of Health for establishment of the state drug and alcohol toxicology testing laboratory; and requires expenditure reports

In addition to funds from the state highway fund, start-up costs for the laboratory will be supplemented with federal funds from the National Highway Traffic Safety Administration.

DOT is primarily concerned about improving highway safety and protecting the lives of our community members and visitors. Having a drug and alcohol toxicology testing laboratory within our State will provide law enforcement and adjudicators with the resources they need to protect our public from impaired drivers.

Thank you for the opportunity to provide testimony.

\_\_\_\_. B. NO.

**Report Title:**

Operating a Vehicle Under the Influence of an Intoxicant; State Drug and Alcohol Toxicology Testing Laboratory Special Fund; Appropriation

**Description:**

Establishes a state drug and alcohol toxicology testing laboratory special fund, to be administered by the Department of Health. Appropriates moneys. Requires expenditure reports to the Legislature.



# H.B. NO. 334 H.D. 1 S.D. 2

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## A BILL FOR AN ACT

RELATING TO OPERATING A VEHICLE UNDER THE INFLUENCE OF AN  
INTOXICANT

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that highway safety in  
2 Hawaii is compromised by intoxicated drivers who continue to  
3 jeopardize the safety of all road users. The police continue  
4 their efforts to make our roads safer by arresting those  
5 individuals suspected of driving while impaired. Prosecuting  
6 these cases can be hampered when test results are not available  
7 in time for the respective hearings and also by expensive court  
8 costs.

9           The legislature notes that presently, the testing of blood  
10 and urine samples obtained for the purpose of prosecuting cases  
11 involving the operation of a motor vehicle under the influence  
12 of an intoxicant is largely performed by private out-of-state  
13 laboratories. Limited alcohol blood testing is performed by the  
14 city and county of Honolulu laboratory. Testing performed by  
15 out-of-state private laboratories takes time to complete, and  
16 can lead to test results not being timely provided for trial  
17 resulting in a case dismissal.

# H.B. NO. 334 H.D. 1 S.D. 2

1           The legislature recognizes that drug and alcohol testing  
2 performed by private laboratories is costly. Further, costs  
3 can also balloon in court cases where the prosecution subpoenas  
4 experts and lab personnel to testify, especially if these  
5 witnesses are from private laboratories located out-of-state.  
6 Other states have found that costs for drunk and drugged driving  
7 cases are greatly reduced when government-run laboratories  
8 perform the testing and confirmations that will be used in  
9 court. Some of these state-run laboratories perform other  
10 testing functions such as workplace drug testing, post-mortem  
11 drug testing, and inmate and parolee testing. These types of  
12 testing functions can further reduce costs for those states.

13           The legislature further finds that having an in-state drug  
14 and alcohol toxicology testing laboratory would be part of a  
15 multi-pronged approach to addressing impaired driving in the  
16 State. This dangerous and one hundred per cent preventable  
17 driving behavior can be further curbed with strict enforcement  
18 by law enforcement officers, public education, and training.

19           The purpose of this Act is to:

20           (1) Establish the state drug and alcohol toxicology testing  
21           laboratory special fund to support a state drug and  
22           alcohol toxicology testing laboratory;

# H.B. NO. 334 H.D. 1 S.D. 2

1 (2) Appropriate moneys to be expended by the department of  
2 health, for the establishment of a state drug and  
3 alcohol toxicology testing laboratory; and

4 (3) Require the department of health to submit reports to  
5 the legislature on expenditures from the state drug and  
6 alcohol toxicology testing laboratory special fund.

7 SECTION 2. Chapter 291E, Hawaii Revised Statutes, is  
8 amended by adding a new section to part I to be appropriately  
9 designated and to read as follows:

10 **"§291E- State drug and alcohol toxicology testing**  
11 **laboratory special fund; established.** (a) There is established  
12 in the state treasury a state drug and alcohol toxicology  
13 testing laboratory special fund, into which shall be deposited:

14 (1) Moneys appropriated by the legislature to the fund;

15 (2) Other grants and gifts made to the fund; and

16 (3) Any income and interest earned on the balance of the  
17 fund.

18 (b) Moneys in the state drug and alcohol toxicology  
19 testing laboratory special fund shall be administered and  
20 expended by the department of health to support a state drug and  
21 alcohol toxicology testing laboratory."

# H.B. NO. 334 H.D. 1 S.D. 2

1           SECTION 3. There is appropriated out of the state highway  
2 fund the sum of \$2,000,000 or so much thereof as may be  
3 necessary for fiscal year 2021-2022 and to be deposited into the  
4 state drug and alcohol toxicology testing laboratory special  
5 fund established by section 2 of this Act.

6           SECTION 4. There is appropriated out of the state drug and  
7 alcohol toxicology testing laboratory special fund the sum of  
8 \$2,000,000 or so much thereof as may be necessary for fiscal  
9 year 2021-2022 for the establishment of a state drug and alcohol  
10 toxicology testing laboratory, including the costs of laboratory  
11 instrumentation, facility renovation and security upgrades,  
12 office furniture and supplies, laboratory equipment, and other  
13 purposes that support a state drug and alcohol toxicology  
14 testing laboratory.

15           The sum appropriated shall be expended by the department of  
16 health for the purposes of this Act; provided that the funds  
17 appropriated shall not lapse at the end of the fiscal year for  
18 which it was appropriated, but any unencumbered funds remaining  
19 shall lapse on June 30, 2023, to the credit of the state highway  
20 fund.

21           SECTION 5. No later than thirty days prior to the  
22 convening of each of the regular sessions of 2023 and 2024, the

# H.B. NO. 334 H.D. 1 S.D. 2

1 department of health shall submit a report on the expenditures  
2 made from the state drug and alcohol toxicology testing  
3 laboratory special fund, including the amounts expended and the  
4 purpose of each expenditure as it relates to supporting the  
5 state drug and alcohol toxicology testing laboratory.

6 SECTION 6. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 7. This Act shall take effect on July 1, 2021.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org

**LATE**

RICK BLANGIARDI  
MAYOR



SUSAN BALLARD  
CHIEF

JOHN D. MCCARTHY  
AARON TAKASAKI-YOUNG  
DEPUTY CHIEFS

OUR REFERENCE

CT-LC

April 6, 2021

The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
The Honorable Donovan M. Dela Cruz, Chair  
and Members  
Committee on Ways and Means  
State Senate  
Hawaii State Capitol  
415 South Beretania Street, Room 211  
Honolulu, Hawaii 96813

Dear Chairs Rhoads and Dela Cruz and Members:

SUBJECT: House Bill No. 334, H.D. 1, S.D. 1, Relating to Operating a Vehicle Under the Influence of an Intoxicant

I am Calvin Tong, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 334, H.D. 1, S.D. 1, Relating to Operating a Vehicle Under the Influence of an Intoxicant.

The private laboratories that currently provide blood and urine toxicology testing are quite costly, and it takes them some time to complete the testing. If the samples are not tested in a timely manner, it could negatively affect the investigation of the case and potentially lead to a dismissal of the charges. The benefits of having a state drug and alcohol toxicology laboratory will help to streamline and facilitate our efforts to address impaired drivers on our roadways.

The HPD strongly urges you to support House Bill No. 334, H.D. 1, S.D. 1, Relating to Operating a Vehicle Under the Influence of an Intoxicant.

The Honorable Karl Rhoads, Chair  
and Members  
The Honorable Donovan M. Dela Cruz, Chair  
and Members  
April 6, 2021  
Page 2

Thank you for the opportunity to testify.

Sincerely,



Calvin Tong, Major  
Traffic Division

APPROVED:



Susan Ballard  
Chief of Police