



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 23, 2021
2:00 P.M.
State Capitol, Teleconference

S.B. 754
RELATING TO OPERATING A VEHICLE WHILE INTOXICATED

House Committee on Judiciary & Hawaiian Affairs

The Department of Transportation (DOT) **supports** S.B. 754 relating to operating a vehicle while intoxicated. This bill will lower the per se blood alcohol concentration (BAC) threshold for the offense of operating a vehicle while under the influence of an intoxicant from .08 to .05 BAC.

Out of concern for Hawaii's increasing number of traffic fatalities involving alcohol and drugs, the DOT's Hawaii Drug and Alcohol Intoxicated Driving (DAID) Working Group (comprised of county police and prosecutors, MADD, Hawaii State Department of Health, etc.), is recommending reducing the current per se .08 BAC law. The DAID believes that we can reduce the number of senseless motor vehicle fatalities by removing more impaired drivers from our roadways.

During 2015-2019, 30,150 drivers were arrested for Operating a Vehicle Under the Influence of an Intoxicant (OVUII). Of the number of drivers arrested, 5,195 drivers tested between .000 - .079 BAC, which represented 1.72 percent of the total number of breath and blood tests given to those arrested. In 2018 and 2019, there were five (5) fatal crashes that involved drivers having a .05-.07 BAC that took the lives of five people.

Studies show that lowering BAC levels will also change the behavior of those driving after drinking. Studies have also shown that a BAC of .02 can affect the driving-related performance, which concluded that the magnitude of the impairment increased with the increasing BAC. Organizations such as the American Medical Association, National Transportation Safety Board, National Academy of Science, Engineering and Medicine, World Health Organization, and the National Safety Council have also recommended that a .05 BAC be instituted to reduce the number of traffic fatalities in the nation.

Although Utah legislators, who passed a .05 law in 2018, were concerned that the Standardized Field Sobriety Test (SFST) could not detect BACs below the current .08 standard, they were assured that enforcing the law would remain the same, by using

reasonable and probable cause to stop suspected impaired drivers based on their driving performance. Additionally, the observations and driver's performance on the SFST would be taken in totality, as it is currently done.

The DOT urges you to pass S.B. 754 as it would reduce the number of traffic fatalities caused by drivers under the influence of alcohol and drugs. Additionally, this bill will help Hawaii reach our Vision Zero goal to eliminate all motor vehicle fatalities.

Thank you for the opportunity to provide testimony.

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the House Committee on
Judiciary & Hawaiian Affairs**

March 23, 2021

S.B. No. 754: RELATING TO THE USE OF INTOXICANTS WHILE
OPERATING A VEHICLE

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee:

The Office of the Public Defender respectfully opposes S.B. No. 754.

This measure proposes to reduce the OVUII threshold from 0.08% blood alcohol content (BAC) to 0.05% blood alcohol content. For reasons stated below, we oppose this measure.

A reduction of the alcohol impairment level to 0.05% BAC simply casts too wide a net and will result in criminalizing the behavior of normally responsible drinkers without having an impact on reducing alcohol related fatalities. There are many responsible drinkers who do not drink and drive, or who limit their alcohol consumption to one to two drinks over the course of a night. Under the current law, these are responsible, law-abiding drinkers. A reduction of the BAC will result in some of these individuals being arrested for OVUII. In fact, a female driver weighing a mere 100 pounds may reach a 0.05% BAC with only one alcoholic drink. See https://www.onhealth.com/content/1/alcohol_impairment_chart (last visited February 7, 2021). These law-abiding individuals are distinctly different from the individuals who drive drunk and seriously injure or kill innocent people. The high-level BAC drivers tend to be alcohol dependent and/or uncaring individuals. Many of these individuals drive without a valid license and/or insurance. A reduction of the BAC or an increase in penalties will not stop this class of people from drinking and driving.

Another consequence of a reduction of the BAC will be increased court congestion. As a result of the court shutting down starting in late March of 2020, a mountain of cases, including an enormous backlog of OVUII cases, has accumulated and currently threatens to break the system. There have always been high caseloads for the OVUII calendars in the Honolulu District Court, but the backlog caused by the

COVID-19 pandemic has increased the calendars several-fold. It is not unusual for the deputy public defender and deputy prosecuting attorney assigned to the OVUII courtroom to have over 100 cases. These cases remain in a “holding pattern” and are being continued once a month for status or pretrial conference hearings because we have not even attempted to re-start OVUII trials in the Honolulu District Court. Recognizing the enormity of the backlog OVUII cases, the Honolulu Prosecutor’s Office has offered plea deals by which the OVUII is reduced to a lesser charge in a many of these cases in an effort to settle as many cases as possible. On top of this already existing backlog of cases, the District Court can be expected to be inundated with these new reduced BAC cases. In order to deal with this backlog, the Court will need additional judges, prosecutors, and public defenders. At our current staffing level, the earliest our O’ahu Branch can schedule an appointment to meet our traffic and misdemeanor clients is 2 to 4 months. An increase in our OVUII caseload will require at least two more attorneys and another clerical position on O’ahu alone.

If the case congestion in the district courts is not addressed and additional reduced BAC cases are piled on, Courts will see more and more cases dismissed due to a Rule 48 of the Hawai‘i Rules of Penal Procedure and/or constitutional speedy trial violation. The emphasis should be reducing traffic fatalities, not increasing court congestion.

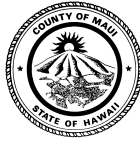
Thank you for the opportunity to comment on S.B. No. 754.

Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Gabe Johnson
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura




Director of Council Services
Traci N. T. Fujita, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

March 22, 2021

TO: Honorable Mark M. Nakashima, Chair
House Committee on Judiciary and Hawaiian Affairs

FROM: Alice L. Lee
Council Chair 

DATE: March 23, 2021

SUBJECT: **SUPPORT OF SB 754, RELATING TO OPERATING A VEHICLE WHILE INTOXICATED**

Thank you for the opportunity to testify in **SUPPORT** this important measure. The purpose of this measure is lower the threshold blood alcohol concentration for the offense of operating a vehicle while under the influence of an intoxicant from 0.08 percent to 0.05 percent.

On February 19, 2021, the Maui County Council adopted Resolution 21-22, entitled "SUPPORTING STATE SENATE BILL 754 (2021), RELATING TO OPERATING A VEHICLE WHILE INTOXICATED." Therefore, I am providing testimony on behalf of the Maui County Council.

The Maui County Council **SUPPORTS** this measure for the following reasons:

1. This measure would help the County realize its "Vision Zero" goal of eliminating all traffic deaths by 2040.
2. The Council agrees with the National Transportation Safety Board that this measure would help save lives in Maui County and throughout Hawai'i.

For the foregoing reasons, the Council **SUPPORTS** this measure.

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DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
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PHONE: (808) 768-7400 • FAX: (808) 768-7515

STEVEN S. ALM
PROSECUTING ATTORNEY



THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE MARK M. NAKASHIMA, CHAIR
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Thirty-First State Legislature
Regular Session of 2021
State of Hawai`i

March 23, 2021

RE: S.B. 754; RELATING TO OPERATING A VEHICLE WHILE INTOXICATED.

Chair Nakashima, Vice Chair Matayoshi, and members of the House Committee on Judiciary and Hawaiian Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of S.B. 754.

The purpose of S.B. 754 is to lower the allowable level of blood-alcohol content (“BAC”) from 0.08 grams of alcohol per 210 liters of breath, or per 100 milliliters or cubic centimeters of blood, to 0.05 grams. The Department believes this change would effectively keep more impaired drivers off of Hawaii’s roads, not only by lowering the allowable BAC—which may prompt potential offenders to be more prudent about their choice to “drink and drive”—but also by providing a reasonable amount of time for testing to occur.

Under Hawaii’s current laws, law enforcement generally tests someone’s BAC by breath or blood test, within three hours after arrest for operating a vehicle under the influence of an intoxicant (“OVUII”). During that time—and anytime after alcohol is consumed—a person’s bodily functions are metabolizing the alcohol, such that someone who was indeed driving with a BAC over 0.08, would actually produce test results (up to three hours later) below 0.08.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of S.B. 754. Thank you for this opportunity to testify.

SB-754

Submitted on: 3/22/2021 9:27:59 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
William Hankins	Maui Police Department	Support	No

Comments:

I strongly support this bill for one simple reason. It WILL SAVE LIVES. Our impaired driving problem is a huge problem statewide. On Maui alone we have had a 400% increase in habitual impaired driving. These are potential fatalities that police stopped by taking these drivers off the road. Lowering the legal limit to .05 will send a message that we as a state are serious in eliminating impaired driving from our roadways. Currently only Utah has a .05 legal limit and they have seen great success in reducing impaired driving crashes. Studies have shown that someone with a .05 BAC or greater IS impaired and should not be driving. Also most drivers are above .10 when arrested, however by the time police can get them to submit to a chemical test several hours may have passed and the impaired driver falls below .08, yet they are still impaired. I have attached information that states how .05 BAC has been recommended for states since 2013. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4448946/> Please support this bill, and give law enforcement another tool to help eradicate impaired driving in Hawaii.

Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Gabe Johnson
Kelly Takaya King
Michael J. Molina
Tamara Paltin
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Yuki Lei K. Sugimura



Director of Council Services
Traci N. T. Fujita, Esq.

COUNTY COUNCIL

COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

March 22, 2021

TO: Honorable Mark M. Nakashima
House Committee on Judiciary & Hawaiian Affairs

FROM: Councilmember Kelly Takaya King

SUBJECT: **SUPPORT OF SB754, RELATING TO OPERATING A VEHICLE WHILE INTOXICATED**

Thank you for the opportunity to testify in **support** of this important measure. The purpose of this measure is to lower the threshold blood alcohol concentration for the offense of operating a vehicle while under the influence of an intoxicant from 0.08 percent to 0.05 percent.

On February 19, 2021, the Maui County Council unanimously adopted **[Resolution 21-22](#), Supporting State Senate Bill 754 (2021), Relating to Operating a Vehicle While Intoxicated**. I support this measure in my capacity as an individual member of the Maui County Council for the reasons identified by our Council, including:

1. This measure would help the County realize its “Vision Zero” goal of eliminating all traffic deaths by 2040.
2. As stated by the National Transportation Safety Board, this measure would help save lives in Maui County and throughout Hawai‘i.

Further, having visited with Maui Police Department’s new recruits during their Mar. 19 traffic training, it is evident that a 0.05 BAC is sufficient to lead to unsafe driving. Stories from MPD Officer Lt. Williams Hankins, who oversees Maui’s DUI Task Force, tell of the devastating impact such unsafe driving can have on local families, such as the Brown family.

In June 2019, Hannah Brown, a 19-year-old Wailuku woman, was killed in a traffic crash caused by a drunk driver who was traveling at excess speed in the

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wrong traffic lane. These tragic stories underscore the impact of intoxicated driving on our communities and show the importance of adopting bills like SB754, which will make our roads safer.

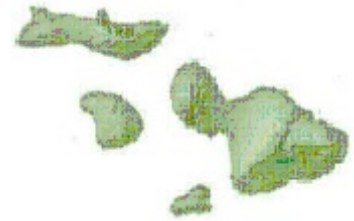
For the foregoing reasons, I **support** this measure.

MICHAEL P. VICTORINO
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

MICHAEL S. KAGAMI
First Deputy Prosecuting Attorney

ROBERT D. RIVERA
Second Deputy Prosecuting Attorney



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TESTIMONY
ON
S.B. 754 RELATING TO
OPERATING A VEHICLE WHILE INTOXICATED

March 22, 2021

The Honorable Mark M. Nakashima
Chair
The Honorable Scot Z. Matayoshi
Vice Chair
and Members of the Committee on Judiciary & Hawaiian Affairs

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments concerning S.B. 754, Relating to Operating a Vehicle While Intoxicated. We would like to express our support for S.B. 754.

Notably, this bill amends the per se blood alcohol concentration (“BAC”) for Operating a Vehicle Under the Influence of an Intoxicant (“OVUII”) from .08 grams of alcohol to .05 grams of alcohol per one hundred milliliters or cubic centimeters of a person’s blood or two hundred ten liters of a person’s breath. In our view, this bill would save lives throughout the State.

We say this based not only on our Department’s collective experience prosecuting multiple OVUII cases every week for years, but on statistics and other research provided by, *inter alia*, the State Department of Transportation and the National Transportation Safety Board. That research indicates that a person with a BAC between .05 grams and .079 grams would have a risk of being in a single vehicle fatal crash at least seven times higher than that of a driver with no alcohol in their system. Moreover, between 2015 and 2019 there were over 5,000 drivers arrested for OVUII in Hawaii that had a BAC test result between .000 and .079, with five fatal crashes between 2018 and 2019 that involved drivers with a BAC between .05 and .079. Finally, the State of Utah and multiple nations, including Australia, Hong Kong, Turkey, Greece, Argentina, France and Germany, have adopted the .05 BAC threshold.

For these reasons, the Department of the Prosecuting Attorney, County of Maui supports S.B. 754. Please feel free to contact our office at (808) 270-7777 if you have any questions or

inquiries.

Thank you very much for the opportunity to provide testimony on this bill.



POLICE DEPARTMENT

COUNTY OF MAUI



MICHAEL P. VICTORINO
MAYOR

OUR REFERENCE
YOUR REFERENCE

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March 22, 2021

TIVOLI S. FAAUMU
CHIEF OF POLICE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

The Honorable Mark M. Nakashima, Chair
The Honorable Scot Z. Matayoshi, Vice Chair
Committee on Judiciary & Hawaiian Affairs
31st Legislature 2021
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

**RE: SENATE BILL 754 RELATING TO OPERATING A VEHICLE
WHILE INTOXICATED**

Dear Chair Nakashima and Members of the Committee:

The Maui Police Department strongly SUPPORTS the passage of SB 754, lowering the threshold of maximum blood alcohol concentration (BAC) for the offense of Operation a Vehicle While Under the Influence of an Intoxicant.

The bill as written will lower the current maximum BAC of .08 grams of alcohol per 210 liters of breath or grams of alcohol per 100 milliliters or cubic centimeters of blood to a maximum of .05 grams. This will more accurately encompass unsafe levels of intoxication of drivers and allow for more efficient enforcement and help prevent driving while intoxicated and making our roadways safer and save lives.

Studies have shown that unsafe intoxication occurs at BAC levels much lower than Hawaii's current limit. The National Transportation Safety Board recommends the reduction of BAC limits for all states. Thank you very much for the opportunity to testify.

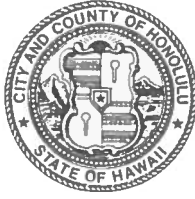
Sincerely,

A handwritten signature in black ink, appearing to read "Tivoli S. Faumu".

TIVOLI S. FAAUMU
Chief of Police

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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RICK BLANGIARDI
MAYOR

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AARON TAKASAKI-YOUNG
DEPUTY CHIEFS

OUR REFERENCE CT-LC

March 23, 2021

The Honorable Mark M. Nakashima, Chair
and Members
Committee on Judiciary
and Hawaiian Affairs
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Nakashima and Members:

SUBJECT: Senate Bill No. 754, Relating to Operating a Vehicle While Intoxicated

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

The HPD supports the proposal for lowering the blood alcohol concentration (BAC) in a person's breath or blood for the offense of Operating a Vehicle Under the Influence of an Intoxicant (OVUII).

In recent years, alcohol-impaired driving alone has been a factor in approximately 20 percent of all traffic fatalities and critical collisions on Oahu's roadways. Impaired driving is a serious problem that needs to be addressed. Research shows that critical driving skills are impaired at .05 BAC (.05 grams or more of alcohol per 100 milliliters or cubic centimeters of blood or .05 grams of alcohol per 210 liters of breath). This level of impairment significantly increases the risk of senseless and preventable crashes that can take the life on an innocent commuter. Any measure that could stop these tragedies and keep impaired drivers off of our roads should be implemented.

The HPD strongly urges you to support Senate Bill No. 754, Relating to Operating a Vehicle While Intoxicated.

The Honorable Mark M. Nakashima, Chair
and Members
March 23, 2021
Page 2

Thank you for the opportunity to testify.

Sincerely,



Calvin Tong, Major
Traffic Division

APPROVED:



Susan Ballard
Chief of Police



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

March 23, 2021

To: Representative Mark M. Nakashima, Chair, House Committee on Judiciary and Hawaiian Affairs; Representative Scot Z. Matayoshi, Vice Chair; and members of the Committee

From: Carol McNamee; Arkie Koehl, Public Policy Committee; Mothers Against Drunk Driving (MADD) Hawaii

Re: Senate Bill 754 – RELATING TO OPERATING A VEHICLE WHILE INTOXICATED

I am Carol McNamee, offering testimony on behalf of the *Hawaii Chapter of Mothers Against Drunk Driving* in strong support of Senate Bill 754 – relating to Operating a Vehicle While Intoxicated. This bill would change the legal alcohol limit for driving a vehicle on land or water from the existing .08 grams of alcohol per 100 milliliters of blood to .05 grams per 100 milliliters. MADD believes adopting a .05 BAC legal limit is important because:

- ❖ Alcohol-impaired driving is the *leading* killer on U.S. roadways. **12,389** people were killed in alcohol-impaired crashes in the United States in 2019; **108** fatalities occurred on Hawaii's roads and at least one third (36) percent were alcohol-related (NHTSA).
- ❖ These crashes cost Hawaii taxpayers over **\$575 million annually**.
- ❖ The risk of being in a fatal crash is at least **seven times higher** for drivers with a .05 - .079 BAC than for drivers with no alcohol in their system. (*At a .08 BAC, drivers could have a reduced ability to concentrate, short-term memory loss, difficulty in controlling speed, a reduced information processing capability, and impaired perception.*)
- ❖ Utah reduced its blood alcohol level for driving to .05 in 2018. Studies suggest over 1,700 lives could be saved each year if all states enacted a .05 BAC law. A meta-analysis of all studies on lowering the blood alcohol limit found that a .05 BAC level would reduce drunk driving deaths by 11.1 percent.

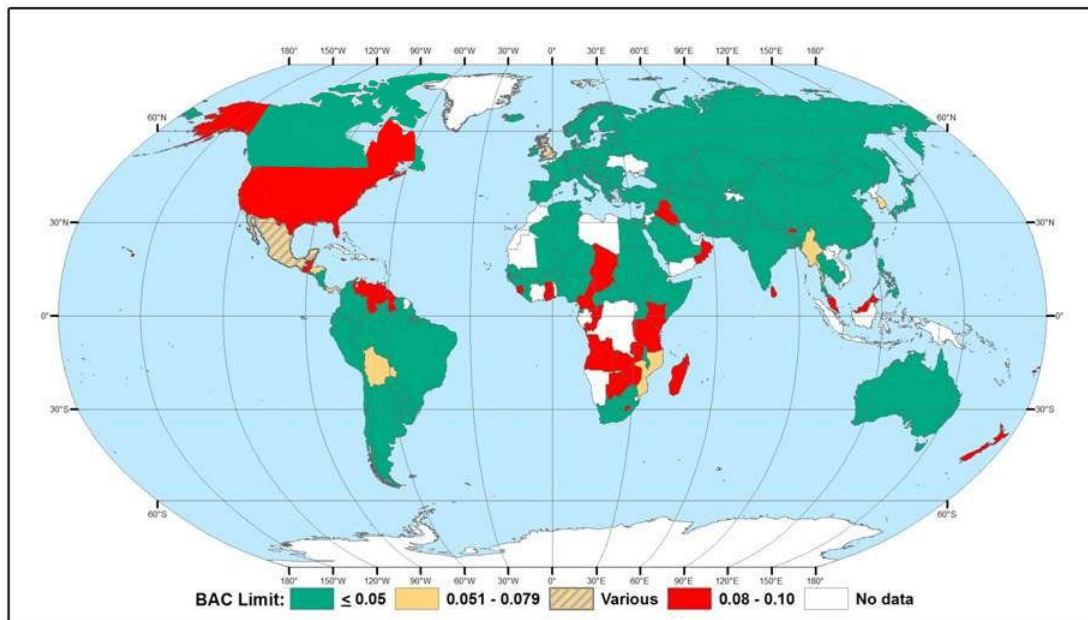
If Hawaii passes this measure, we will join the majority of industrialized countries having a .05 or lower limit for driving. At least 90 countries have a .05 or lower blood alcohol level. The tourism industry may be concerned about the proposed reduction of the BAC in Hawaii but a large percentage of our foreign visitors may have come from a country where a .05 or lower BAC has already been the illegal level for driving for years. (See map attached below)

The goal of a .05 BAC is not to stop people from consuming alcohol, but to deter people from **driving after drinking**. According to the AAA Foundation, sixty-three percent of people surveyed already think .05 BAC should be the illegal level in the United States. In a Star-Advertiser poll last year, 57% of people favored Hawaii lowering the legal blood-alcohol content level to .05. A lower BAC should encourage more people to get serious about having a designated driver or taking a bus, cab, or ride-share to and from their destination if they plan to consume alcohol.

We see evidence of the need for change in the tragic highway crash injuries and fatalities our local media report almost every week. A fatality is not just a word – it represents a life lost - from young children, to young adults, to our kapuna. The word means that a family has experienced overwhelming grief knowing life will never again be the same. Let Hawaii be one of the first states to take the life-saving step of reducing its blood alcohol level for driving. No More Victims!!

MADD Hawaii strongly encourages this committee to pass SB 754. Thank you for this opportunity to testify.

BAC Limits World Wide





Statement of

National Transportation Safety Board

Before the

Committee on Judiciary and Hawaiian Affairs
Hawaii House of Representatives

— *On* —

Senate Bill 754
Relating to Operating a Vehicle While Intoxicated

Honolulu, HI • March 23, 2021



An Independent Federal Agency

The National Transportation Safety Board (NTSB) is an independent federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in other modes of transportation—railroad, highway, marine, and pipeline. We determine the probable cause of each accident we investigate and make safety recommendations aimed at preventing future accidents and crashes. The recommendations that arise from our investigations and safety studies are our most important product.

We appreciate the opportunity to submit this written statement in support of Senate Bill 754, legislation to strengthen impaired driving laws in the state of Hawaii by lowering the legal blood alcohol concentration (BAC) threshold from 0.08 percent to 0.05 percent when operating a vehicle. We have long recommended that states take this action. In 2018, Utah became the first state to do so, and we hope to see others follow Utah’s lead.

The Alcohol-Highway Safety Problem

Nearly 95 percent of all transportation-related deaths each year result from highway crashes. According to the National Highway Traffic Safety Administration (NHTSA), in 2019, 28 percent of those highway deaths (10,142 of 36,095) involved drivers impaired by alcohol. For almost 20 years, the proportion of highway deaths nationwide involving an alcohol-impaired driver has remained virtually unchanged, at nearly one-third. According to a NHTSA report, in 2010 (the most recent year for which cost data is available), alcohol-involved crashes resulted in \$44 billion in economic costs and \$201 billion in comprehensive costs to society.¹

Crashes involving alcohol-impaired drivers continue to claim thousands of lives each year. An average of one alcohol-impaired-driving fatality occurred every 50 minutes in the United States in 2019; in Hawaii, 2019 saw 108 highway-related fatalities, more than a third of which involved a driver who had consumed alcohol and had a BAC of 0.01 percent or higher. We believe that new countermeasures to address alcohol-impaired driving, as well as renewed emphasis on the issue at the federal, state, and local levels, are necessary to reach zero traffic deaths.

In 2019, Hawaii passed a law requiring the state department of transportation and all county transportation departments to adopt “Vision Zero” traffic policies. Hawaii is among the first states in the nation to consider legislation to lower the legal BAC level to 0.05 percent, which would save more lives and strengthen the safety of all residents of and visitors to this great state.

The NTSB and Alcohol-Impaired Driving

In 2012, we re-examined the impaired-driving problem, which led to our 2013 report, *Reaching Zero—Actions to Eliminate Alcohol-Impaired Driving*.² This report recommends

¹ Blincoe, L.J., Miller, T.R., Zaloshnja, E., & Lawrence, B.A. (2015, May). The economic and societal impact of motor vehicle crashes, 2010. (Revised) Washington, DC: National Highway Traffic Safety Administration. Report No. DOT HS 812 013. <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812013>.

² National Transportation Safety Board. 2013. *Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving*. Safety Report NTSB/SR-13/01. Washington, DC: NTSB., <https://www.nts.gov/safety/safety-studies/Documents/SR1301.pdf>.

stronger laws, swifter enforcement, and expanded use of technology. The safety recommendations resulting from this report—if implemented—will move us toward the goal of ending all alcohol-impaired driving.

In the *Reaching Zero* report, we sought to identify the most effective, scientifically based actions needed to reach zero crashes associated with alcohol-impaired driving. Strong evidence from several sources showed that lower BAC limits reduced impaired-driving behavior and crashes at all levels of impairment. It was clear that changing legal BAC limits from 0.08 percent to 0.05 percent or lower would save many lives and prevent injuries caused by alcohol-impaired driving. This conclusion led us to recommend that all 50 states, the Commonwealth of Puerto Rico, and the District of Columbia establish a per-se BAC limit of 0.05 percent or lower for all drivers who are not already required to adhere to lower BAC limits.³

Blood Alcohol Concentration and Driving

Beginning in 2004, all states had a per-se BAC limit of 0.08 percent for noncommercial drivers age 21 and over. Many people believe that if a driver's BAC is under 0.08 percent, the driver is safe to drive; however, in reality, impairment begins well before a person's BAC reaches that level. Research shows that, in drivers with BACs of 0.05 percent to 0.079 percent, the risk of being in a single-vehicle fatal crash is at least seven times higher than for drivers with no alcohol in their system.

Alcohol depresses the central nervous system and affects cognitive performance, mood, and behavior. The negative effects of alcohol on driving-related skills, such as divided attention, vigilance, tracking, perception, and reaction time are present with BAC levels as low as 0.01 percent. Alcohol's effects become more severe as more of it is consumed. Beyond impairing driving-related performance and increasing crash risk, alcohol use is also associated with reduced seat belt use, which increases injury severity in the case of a crash.

To reduce alcohol-related crashes, many countries in Europe have established a legal BAC limit of 0.05 percent, and the benefits of the lower limit are well documented. Currently, more than 100 countries have BAC limits set at 0.05 percent or lower. It is time for our nation to adopt this standard that could result in an estimated 11 percent decline in fatal alcohol-related crashes and save at least 1,700 lives annually in the United States.

Some critics of lowering the legal BAC limit argue that, because most alcohol-related crashes do not involve drivers with BACs at the so-called “lower” end of the scale, such drivers are not worth worrying about. Yet, a recent study found that states with more restrictive alcohol policies have reduced the odds of motor vehicle crashes at all BAC levels, including low levels, compared to states with weaker policies.⁴ Lowering the legal BAC limit changes behavior at all BAC levels by reducing driving after drinking, so it effectively prevents driving even at higher

³ Per se BAC laws establish the BAC level at which it is illegal per se (in itself) for a driver to operate a vehicle, regardless of the driver's apparent condition or actions.

⁴ Lira, M.C., Sarda, V., Heeren, T.C., Miller, M., & Naimi, T.S. (2020). Alcohol Policies and Motor Vehicle Crash Deaths Involving Blood Alcohol Concentrations Below 0.08%, *American Journal of Preventive Medicine*, 000(000), 1-8. <https://www.ajpmonline.org/action/showPdf?pii=S0749-3797%2820%2930040-4>

BAC levels.⁵ It follows that reducing the legal per-se BAC limit could have a broad deterrent effect, reducing the risk of injuries and fatalities from crashes associated with impaired driving.

National and international traffic safety and public health organizations, including the American Medical Association; the World Health Organization; the World Medical Association; the Association for the Advancement of Automotive Medicine; the National Academies of Science, Engineering, and Medicine; Advocates for Highway and Auto Safety; and Mothers Against Drunk Driving have advocated setting BAC limits at 0.05 percent or lower. When Utah became the first state to lower its legal BAC limit from 0.08 percent to 0.05 percent, the state saw a nearly 44 percent decrease in alcohol-related crashes, and 70 percent decrease in fatalities between the first quarter of 2018 and the same time period in 2019.

Conclusion

Based on the nation's lack of progress toward reducing alcohol-impaired driving fatalities over the last two decades, it is clear that more can—and should—be done to prevent these tragedies. The evidence is clear: limiting the legal BAC limit to 0.05 percent or lower can reduce traffic fatalities. Accordingly, we strongly support legislation that will promptly lower the legal BAC limit to 0.05 percent across the United States. Addressing impaired driving on America's roads requires a bold step, and we applaud the Hawaii State Legislature for being one of the first to consider this important legislation. The citizens of Hawaii will benefit from your life-saving action. We hope Hawaii will help lead this effort and serve as a model for states to follow.

###

⁵ NTSB .05 BAC Safety Briefing Facts, March 2019, <https://ntsb.gov/safety/Documents/SafetyBriefing-March2019.pdf>

SB-754

Submitted on: 3/22/2021 9:41:50 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Peter Longhi	Longhi's Restaurants Hawaii	Oppose	No

Comments:

I am writing in strong opposition to measure SB754.

This measure is disastrous legislation for the hospitality industry and tourism in general, not to mention gracious living in Hawaii. If passed, this would make criminals out of a whole lot of people who actually create very little, if any additional risk, to others.

The unknown is very important.

Unknown; how many of the accidents in which a driver had a bac of .05-.08, would have happened regardless of the bac?

Is it causation or correlation?

How many drivers who drove with a bac of .05-.08, were not involved in an accident? (I know many upstanding citizens who have driven repeatedly with a bac of .05 - .08 and have never been involved in an accident and do not deserve to be arrested. Could any members of the legislature be included in this group?)

How many police officers will be busy booking a .05 driver, while the .18 cruise through the checks point without stopping?

How much more funding will the police departments require to get all the .05 drivers in cuffs?

How many drivers on any given night are in this .05-.08 category?

Neo-prohibition is just as unenforceable as prohibition was in 1920-1933.

Prohibition was bad policy.

Neo-prohibition is just as bad.

We could save many lives, by dropping the speed limit to 35 mph.

1. don't do it because 1. The cost is too great, and 2. Many people would choose not to obey the new limit.

2. Traffic deaths went down during Hawaii's Covid Lock down of 2020. Most businesses in the State were closed so using that reasoning Hawaii should go back to Business closures to save lives on our roads.

This will be another nail in the coffin for Independant Restaurant in Hawaii.

Thank you very much for your consideration and allowing the opportunity to provide testimony in opposition.

Sincerely,

Peter Longhi



March 22, 2021

The Honorable Mark M. Nakashima
House Committee on Judiciary & Hawaiian Affairs
415 South Beretania St. Rm 204
Honolulu, HI 96813

The Honorable Scot Z. Matayoshi
House Committee on Judiciary & Hawaiian Affairs
415 Beretania St. Rm 231
Honolulu, HI 96813

Dear Chair Nakashima and Vice-Chair Matayoshi:

On behalf of the National Safety Council (NSC), I am writing today to ask for your support of SB 754, legislation that would lower the legal blood alcohol concentration (BAC) limit in Hawaii from .08 to .05. Lowering the legal BAC limit will save lives. The National Safety Council (NSC) is America's leading nonprofit safety advocate and has been for over 100 years. As a mission-based organization, we work to eliminate the leading causes of preventable death and injury, focusing our efforts on the workplace, roadway and impairment. We create a culture of safety to keep people safer in the workplace and beyond so they can live their fullest lives. Our more than 15,000 member companies represent employees at more than 50,000 U.S. worksites, including almost 150 in Hawaii.

The science is clear – impairment begins with the first drink. When behind the wheel, there is no safe level of impairment. Even one or two drinks can significantly impact a driver's concentration, ability to react and make decisions. In one survey, more than 1 in 8 drivers admitted to driving when close to or over the legal limit in the past year, despite believing that drunk driving poses a serious threat.¹ After two or three drinks, which corresponds to a BAC of .05 for most adults, drivers have a 40% higher crash risk than drivers who are sober.² By the time they reach .08, drivers are four times more likely to crash.³

Driving is one of the riskiest tasks all of us undertake on a daily basis. More than 36,000 people died in crashes on our nation's roads in 2019, including 108 people in Hawaii.⁴ In Hawaii, 32% of motor vehicle fatalities were alcohol-related (BAC \geq .08) in 2018.⁵ Alcohol continues to be involved in about 28% of all fatal crashes in America, and this percentage has not significantly fluctuated in more than a decade.⁶ We need new strategies to create a culture of change and new laws.

Utah already has implemented .05 BAC, and other states are considering similar legislation. Research shows that lowering the BAC limit from .08 to .05 reduces crash fatality risk by preventing not only low BAC drivers, but also high BAC drivers, from driving.⁷

¹ AAA Foundation for Traffic Safety. (2016). 2015 Traffic Safety Culture Index.

² https://www.nsc.org/Portals/0/Documents/NSCDocuments_Corporate/Policy-Positions/Transportation/T-Low Alcohol Concentration Culture Change-130.pdf.

³ Blomberg RD, Peck RC, Moskowitz H, Burns M, Fiorentino D: The Long Beach/Fort Lauderdale relative risk study; J Safety Res 40:285; 2009.

⁴ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813060>

⁵ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812917>

⁶ NSC analysis of NHTSA FARS data.

⁷ <https://www.madd.org/wp-content/uploads/2019/03/05BACResearch.pdf>



This legislation will save lives and prevent injuries in Hawaii. NSC fully supports SB 754 and we hope you will support this legislation as well. Thank you for your consideration. If you have any questions or need more information, please contact Tara Leystra at tara.leystra@nsc.org or 202-445-3121.

Sincerely,

A handwritten signature in black ink that reads "Lorraine M. Martin". The signature is written in a cursive style with a large initial "L" and "M".

Lorraine M. Martin
President and CEO



March 22, 2021

Rep. Mark M. Nakashima
Chair
House Committee on Judiciary & Hawaiian Affairs
Hawaii House of Representatives

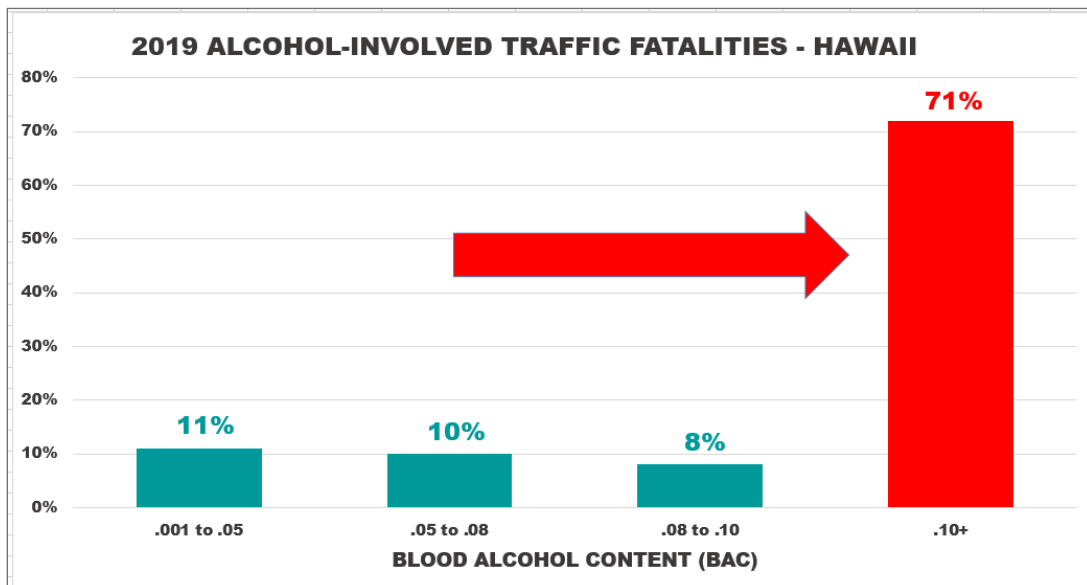
Rep. Scot Z. Matayoshi
Vice Chair
House Committee on Judiciary & Hawaiian Affairs
Hawaii House of Representatives

Senate Bill 754—which would lower the legal blood alcohol concentration (BAC) limit for driving by 40 percent from 0.08 to 0.05—is a well intended, but poorly targeted approach to improve traffic safety in Hawaii. Watering down the definition of “drunk” will not address the core of the drunk driving problem. In fact, it may make it worse. The court system is already overburdened and casting a wider legal net to include those currently considered responsible consumers will exacerbate the situation—which could lead to some alcohol abusers falling through the cracks.

Public policy should instead follow the science.

According to the latest federal government data, Drivers with high-BAC levels are responsible for the vast majority of alcohol-involved traffic deaths—even when including incidents where only small traces of alcohol have been detected and it’s unlikely to be the primary factor. The average BAC of a drunk driver involved in a fatal crash in the state is 0.18—nearly four times the proposed new level. As with so many other products, there is a clear distinction between use and abuse.

Examine the below graph that illustrates where limited traffic safety resources and legislative efforts should be focused. (The figures indicate every case in which alcohol was present, not necessarily at fault.)





University research suggests having a conversation while driving is substantially more impairing than someone at the proposed 0.05 BAC limit. From another angle, federal government studies indicate simply being over the age of 65 while driving is more dangerous than being at 0.05 BAC. And no one is arguing for law enforcement to arrest older drivers.

The modest proportion of accidents shown in the leftward bars of the chart support these comparisons. Even if alcohol is present in low-BAC instances, such a tiny amount is unlikely to be a major contributing factor. Even the most ardent proponents of 0.05 should agree one sip of wine is not a safety hazard (represented under the 11 percent bar). The same line of reasoning can be applied at the 0.05 BAC level, which some people can reach after consuming little more than a single drink. Reckless or distracted driving is therefore more likely to blame in these instances.

Supporters of the 0.05 policy may point to Utah—which has been the lone state to adopt a lower legal limit—as a success story. But observers should be careful crediting the 0.05 law for recent traffic safety figures. Although drunk driving deaths did drop in Utah, alcohol-related traffic fatalities declined in 30 other states during the same period, which all have a 0.08 standard. Some states experienced an even bigger decline than Utah.

Committee members should also consider the depressing effect a 0.05 law will have on the tourism- and hospitality-centric state economy. These industries are already struggling to rebound from the lingering pandemic. Subjecting those currently considered responsible consumers in 49 states to a term of imprisonment will make recovery even more challenging. Adopting a 0.05 law would be a bad policy at any time, but should be a nonstarter under current weak business conditions.

We all want to save lives and I applaud the committee for investigating the topic. But lowering the legal BAC limit for driving will harm responsible consumers and throttle economic recovery while not improving road safety. Lawmakers should instead follow the science and pursue alternative strategies that target the real menace: high-BAC drunk drivers.

Thank you for reviewing my testimony.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Berman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Richard Berman
Executive Director
American Beverage Institute



Subject: **Support SB754**

Dear Chair Nakashima, Vice Chair Matayoshi, and members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Kari Benes, and I am the chair of the Hawaii Strategic Highway Safety Plan (SHSP) asking for your support of SB754. This measure aligns with the SHSP’s life-saving priorities in the updated 2019-2024 plan. Lowering the blood alcohol threshold to .05 reduces the risk of an impaired driver being on our roadways. Countries like Sweden and the Netherlands, which have also adopted successful vision zero policies, have demonstrated crash reductions by lowering their BAC per se limit.

Impairment by BAC and drinks (CDC and NHTSA/USDOT)

.02 BAC*	<i>About 2 alcoholic drinks**</i>	Decline in visual functions (rapid tracking of moving target) Decline in ability to perform two tasks at same time
.05 BAC*	<i>About 3 alcoholic drinks**</i>	Reduced coordination Reduced ability to track moving objects Difficulty steering Reduced response to emergency driving situations
.08 BAC*	<i>About 4 alcoholic drinks**</i>	Reduced ability to concentrate Short-term memory loss Difficulty controlling speed Reduced information processing capability Impaired perception

**Blood Alcohol Concentration measurement. **The number of drinks represents the approximate amount of alcohol that a 160-pound man would need to drink in one hour to reach the listed BAC in each category.*

NIH/NIAAA reported that a review of 112 studies concluded that certain skills required to operate motorized vehicles become impaired at modest departures from zero BAC. At 0.05 percent BAC, most studies reported significant impairment (NIH/NIAAA Alcohol Alert, 2001).

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.

¹ [05BAC-Safety-Briefing-Facts.pdf \(ntsb.gov\)](#)



To: The Honorable Representative Mark Nakashima, Chair
The Honorable Representative Scot Matayoshi, Vice Chair
Members of the House Committee on Judiciary and Hawaiian Affairs

Re: Strong Support of SB 754, Relating to Operating a Vehicle While Intoxicated

Hrg: Tuesday, March 23, 2021 at 2:00pm via Videoconference

Position: **Support**

My name is Richard Collins and I am submitting testimony in STRONG SUPPORT of SB754 on behalf of the Hawai'i Alcohol Policy Alliance. The Hawai'i Alcohol Policy Alliance, which is fiscally managed by Hawai'i Public Health Institute, **SUPPORTS SB754**, which would lower the threshold blood alcohol concentration to .05 percent for the offense of operating a vehicle while under the influence of an intoxicant.

1. Lowering the Blood Alcohol Concentration (BAC) to .05 will save lives

A comprehensive 2017 independent research study shows that from 1982 to 2014, in 50 States and DC, lowering BAC from .10 to .08 resulted in a 10.4% reduction in alcohol-related fatalities, with no change in alcohol consumption. This means that lowering the BAC to .08 in the U.S. has saved 1,736 lives annually. A total of 24,868 lives were saved between 1983 and 2014 due to lowering the BAC to .08. **It is estimated that a .05 or lower BAC would result in an 11.1% decline in fatal alcohol crashes** and save 1,790 lives annually in the United States^[1].

2. Approximately 100 countries have lower alcohol-related crash deaths than the United States due to .05 or lower BAC laws

Approximately 100 countries around the world have already adopted .05 or lower BAC laws. Due to these laws, these countries have significantly lower rates of alcohol-related crash death deaths^[2].

3. Lowering the BAC to .05 will NOT hurt local business



While countries that have passed .05 or lower BAC laws have lower rates of alcohol-related crash deaths, they have the same or higher rates of alcohol consumption when compared to the US^[3]. **Lowering the BAC limit to .05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths.**

Hawai‘i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and wellness of our communities and ultimately save lives. We ask that you **pass SB754** forward, for the benefit of the people of Hawai‘i.

Mahalo for your time and attention to this urgent matter.

Sincerely,

A handwritten signature in black ink that reads "Rick Collins" followed by "CPS" in a smaller font.

Richard Collins
rick@hiphi.org

[1] NORC: Fell JC & Scherer M, Effectiveness of .08 and .05 BAC Limits for Driving, 2017 (NIH Grant no. R21 AA022171-01). <http://www.norc.org> (under “NORC Headlines”).

[2] Global Status Report on Road Safety 2018, World Health Organization, 2018. https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

[3] World Health Statistics 2019, World Health Organization, 2019. https://www.who.int/gho/publications/world_health_statistics/2019/en/



Katie Jacoy
Western Counsel
31 West Road
Tacoma, WA 98406
www.wineinstitute.org
kjacoy@wineinstitute.org
360-790-5729

THE SENATE
THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2021

COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Testimony in Opposition to SB 754

Chair Nakashima, Vice-Chair Matayoshi and Members of the Committee:

Thank you for the opportunity to provide testimony on SB 754 RELATING TO OPERATING A VEHICLE WHILE INTOXICATED. Wine Institute, a public policy association representing 1,000 California wineries and associate members, is opposed to SB 754 and offers the following comments.

SB 754 reduces the legal threshold of alcohol concentration in breath or blood for the criminal offenses of operating a vehicle while under the influence of an intoxicant from .08 to .05 of alcohol per one hundred milliliters or cubic centimeters of blood or breath. Wine Institute supports education and the strict enforcement of laws to address drunk driving. The current legal threshold of .08 BAC (Blood Alcohol Concentration) was established as a safe level of consumption based on science and law enforcement guidance. Lowering the legal threshold would effectively criminalize moderate drinking by responsible adults and divert much needed resources away from target repeat offenders and high BAC (.15 or higher) drivers.

Thank you for the opportunity to testify.

HOUSE OF REPRESENTATIVES
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2021

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair
Rep. Scot Z. Matayoshi, Vice Chair

Rep. Linda Ichiyama	Rep. Nadine K. Nakamura
Rep. Dale T. Kobayashi	Rep. Roy M. Takumi
Rep. Matthew S. LoPresti	Rep. Chris Todd
Rep. Nicole E. Lowen	Rep. James Kunane Tokioka
Rep. Angus L.K. McKelvey	Rep. Gene Ward

NOTICE OF HEARING

DATE: Tuesday, March 23, 2021
TIME: 2:00 PM
PLACE: VIA VIDEOCONFERENCE
Conference Room 325
State Capitol
415 South Beretania Street

Good afternoon our Honorable Chair, Representative Mark M. Nakashima, Vice Chair, Representative Scot Z. Matayoshi and members of the Judiciary and Hawaiian Affairs Committee. My name is Darlyn Chen Scovell. **Being the voice of children who have none**, families and individuals who have Fetal Alcohol Spectrum Disorder (FASD) whom for many years have been marginalized, unrecognized and without appropriate attention and services. I am writing in STRONG SUPPORT of SB 754.

This bill lowers the limit of alcohol-impaired driving to .05 percent blood alcohol concentration (BAC), which deters drunk driving and saves lives.

In 2018, Hawai'i had 117 highway-related fatalities, more than a third involved a driver with a BAC of 0.01 percent or higher. Lowering the BAC to 0.05 addresses alcohol-impaired driving and is a necessary step to reduce traffic deaths and related injuries.

Internationally, approximately 100 countries have some type of .05 or lower BAC laws which have lowered their traffic deaths.

Everyone who chooses to drink, at any amount, will put themselves and community members at risk of impaired driving when they choose to get behind the wheel to drive.

It's important to recognize that there are multiple factors that go into calculating one's BAC. The amount you've consumed, the percent of alcohol content, how many hours you've spent drinking and your weight. A calculator from the Cleveland Clinic Health Information Center, https://www.clevelandclinic.org/health/interactive/alcohol_calculator.asp

accurately estimates what your BAC limit could be.

By separating drinking and driving while impaired, a .05 BAC or lower limit would result in an estimated 11% decline in fatal alcohol crashes and save at least 1700 lives annually in the U.S.

0.05% BAC do not affect the normally responsible drinkers because these individuals who drive drunk and seriously injure or kill innocent people are not this kind of people. I agree that there are responsible drinkers who do not drink and drive, or who limit their alcohol consumption to one to two drinks over the course of a night therefore, this Bill serves as a deterrent ONLY to those who are at risk in violation of the no drink and drive policy. In recent years, alcohol-impaired driving alone has been a factor in approximately 20 percent of all traffic fatalities and critical collisions on Oahu's roadways as well as in other islands. Impaired driving is a serious problem that needs to be addressed.

Research shows that critical driving skills are impaired at .05 BAC (.05 or more grams of alcohol per 100 milliliters or cubic centimeters of blood or .05 grams of alcohol per 210 liters of breath). This level of impairment significantly increases the risk of senseless and preventable crashes that can take the life of an innocent commuter like you, our families including myself. I am not sure if you can remember the tragic incident by Ala Moana. Any measure that could stop these tragedies and keep impaired drivers off of our roads should be implemented. Please see incidents below.

One of many recent cases: HONOLULU (HawaiiNewsNow) - The 27-year-old driver of the pickup truck that plowed through a group of pedestrians in Kakaako on Monday night, leaving three dead, remains in the hospital on Wednesday, but he faces multiple manslaughter charges when he is released. Police say, Alins Sumang, the 27-year-old suspected drunk driver in a pickup truck slammed into a crowded Honolulu intersection, killing two pedestrians and a bicyclist and injuring five people including himself.

A 14-year-old Maui boy died after being injured in a drunk driving crash. Wednesday, July 22nd 2020, 12:53 PM HST by KITV Web Staff

HONOLULU, Hawaii (HawaiiNewsNow) - A woman was rushed to the hospital with life-threatening injuries after an overnight pedestrian accident in the Halawa area. According to Honolulu police, a 21-year-old man was heading northbound on Kahuapaani Street near Ala Alii Street when he hit a 21-year-old woman crossing the street. Police determined that Abad was allegedly under the influence of alcohol at the time of the crash. He was arrested for failing to render aid, first-degree negligent Injury, and driving under the influence.

The data is clear, the lifesaving benefits are certain, the support is documented and the justification for action is compelling. The purpose of reducing BAC limits is not to discourage alcohol consumption. The purpose is to deter drinking AND driving. Each person killed or injured in a preventable alcohol-related crash on Hawai'i roads forever changes the lives of families and communities. We urge you to advance SB 754 to reduce the death and injury toll of alcohol-impaired driving.

Please HELP us all SAVE our families, children and the community. Let us protect us from these heinous losses of valuable lives in Hawaii. Help us KEEP our roads SAFE. Please pass SB754 and SAVE valuable LIVES, thank you.

Thank you for your kind consideration and support in passing SB 754. Mahalo for the opportunity to submit my testimony.

Always with Gratitude.

Respectfully yours,

Darlyn Chen Scovell



To: The Honorable Representative Mark Nakashima, Chair
The Honorable Representative Scot Matayoshi, Vice Chair
Members of the House Committee on Judiciary and Hawaiian Affairs

Re: Strong Support of SB 754, Relating to Operating a Vehicle While Intoxicated

Hrg: Tuesday, March 23, 2021 at 2:00pm via Videoconference

Position: Support

The Hawai'i Alcohol Policy Alliance, which is fiscally managed by Hawai'i Public Health Institute, would like to provide testimony in **SUPPORT of SB754**, which would lower the threshold blood alcohol concentration (BAC) for the offense of operating a vehicle while under the influence of an intoxicant.

1. Lowering the Blood Alcohol Concentration (BAC) to .05 will save lives

A comprehensive 2017 independent research study shows that from 1982 to 2014, in 50 States and DC, lowering BAC from .10 to .08 resulted in a 10.4% reduction in alcohol-related fatalities, with no change in alcohol consumption. This means that lowering the BAC to .08 in the United States has saved 1,736 lives annually. A total of 24,868 lives were saved between 1983 and 2014 due to lowering the BAC to .08. **It is estimated that a .05 or lower BAC would result in an 11.1% decline in fatal alcohol crashes and save 1,790 lives annually in the United States** ^[1].

2. Approximately 90 countries have lower alcohol-related crash deaths than the United States due to .05 or lower BAC laws

Approximately 100 countries around the world have already adopted .05 or lower BAC laws. Due to these laws, these countries have significantly lower rates of alcohol-related motor vehicle deaths ^[2].

3. Lowering the BAC to .05 will NOT hurt local business

While countries that have passed .05 or lower BAC laws have lower rates of alcohol-related crash deaths, they have the same or higher rates of alcohol consumption when compared to the United States ^[3].

4. Nearly everyone who chooses to drink, at any amount, will put themselves and community members at risk of impaired driving when they choose to get behind the wheel afterwards.



It's important to recognize that there are multiple factors that goes into calculating one's BAC. The amount they've consumed, the percent of alcohol content, how many hours they've spent drinking and their weight. A calculator from the Cleveland clinic is pasted below to accurately estimate what one's BAC limit could be, should they choose to go out and drink.

https://www.clevelandclinic.org/health/interactive/alcohol_calculator.asp

Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and wellness of our communities and ultimately save lives. We ask that you **pass SB754** forward, for the benefit of the people of Hawai'i.

Mahalo for your time and attention to this urgent matter.

Sincerely,
Chelsea Gonzales
chelsea@hiphi.org

^[1] NORC: Fell JC & Scherer M, Effectiveness of .08 and .05 BAC Limits for Driving, 2017 (NIH Grant no. R21 AA022171-01). <http://www.norc.org> (under "NORC Headlines").

^[2] Global Status Report on Road Safety 2018, World Health Organization, 2018. https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

^[3] World Health Statistics 2019, World Health Organization, 2019. https://www.who.int/gho/publications/world_health_statistics/2019/en/



Maui Metropolitan
Planning Organization

200 South High Street
Wailuku, HI 96793
www.mauiμπο.org

Testimony of Lauren Armstrong
Maui MPO Executive Director
On behalf of Maui MPO Policy Board

Before the House Committee on Judiciary & Hawaiian Affairs

March 23, 2021 at 2:00pm
Conference Room 325 & via videoconference

SB754 RELATING TO OPERATING A VEHICLE WHILE INTOXICATED

Honorable Mark M. Nakashima, Chair
Honorable Scot Z. Matayoshi, Vice Chair
Honorable Members of the House Committee on Judiciary & Hawaiian Affairs

The Maui MPO Policy Board **supports** SB754, which lowers the threshold blood alcohol concentration for the offense of operating a vehicle while under the influence of an intoxicant.

The purpose of this bill aligns with Maui MPO's efforts to improve safety as outlined under goals of the *Hele Mai Maui 2040 Transportation Plan* and the *Vision Zero Maui Action Plan*. From 2014-2018, 42% of fatal crashes on Maui were due to intoxication. Despite reductions in traffic fatalities due to community efforts and enforcement, driving under the influence is still of significant concern.

Lowering the threshold BAC strengthens the message that it is unacceptable to drink and drive, saving lives through prevention. Similar measures in other places like Utah have proven successful at reducing the number of fatal crashes due to intoxication. Please support SB754.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink that reads 'Lauren Armstrong'.

Lauren Armstrong
Executive Director, Maui MPO
On behalf of Maui MPO Policy Board

Fred C. Holschuh, M.D.
Triplef80@gmail.com

Date: March 23, 2021

To: Rep. Mark Nakashima, Chair
Rep. Scot Matayoshi, Vice Chair
And Members, Committee on Judiciary & Hawaiian Affairs

Subject: SB 754, Relating to operating a vehicle while intoxicated

From: Fred C. Holschuh, M.D.
Retired emergency physician and Hawaii County Councilmember

Chair Nakashima, Vice Chair Matayoshi, and Members:

Thank you for allowing me to testify in strong support of SB 754 which amends the "measurable amount of alcohol" from .08 to .05 grams of alcohol per 100 cc of blood or 210 liters of breath, to re-define "under the influence" in an amount to impair the person's ability to operate a motor vehicle in a careful manner. As a 30-year emergency physician in Hawaii I have personally seen many deaths and severe injuries related to alcohol impaired driving of motor vehicles. Hawaii has been a leader in many safety laws such as seatbelts and child restraints in vehicles. Passing this bill would continue our national leadership on serious public safety issues. Thank you.

Respectfully,



Fred C. Holschuh, M.D.

SB-754

Submitted on: 3/21/2021 1:34:58 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dana Keawe	Individual	Oppose	No

Comments:

I oppose sb754

SB-754

Submitted on: 3/22/2021 7:27:37 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melissa-Iris Lau	Individual	Support	No

Comments:

As the surviving spouse of Dr. William Travis Lau who was so tragically and suddenly killed by a drunk driver on January 28, 2019, I support any measure to decrease the risk of this happening to another. Until you've been in my shoes, you will never understand the toll that it has taken on his family, myself, and our medical community. Travis was a special breed of doctor and person who is irreplaceable.

As a nurse, I support the measure to reduce the BAC to 0.05 because I understand that alcohol consumption can affect every body differently depending on age, gender, weight, regular consumption of alcohol, other drugs, etc. Though the current data shows that it takes a BAC of 0.08 to be considered "impaired," this is not entirely true as alcohol consumption, just like any other drug metabolizes differently for everyone and has an effect that is not always predictable. For me, sometimes I feel fine with just one glass of wine but other times I feel "buzzed" with barely even a glass. And let's not forget that buzzed driving is still impaired driving.

Impaired is impaired

And impaired driving will always heighten the risk of an unforeseeable injury or worse, death.

I believe that decreasing the BAC to 0.05 will deter drinkers from choosing to either have too many drinks, or encourage them to plan to have a designated driver; especially while they are still mentally capable to making right choices.

Impaired driving injuries and fatalities can strike without warning as I've personally learned. But they are preventable.

For victims like myself who've suffered tremendously as result of the actions of an impaired driver, please consider passing this as you yourself is not immune to this kind of tragedy. Thank you.

SB-754

Submitted on: 3/22/2021 9:07:17 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kathryn Weldon	Individual	Support	No

Comments:

I am testifying in support of passing SB754 to lower the threshold of blood alcohol concentration for the offense of operating a vehicle while under the influence of an intoxicant from .08 to .05.

To: The Honorable Representative Mark Nakashima, Chair
The Honorable Representative Scot Matayoshi, Vice Chair
Members of the House Committee on Judiciary and Hawaiian Affairs

Re: Strong Support of SB 754, Relating to Operating a Vehicle While Intoxicated

Hrg: Tuesday, March 23, 2021 at 2:00am via Videoconference

Position: Support

Aloha, Chair Nakashima, Vice Chair Matayoshi, and members of the House Committee on Judiciary and Hawaiian Affairs. My name is Michelle Park from Kanoeha, HI. I appreciate the opportunity to submit testimony in STRONG SUPPORT of SB 754, Relating to Operating a Vehicle While Intoxicated. ***This bill lowers the limit of alcohol-impaired driving to .05 percent blood alcohol concentration (BAC), which deters drunk driving and saves lives.***

“Lowering the BAC law changes behavior at all BAC levels by reducing driving after drinking, so it is an effective intervention for preventing driving even at higher BAC levels.” (Wagenar et al, 2007)

In 2018, Hawai'i had 117 highway-related fatalities, more than a third involved a driver with a BAC of 0.01 percent or higher. Lowering the BAC to 0.05 addresses alcohol-impaired driving and is a necessary step to reduce traffic deaths and related injuries.

Nationally, changing the BAC will save 1700 and more lives if all states passed a .05 BAC. Internationally, approximately 100 countries have some type of .05 or lower BAC laws which have lowered traffic deaths.

Everyone who chooses to drink, at any amount, will put themselves and community members at risk of impaired driving when they choose to get behind the wheel to drive.

It's important to recognize that there are multiple factors that go into calculating one's BAC. The amount you've consumed, the percent of alcohol content, how many hours you've spent drinking and your weight. A calculator from the Cleveland Clinic Health Information Center, https://www.clevelandclinic.org/health/interactive/alcohol_calculator.asp accurately estimates what your BAC limit could be.

The data is clear, the lifesaving benefits are certain, the support is documented and the justification for action is compelling. The purpose of reducing BAC limits is not to discourage alcohol consumption. The purpose is to deter drinking AND driving. Each person killed or injured in a preventable alcohol-related crash on Hawai'i roads forever changes the lives of families and communities. We urge you to advance SB 754 to reduce the death and injury toll of alcohol-impaired driving.

Mahalo for the opportunity to submit testimony.

SB-754

Submitted on: 3/22/2021 9:22:46 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Peter Merriman	Individual	Oppose	No

Comments:

I am writing in strong opposition to measure SB754.

This measure is disastrous legislation for the hospitality industry and tourism in general, not to mention gracious living in Hawaii. If passed, this would make criminals out of a whole lot of people who actually create very little, if any additional risk, to others.

The unknown is very important.

Unknown; how many of the accidents in which a driver had a bac of .05-.08, would have happened regardless of the bac?

Is it causation or correlation?

How many drivers who drove with a bac of .05-.08, were not involved in an accident? (I know many upstanding citizens who have driven repeatedly with a bac of .05 - .08 and have never been involved in an accident and do not deserve to be arrested. Could any members of the legislature be included in this group?)

How many police officers will be busy booking a .05 driver, while the .18 cruise through the checks point without stopping?

How much more funding will the police departments require to get all the .05 drivers in cuffs?

How many drivers on any given night are in this .05-.08 category?

Neo-prohibition is just as unenforceable as prohibition was in 1920-1933.

Prohibition was bad policy.

Neo-prohibition is just as bad.

We could save many lives, by dropping the speed limit to 35 mph.

We don't do it because 1. The cost is too great, and 2. Many people would choose not to obey the new limit.

Thank you very much for your consideration and allowing the opportunity to provide testimony in opposition.

Sincerely,

Peter Merriman

SB-754

Submitted on: 3/22/2021 9:41:55 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ashlee Klemperer	Individual	Support	No

Comments:

Committee Chair and Members,

As a mother, social worker, and prevention specialist on Maui I greatly urge you all to support lowering the blood alcohol concentration and pass SB754. I, along with scores of residents on Maui, are deeply concerned by the devastating impacts of drunk driving and this bill would greatly help to reduce those numbers and consequences our community faces daily.

There are few opportunities where legislation can clearly save the lives of your constituents and I truly hope that each of you see this bill as such an opportunity. SB754 will greatly aid our police force to better address our chronic drunk driving issues and hold individuals more accountable for making dangerous decisions. We simply ask people --- if you wish to drink then DO NOT DRIVE. The solution is quite simple and costs nothing to implement.

Please utilize your positions of power to really benefit our people and pass SB754.

Mahalo,

Ashlee Klemperer

124 Namauu Place

Kihei, HI 96753

SB-754

Submitted on: 3/22/2021 10:11:07 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John Wolf	Individual	Support	No

Comments:

Good morning, Chair Nakashima, Vice Chair Matayoshi, and members of the House Committee on Judiciary and Hawaiian Affairs. My name is John Wolf, from Hilo, Hawai'i. Thank you so much for the opportunity to submit testimony in STRONG SUPPORT of SB 754, Relating to Operating a Vehicle While Intoxicated.

This bill lowers the limit of alcohol-impaired driving to .05 percent blood alcohol concentration (BAC), which deters drunk driving and saves lives.

In 2018, Hawai'i had 117 highway-related fatalities, more than a third involved a driver with a BAC of 0.01 percent or higher. Lowering the BAC to 0.05 addresses alcohol-impaired driving and is a necessary step to reduce traffic deaths and related injuries.

Internationally, approximately 100 countries have some type of .05 or lower BAC laws which have lowered their traffic deaths.

Everyone who chooses to drink, at any amount, will put themselves and community members at risk of impaired driving when they choose to get behind the wheel to drive.

It's important to recognize that there are multiple factors that go into calculating one's BAC. The amount you've consumed, the percent of alcohol content, how many hours you've spent drinking and your weight. A calculator from the Cleveland Clinic Health Information Center,

https://www.clevelandclinic.org/health/interactive/alcohol_calculator.asp

accurately estimates what your BAC limit could be.

By separating drinking and driving while impaired, a .05 BAC or lower limit would result in an estimated 11% decline in fatal alcohol crashes and save at least 1700 lives annually in the U.S.

The data is clear, the lifesaving benefits are certain, the support is documented and the justification for action is compelling. The purpose of reducing BAC limits is not to discourage alcohol consumption. The purpose is to deter drinking AND driving. Each person killed or injured in a preventable alcohol-related crash on Hawai'i roads forever changes the lives of families and communities. We urge you to advance SB 754 to reduce the death and injury toll of alcohol-impaired driving.

Mahalo for the opportunity to submit testimony.

SB-754

Submitted on: 3/22/2021 10:29:03 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jade Iokepa	Individual	Support	No

Comments:

Good afternoon, Chair Nakashima, Vice Chair Matayoshi, and members of the House Committee on Judiciary and Hawaiian Affairs. My name is Jade Iokepa, from Hilo, Hawai'i. Thank you so much for the opportunity to submit testimony in STRONG SUPPORT of SB 754, Relating to Operating a Vehicle While Intoxicated.

This bill lowers the limit of alcohol-impaired driving to .05 percent blood alcohol concentration (BAC), which deters drunk driving and saves lives.

In 2018, Hawai'i had 117 highway-related fatalities, more than a third involved a driver with a BAC of 0.01 percent or higher. Lowering the BAC to 0.05 addresses alcohol-impaired driving and is a necessary step to reduce traffic deaths and related injuries.

Internationally, approximately 100 countries have some type of .05 or lower BAC laws which have lowered their traffic deaths.

Everyone who chooses to drink, at any amount, will put themselves and community members at risk of impaired driving when they choose to get behind the wheel to drive.

It's important to recognize that there are multiple factors that go into calculating one's BAC. The amount you've consumed, the percent of alcohol content, how many hours you've spent drinking and your weight. A calculator from the Cleveland Clinic Health Information Center,

https://www.clevelandclinic.org/health/interactive/alcohol_calculator.asp

accurately estimates what your BAC limit could be.

By separating drinking and driving while impaired, a .05 BAC or lower limit would result in an estimated 11% decline in fatal alcohol crashes and save at least 1700 lives annually in the U.S.

The data is clear, the lifesaving benefits are certain, the support is documented and the justification for action is compelling. The purpose of reducing BAC limits is not to discourage alcohol consumption. The purpose is to deter drinking AND driving. Each person killed or injured in a preventable alcohol-related crash on Hawai'i roads forever changes the lives of families and communities. We urge you to advance SB 754 to reduce the death and injury toll of alcohol-impaired driving.

Mahalo for the opportunity to submit testimony.

To: The Honorable Representative Mark Nakashima, Chair
The Honorable Representative Scot Matayoshi, Vice Chair
Members of the House Committee on Judiciary and Hawaiian Affairs

Re: Strong Support of SB 754, Relating to Operating a Vehicle While Intoxicated

Hrg: Tuesday, March 23, 2021 at 2:00pm via Videoconference

Position: Support

Good afternoon, Chair Nakashima, Vice Chair Matayoshi, and members of the House Committee on Judiciary and Hawaiian Affairs. My name is Cynthia Okazaki from Kaneohe. Thank you so much for the opportunity to testify in STRONG SUPPORT of SB 754, Relating to Operating a Vehicle While Intoxicated. ***This bill lowers the limit of alcohol-impaired driving to .05 percent blood alcohol concentration (BAC), which will deter drunk driving and saves lives.***

SB 754 provides you the opportunity to save lives and reduce the risks of drinking and driving. The National Academies of Science, Engineering, and Medicine research concludes that lowering the BAC level to .05% significantly reduces crash and fatality risk, and the US could see an estimated 11% drop in alcohol-related crashes annually.

Anyone can have a lapse in judgement, drinking and then driving. The most recent very public example is Representative Sharon Har, who was recently charged with operating a vehicle under the influence of an intoxicant, DUI. Luckily, she, nor anyone else was injured.

Everyone who chooses to drink, at any amount, will put themselves and community members at risk of impaired driving when they choose to get behind the wheel to drive. There are multiple factors that go into calculating one's BAC. The amount you've consumed, the percent of alcohol content, how many hours you've spent drinking and your weight. A calculator from the Cleveland Clinic Health Information Center, https://www.clevelandclinic.org/health/interactive/alcohol_calculator.asp accurately estimates what your BAC limit could be.

Lowering the BAC level to .05% is about separating drinking from driving. It is about preventing crashes, injuries, and death. It does not mean people must drink less. It will, however, encourage more people to think twice before making the decision to drive after they have been drinking. Passing this bill will save lives.

Mahalo for the opportunity to testify.

SB-754

Submitted on: 3/22/2021 1:17:24 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kurt Iokepa	Individual	Support	No

Comments:

To: The Honorable Representative Mark Nakashima, Chair

The Honorable Representative Scot Matayoshi, Vice Chair

Members of the House Committee on Judiciary and Hawaiian Affairs

Re: Strong Support of SB 754, Relating to Operating a Vehicle While Intoxicated

Hrg: Tuesday, March 23, 2021 at 2:00am via Videoconference

Position: **Support**

Good afternoon, Chair Nakashima, Vice Chair Matayoshi, and members of the House Committee on Judiciary and Hawaiian Affairs. My name is Kurt Iokepa, from Hilo, Hawai'i. Thank you so much for the opportunity to submit testimony in STRONG SUPPORT of SB 754, Relating to Operating a Vehicle While Intoxicated.

This bill lowers the limit of alcohol-impaired driving to .05 percent blood alcohol concentration (BAC), which deters drunk driving and saves lives.

In 2018, Hawai'i had 117 highway-related fatalities, more than a third involved a driver with a BAC of 0.01 percent or higher. Lowering the BAC to 0.05 addresses alcohol-impaired driving and is a necessary step to reduce traffic deaths and related injuries.

Internationally, approximately 100 countries have some type of .05 or lower BAC laws which have lowered their traffic deaths.

Everyone who chooses to drink, at any amount, will put themselves and community members at risk of impaired driving when they choose to get behind the wheel to drive.

It's important to recognize that there are multiple factors that go into calculating one's BAC. The amount you've consumed, the percent of alcohol content, how many hours you've spent drinking and your weight. A calculator from the Cleveland Clinic Health Information Center,

https://www.clevelandclinic.org/health/interactive/alcohol_calculator.asp

accurately estimates what your BAC limit could be.

By separating drinking and driving while impaired, a .05 BAC or lower limit would result in an estimated 11% decline in fatal alcohol crashes and save at least 1700 lives annually in the U.S.

The data is clear, the lifesaving benefits are certain, the support is documented and the justification for action is compelling. The purpose of reducing BAC limits is not to discourage alcohol consumption. The purpose is to deter drinking AND driving. Each person killed or injured in a preventable alcohol-related crash on Hawai'i roads forever changes the lives of families and communities. We urge you to advance SB 754 to reduce the death and injury toll of alcohol-impaired driving.

Mahalo for the opportunity to submit testimony.

SB-754

Submitted on: 3/22/2021 1:28:35 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kawena Bagano	Individual	Support	No

Comments:

To: The Honorable Representative Mark Nakashima, Chair

The Honorable Representative Scot Matayoshi, Vice Chair

Members of the House Committee on Judiciary and Hawaiian Affairs

Re: Strong Support of SB 754, Relating to Operating a Vehicle While Intoxicated

Hrg: Tuesday, March 23, 2021 at 2:00am via Videoconference

Position: Support

Good afternoon, Chair Nakashima, Vice Chair Matayoshi, and members of the House Committee on Judiciary and Hawaiian Affairs. My name is Kawena Bagano from Hanamā‘ūlu. Thank you so much for the opportunity to submit testimony in STRONG SUPPORT of SB 754, Relating to Operating a Vehicle While Intoxicated.

This bill lowers the limit of alcohol-impaired driving to .05 percent blood alcohol concentration (BAC), which deters drunk driving and saves lives.

In 2018, Hawai'i had 117 highway-related fatalities, more than a third involved a driver with a BAC of 0.01 percent or higher. Lowering the BAC to 0.05 addresses alcohol-impaired driving and is a necessary step to reduce traffic deaths and related injuries.

Internationally, approximately 100 countries have some type of .05 or lower BAC laws which have lowered their traffic deaths.

Everyone who chooses to drink, at any amount, will put themselves and community members at risk of impaired driving when they choose to get behind the wheel to drive.

It's important to recognize that there are multiple factors that go into calculating one's BAC. The amount you've consumed, the percent of alcohol content, how many hours you've spent drinking and your weight. A calculator from the Cleveland Clinic Health Information Center,

https://www.clevelandclinic.org/health/interactive/alcohol_calculator.asp

accurately estimates what your BAC limit could be.

By separating drinking and driving while impaired, a .05 BAC or lower limit would result in an estimated 11% decline in fatal alcohol crashes and save at least 1700 lives annually in the U.S.

The data is clear, the lifesaving benefits are certain, the support is documented and the justification for action is compelling. The purpose of reducing BAC limits is not to discourage alcohol consumption. The purpose is to deter drinking AND driving. Each person killed or injured in a preventable alcohol-related crash on Hawai'i roads forever changes the lives of families and communities. We urge you to advance SB 754 to reduce the death and injury toll of alcohol-impaired driving.

Mahalo for the opportunity to submit testimony.

Kawena Bagano

SB-754

Submitted on: 3/22/2021 2:31:22 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kristin Mills	Individual	Support	No

Comments:

Aloha,

My name is Kristin Mills and I'm from the town of Pukalani (on Maui). I am a Public Health Educator for the Maui District Health Office, a taxpayer, a mother of two, and a two-time survivor of auto crashes where I was hit by a drunk driver. Thank you so much for the opportunity to submit testimony in STRONG SUPPORT of SB 754, Relating to Operating a Vehicle While Intoxicated.

This bill lowers the limit of alcohol-impaired driving to .05 percent blood alcohol concentration (BAC), which deters drunk driving and saves lives. Lowering the BAC to 0.05 is a necessary step to reduce traffic deaths and related injuries. As a mother of a new driver, making the roads safer for my son, and other teens, is very important to me.

Internationally, approximately 100 countries have some type of .05 or lower BAC laws which have lowered their traffic deaths. Having a lower level of BAC has been shown to be effective. In the US, a .05 BAC or lower limit would result in an estimated 11% decline in fatal alcohol crashes and save at least 1700 lives annually.

The data is clear, the lifesaving benefits are certain, the support is documented, and the justification for action is compelling. The purpose of reducing BAC limits is not to discourage alcohol consumption. The purpose is to deter drinking AND driving. Each person killed or injured in a preventable alcohol-related crash on Hawaii roads forever changes the lives of families and communities.

On a more personal note, I am one of the lucky ones. Twice I have been involved in a crash that involved the other driver being over the BAC level. Twice I have been lucky to survive even though my vehicle was totalled in one of them and the second crash ended up being a 5 car pile-up where the intoxicated driver did not survive. Our community members deserve to not rely on "luck" in order to arrive alive. By lowering the legal BAC level, we will increase everyone's chances of arriving safely rather than having their life forever changed.

I urge you to advance SB754 to reduce the death and injury toll of alcohol-impaired driving.

Mahalo for the opportunity to submit testimony.

Sincerely,

Kristin Mills, M.S., M.A.

SB-754

Submitted on: 3/22/2021 9:02:49 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Le Burkien	Individual	Support	No

Comments:

March 22, 2021

To: Representative Mark M. Nakashima, Chair

And Members of the Committee

Strong Support SB754 Relating to Operating a Vehicle While Intoxicated

POSITION: STRONG SUPPORT SB754

I am writing on behalf of myself, young people, and parents I've had to console, families who have experienced the tragedy of loss, and hopefully those people this bill can save.

Half of all traffic fatalities in Hawaii are the result of drivers operating vehicles while intoxicated. The Department of Transportation decided that this type of bill will take more impaired drivers off the road, bringing Hawaii fatalities closer to zero deaths. California, Massachusetts and Boston University researching five other states, determined that decreases in alcohol related fatalities ranged from 4% to 40% measurably due to lowering the BAC level to 0.05%.

NHTSA's most recent study in Illinois indicated traffic related fatalities resulted in a 13.7% reduction after implementation of a similar law. In 2018 there were a total of 117 total fatalities in Hawaii due to intoxicated drivers. Over 13 lives may have been saved, 13 families, thirteen sons and daughters, hundreds of friends, may not have had to experience tragic loss and long-term emotional and mental disruption and consequences.

Lowering the limit is a proven effective countermeasure that will reduce alcohol-related traffic fatalities. The relative risk of being involved in a fatal crash as a driver is 4 to 10 times greater for drivers with BAC's of 0.08% compared to drivers with .0.05% BAC. Passage of SB754 will be a significant deterrent to drinking and driving and just will save precious lives.

Finally, the passage of SB754 is in direct relationship to the Hawaii Department of Health's Strategic Plan of creating a culture of health throughout Hawaii, taking health to

where people, live, work, learn, and play and certainly in this case, invest in the safety of our communities

References

1. Figures provided by the National Highway Traffic Safety Administration (NHTSA), based on the Fatality Analysis Reporting System (FARS).
2. The American Medical Association actually endorses an illegal limit of .05 BAC.
3. See NHTSA's publication "Setting Limits, Saving Lives: The Case for .08 BAC Laws" or the agency's website at www.nhtsa.dot.gov.
4. Johnson, D., & Fell, J. (1995). The Impact of Lowering the Illegal BAC Limit to .08 in Five States in the U.S. *39th Annual Proceedings of the Association for the Advancement of Automotive Medicine*, October 16-18, 1995 (pp. 45-64). Chicago, IL.
5. NHTSA's National Center for Statistics and Analysis, Traffic Safety Facts 2018 Data
6. 30% of traffic associated arrests in Hawaii indicated an alcohol level of (BAC=.08+g/dl)
7. Journal of Safety Research 37 (3):233-43;
https://www.researchgate.net/publication/6959778_The_effectiveness_of_reducing_illegal_blood_alcohol
8. Estimation of the Potential Effectiveness of Lowering the Blood Alcohol Concentration (BAC) Limit for Driving from .08 to .05 grams per deciliter in the United States

SB-754

Submitted on: 3/23/2021 9:01:41 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Comerford	Individual	Oppose	No

Comments:

House committee meeting today

We oppose SB754 to a lowered Blood Alcohol Level from .08 to .05

Allowing for only one drink per hour for most adults or a DUI charge if driving.

This is a death knell to the bar industry that is already on the brink of destruction after being closed for 11 months of the last 12. Bars must carry a \$ 1million dollar liquor liability insurance policy now . That cost could double and the likelihood of being sued is not worth the risk of operating at such a low level.

Every person in the bar is a definite risk because their choices fall upon the bar serving them and not themselves.

The number of bars choosing to operate will be determined in June when licenses we have not been able to use fully over the last two years must be renewed. Will they renew? Not likely when they can't operate at a profit under covid restrictions and facing licensing fees and mandatory highly expensive insurance costs.

Go ahead and pass the legal marijuana usage bill and we'll give up on alcohol that is currently highest taxed item in Hawaii outside of tobacco.

Maybe the insurance risk should be put upon the individual rather than the industry if you expect as a state to have a bar and entertainment industry.

My 4 bars are no longer mine or operating under my ownership

Aloha means goodbye

Sincerely

Bill Comerford

Kelley O'Neils

Anna O'Briens

Irish Rose Saloon

O'Tooles Irish Pub

SB-754

Submitted on: 3/23/2021 9:32:41 AM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nicholas Krau	Individual	Support	No

Comments:

Research indicates that virtually all drivers are impaired regarding at least some driving performance measures at a 0.05 BAC. The risk of being involved in a crash increases significantly at 0.05 BAC and above. Lowering the per se limit to 0.05 will without a doubt save lives.