



Testimony of

Thomas Chapman
Board Member
National Transportation Safety Board

Before the

Committee on Judiciary
Hawai'i State Legislature

— *On* —

Senate Bill 160
Operating a Vehicle While Impaired/.05 Blood Alcohol Concentration

Honolulu, Hawai'i • February 9, 2023

NTSB | National
Transportation
Safety Board
An Independent Federal Agency

Good afternoon, Chair Rhoads, Vice Chair Gabbard and Members of the Committee. Thank you for the opportunity for the National Transportation Safety Board (NTSB) to testify before you today.

The NTSB is an independent federal agency charged by Congress with investigating aviation, marine, and rail accidents, commercial space launch and re-entry mishaps, highway crashes, and hazardous materials releases, in pipelines and elsewhere in transportation.

We determine their probable causes and issue safety recommendations to prevent them from happening again. We also conduct safety research.

The NTSB has no power to regulate or legislate, and we rely on the persuasive power of our comprehensive investigations and research to encourage the recipients of our recommendations to act to improve safety. We appreciate the opportunity to testify on our recommendation to Hawai'i to lower its per se impairment threshold from .08 grams per deciliter blood alcohol concentration (BAC) to .05 grams per deciliter BAC.¹

We have recommended that Hawai'i, and all states, the District of Columbia, and the Commonwealth of Puerto Rico, reduce the alcohol impairment threshold to .05 or lower.² We view the opportunity to testify today as an opportunity to support this committee's important work to save lives—the predictable outcome of lowering the threshold to .05.

Simply put, .05 saves lives. The remainder of this testimony supports this conclusion.

Too many people are dying on our roads because of alcohol impairment. These deaths are 100 percent preventable. Fewer people will die with a change of the per se limit from .08 to .05. This change has been made elsewhere without adverse economic consequences.

The Persistent Problem: Impaired-Driving Crashes Still Kill Thousands

While the number of lives lost annually in alcohol-impairment crashes declined by more than half from 21,113 in 1982 to 10,136 in 2010,^{3,4} there has not been improvement since that time. In fact, in 2020, there were 11,654 alcohol-impaired driving fatalities, the highest number

¹ For the remainder of this testimony, we use the common shorthand of .08 and .05, omitting repeated references to units of measure for BAC and breath alcohol concentration (BrAC). Blood Alcohol Concentration (BAC) is commonly rendered without units, but it stands for the grams of alcohol per tenth of a liter, or deciliter, of blood. Breath Alcohol Concentration (BrAC) uses grams of alcohol per 210 liters of breath (alcohol is 2,100 times more concentrated in blood than in breath). As a result, .05 g/dL BAC, for example, is considered the equivalent of .05 g/210 liters BrAC.

² Safety Recommendation <https://data.nts.gov/carol-main-public/sr-details/H-13-005>.

³ National Transportation Safety Board. 2013. *Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving*. Safety Report NTSB/SR-13/01. Washington, DC: NTSB. Available at <https://www.nts.gov/safety/safety-studies/Documents/SR1301.pdf>

⁴ National Center for Statistics and Analysis. (2021, July). *Alcohol Impaired Driving*. (Traffic Safety Facts. Report No. DOT HS 813 120). Washington, DC: National Highway Traffic Safety Administration, Table 4, accessed 2/17/22

since 2008.^{5,6} Impaired driving crashes hit people in the pocketbook too. The National Highway Traffic Safety Administration (NHTSA) last estimated the economic cost of all alcohol-involved crashes in the U.S. at \$68.9 billion for the year 2019.⁷ So while the ongoing tragedy of impaired driving *can* strike anybody, its economic burden *does* strike everybody.

Due to this lack of continued progress in reducing the impact of impaired driving, in 2012, an NTSB forum called “Reaching Zero” kicked off a year-long effort to assess impaired-driving countermeasures. The effort culminated with a 2013 report, “Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving,”⁸ which identified the most effective, scientifically based actions that could save lives presently lost to alcohol-impaired driving. One of these actions was to lower the *per se* impaired driving limit from .08 BAC to .05 BAC or lower for all drivers.⁹

The (Present) .08 BAC Limit

From 2006 to 2017¹⁰, all states had a *per se* BAC threshold of .08 for noncommercial drivers age 21 and over. But .08 BAC is not when impairment begins. A 2015 NHTSA study showed that crash risk at .05 was double that of a sober driver. But at .08, crash risk roughly doubled again to about four times the sober driver’s risk.¹¹

What Happens When You Lower the Per Se BAC Limit to .05

The advantage of a *per se* BAC limit of .05 or lower is that it does not only deter driving between .05 BAC and .079 BAC (that is, the specific concentrations newly above the threshold) but lowering the BAC limit has also been shown to reduce impaired driving fatalities even at higher BAC levels.¹²

⁵ The National Highway Traffic Safety Administration (NHTSA) reports drivers as alcohol-impaired at .08 BAC or greater. However, in 2019, an additional 1,775 people were killed in alcohol-related crashes where a driver had a BAC of .01 to .07 g/dL. <https://www.nhtsa.gov/risky-driving/drunk-driving>, accessed 1/13/22

⁶ Stewart, T. (2022, March). Overview of motor vehicle crashes in 2020 (Report No. DOT HS 813 266). National Highway Traffic Safety Administration.

⁷ Blincoe, L., Miller, T., Wang, J.-S., Swedler, D., Coughlin, T., Lawrence, B., Guo, F., Klauer, S., & Dingus, T. (2022, December). The economic and societal impact of motor vehicle crashes, 2019 (Report No. DOT HS 813 403). Washington, DC: National Highway Traffic Safety Administration. Available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>

⁸ National Transportation Safety Board. 2013. Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving. Safety Report NTSB/SR-13/01. Washington, DC: NTSB. Available at <https://www.nts.gov/safety/safety-studies/Documents/SR1301.pdf>

⁹ NTSB Safety Recommendation H-13-5

¹⁰ In 2017, Utah lowered its *per se* threshold to .05 BAC, effective December 30, 2018 (see “The Utah Experience”).

¹¹ National Center for Statistics and Analysis. (2015, February). Drug and Alcohol Crash Risk. (Traffic Safety Facts Research Note. Report No. DOT HS 812 117). Washington, DC: National Highway Traffic Safety Administration, Table 8.

¹² National Academies of Sciences, Engineering, and Medicine. 2018. *Getting to Zero Alcohol-Impaired Driving Fatalities: A Comprehensive Approach to a Persistent Problem*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/24951>.

To reduce alcohol-related crashes, many countries have established a BAC limit of .05, and the benefits of the lowering BAC limits have been documented.¹³ Currently, more than 100 countries have BAC limits set at .05 or lower.¹⁴ A 2017 study estimated that this standard 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.¹⁵

The Utah Experience

On March 23, 2017, the Governor of Utah signed a law to lower the state’s BAC limit for noncommercial drivers from .08 to .05, effective December 30, 2018. Initial data are promising. In February 2022, NHTSA published a report entitled “Evaluation of Utah’s .05 BAC Per Se Law,” which compared the state’s crash data before and after the law went into effect.¹⁶

The report found there was a reduction in crashes and fatalities, as compared to the rest of the country. When vehicle miles traveled (VMT) is considered, the fatal crash rate reduction from 2016 to 2019 in Utah was 19.8 percent, and the fatality rate reduction was 18.3 percent. In comparison, the rest of the United States showed a 5.6 percent fatal crash rate reduction and 5.9 percent fatality rate reduction during the same time. In addition, the neighboring States of Arizona, Colorado, and Nevada did not show the same levels of improvement in fatal crash and fatality rates as Utah.

Further, the study found that there was no impact on alcohol sales, tax revenues, or tourism, nor were there substantially increased arrests.

Support for .05

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; the American Public Health Association, Advocates for Highway and Auto Safety; and Mothers Against Drunk Driving have advocated setting BAC limits at .05 or lower.

Conclusion

Progress toward eliminating alcohol-impaired driving fatalities has unnecessarily stagnated. More can and should be done to prevent these tragedies.

¹³ Fell, J. C. & M. Scherer. 2017. “Estimation of the potential effectiveness of lowering the blood alcohol concentration (BAC) limit for driving from 0.08 to 0.05 grams per deciliter in the United States.” *Alcoholism: Clinical and Experimental Research*. 41(12) 2128-2139.

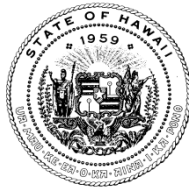
¹⁴ <https://apps.who.int/gho/data/view.main.54600>

¹⁵ Fell, J. C., & Scherer, M. (2017). Estimation of the Potential Effectiveness of Lowering the Blood Alcohol Concentration (BAC) Limit for Driving from 0.08 to 0.05 Grams per Deciliter in the United States. *Alcoholism, clinical and experimental research*, 41(12), 2128–2139. <https://doi.org/10.1111/acer.13501>.

¹⁶ National Center for Statistics and Analysis. (2022, February). Evaluation of Utah’s .05 BAC Per Se Law. (Traffic Tech Technology Transfer Series. Report No. DOT HS 813 234). Washington, DC: National Highway Traffic Safety Administration.

The evidence is clear: per se BAC limits of .05 or lower can save lives and *have* saved lives. Utah saw an 18.3 percent reduction in its fatality rate between 2016 and 2019 following the passage of .05 legislation.

The NTSB believes that the only acceptable number of deaths on our roads is zero, and it has been our charge since our founding to determine how to eliminate transportation fatalities. Deaths due to impaired driving are 100 percent preventable, and Hawai'i can be a leader in implementing policies that will save lives and prevent impaired driving.



TESTIMONY BY:
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Deputy Directors
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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
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February 9, 2023
9:30 A.M.
State Capitol, Teleconference

S.B. 160
RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE

Senate Committee on Judiciary

The Department of Transportation (DOT) **supports** S.B. 160, which lowers the threshold blood alcohol concentration (BAC) for the offense of operating a vehicle while under the influence of an intoxicant.

Laboratory and driving simulator studies have found that most adults, even experienced drinkers who typically reach BACs of .15 or greater, are significantly impaired at .05 BAC, with critical driving-related skills such as divided attention, braking, tracking, perception and reaction time impacted. In Hawaii, from 2016-2020, of the drivers who were involved in a fatal crash and were tested, 4 percent had a BAC of .05-.0799, according to the Fatality Analysis Reporting System.

Lowering the per se limit from .08 to .05 is a proven countermeasure that has reduced alcohol-impaired driving fatalities in other countries. Most other industrialized nations around the world have already lowered their illegal per se limits; Australia, Austria, Belgium, Finland, France, Germany, Greece, Ireland, Italy, New Zealand, Scotland, Spain and Switzerland are just a few of the countries with a .05 illegal BAC limit, while Japan, Norway, Poland, Sweden and Taiwan have set their limits at .03 or .02.

According to a meta-analysis of studies on lowering BAC in general, researchers found a 11.1 percent decline in fatal alcohol-related crashes from lowering the BAC to .05 or lower. They estimate that 1,790 lives would be saved each year if all states adopted a .05 BAC limit.¹

¹ James C. Fell, M.S., Michael Scherer, Ph.D. "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." *Alcohol Clin Exp Res.* (2017): 2128-2139.

A comprehensive review of literature on BAC limits also dispels some of the concerns that have been voiced.² Contrary to popular belief, a .05 illegal BAC is not typically reached with a couple of beers after work or with a glass of wine or two with dinner. “It takes at least four drinks for an average 170-pound male to exceed 0.05 BAC in 2 hours on an empty stomach (three drinks for a 137-pound female).” A person’s BAC level also depends on their age, gender and weight, as well as their metabolism rate and food in their stomach. In addition, lowering the per se limit to .05 does not place an unnecessary strain on police officers. They are still required to have probable cause to stop drivers and determine if they are impaired. Officers are trained to detect impairment, regardless of the BAC level.

Lowering the illegal BAC limit does not mean that people are no longer allowed to drink; we would just like to separate the acts of drinking and driving to keep all of our roadway users safe.

DOT is primarily concerned about improving highway safety and protecting the lives of our community members and visitors. Changing the illegal per se limit is a start to change behaviors so that people plan ahead and arrange for alternatives to driving while impaired, such as using rideshare or public transportation, or designating a sober driver.

The DOT urges your support with S.B. 160.

Thank you for the opportunity to provide testimony.

² Fell, James C. and Robert B. Voas. "The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States." *Addiction* (2014): 869-874.

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender, State
of Hawai‘i to the Senate Committee on Judiciary**

February 9, 2023

S.B. No. 160: RELATING TO THE USE OF INTOXICANTS WHILE
OPERATING A VEHICLE

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The Office of the Public Defender respectfully opposes S.B. No 160.

This measure proposes to lower the threshold blood alcohol concentration (BAC) for the offense of Operating a Vehicle Under the Influence of an Intoxicant (OVUII). Specifically, the measure reduces the threshold from 0.08% blood alcohol content (BAC) to 0.05% BAC. For reasons stated below, we oppose this measure.

First, the reduction of the threshold BAC is simply not necessary. There is nothing to prevent the police to arrest a person and the prosecutor to charge a person whose BAC level is under 0.08%. Hawai‘i already has a statute which criminalizes drivers whose BAC level is under 0.08 %. HRS § 291E-61(a) provides, in pertinent part:

(a) A person commits the offense of operating a vehicle under the influence of an intoxicant if the person operates or assumes actual physical control of a vehicle:

(1) While under the influence of alcohol in an amount sufficient to impair the person's normal mental faculties or ability to care for the person and guard against casualty;

Accordingly, the police can arrest, the prosecutor can charge, and the court can convict a person for OVUII by only presenting evidence of bad driving (e.g., weaving, unsafe lane change, reckless driving), inidicia of consuming alcohol (e.g., red, watery, or glassy eyes; odor of alcohol, flushed face, slurred speech, unsteady on feet) and poor performance on the field sobriety tests. Indeed, prosecutors in the City and County of Honolulu are able to achieve convictions for OVUII under HRS § 291E-61(a) without the introduction of BAC evidence at trial.

Second, 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 drink but do not drive impaired. A responsible drinker, who limits their alcohol consumption to one to two drinks, can drive safely.¹

Many drivers with a 0.05% BAC do not exhibit the kind of impaired skills that cause them to drive unsafely. Yet despite operating their vehicles in accordance with all other traffic laws and not putting themselves or others at risk, this group of law-abiding drivers will constitute a new class of criminals under this proposed law.

The individuals who drive drunk and seriously injure or kill innocent people are not those with a BAC of 0.05%. The high-level BAC drivers are alcohol dependent and/or uncaring individuals. A reduction of the BAC will not stop such people from drinking and driving.

Third, this proposed law has not been widely-accepted nationally. Hawai‘i would be the only U.S. state, other than Utah, to pass such a law. The failure of this type of law to pass in other U.S. states reflects that our society is not interested in criminalizing driving safely after consuming one or two alcoholic drinks.

Fourth, this proposed law will result in a significantly higher workload for an already overburdened police department and legal system. Police officers busy arresting an individual with a 0.05% BAC level, who is not a danger to the community, may not be able to stop and arrest a dangerous individual with a 0.10 or 0.15% BAC level. An OVUII arrest of an individual involves multiple officers who will be pulled off patrol to investigate, including the officer that conducts the stop, another officer that conducts the field sobriety tests, an arresting officer, and an officer that conducts the breathalyzer. All of these officers typically prepare reports and other paperwork related to the investigation and arrest. Pulling several officers off patrol to investigate and arrest an individual with a BAC level of 0.05% means less officers on patrol to stop and arrest highly-intoxicated drivers.

¹ *The National Highway Traffic Safety Administration (NHTSA) report about the results of Utah’s 0.05% BAC law is misleading.* See <https://rosap.nhtl.bts.gov/view/dot/60427> (last visited, February 15, 2022). The report purports to show that traffic fatalities were reduced because of the change in Utah’s OVUII law from 0.08% BAC to 0.05% BAC. The report compares data from 2016 (the last full year before the law was passed) and 2019 (the first full year the law was in effect). *This is a misleading comparison because their data shows that the fatality rates have varied in Utah regardless of the law change. Figure 1 in the report shows that over the past 10 years the fatality rates have varied in Utah—with fatalities in 2012 and 2013 occurring at a similar rate to 2019.* Fatality rates have declined nationwide similarly between 2016 and 2019 despite no enacting of the .05% BAC law nationally. The rates seen in Utah may be due to natural variation or some other unaccounted for factors.

Finally, another collateral consequence will be increased court congestion, which will lead to dismissals of cases with higher-BAC levels that are never able to go to trial. In order to deal with the increased cases, the Legislature will need to build additional courtrooms and hire more judges, prosecutors, and public defenders. There have always been high caseloads for the OVUII calendars in the District Court, but the backlog caused by the COVID-19 pandemic has increased the calendars several-fold. As a result of this law, more OVUII cases would either be dismissed due to a violation of Rule 48 of the Hawai'i Rules of Penal Procedure and/or a constitutional speedy trial violation or be plea bargained down to reckless driving offense. Increasing the caseload by prosecuting individuals with a BAC level of 0.05% will only jeopardize the successful prosecution of individuals with higher-BAC levels. The judicial system can only process a finite number of cases.

In conclusion, to minimize the devastating effects of drunk driving, Hawai'i should concentrate on keeping people with higher-BAC levels and repeat offenders off the road rather than reducing the OVUII threshold from 0.08% BAC to 0.05% BAC.

Thank you for the opportunity to comment on S.B. No. 160.

DEPARTMENT OF THE PROSECUTING ATTORNEY
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THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-First State Legislature
Regular Session of 2021
State of Hawai`i

February 9, 2023

RE: S.B. 160; RELATING TO USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of S.B. 160.

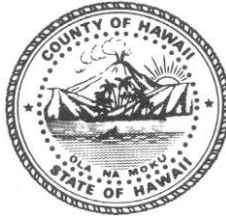
The purpose of H.B. 160 is to lower the allowable level of blood-alcohol content (“BAC”) from 0.08 grams of alcohol per 210 liters of breath, or per 100 milliliters or cubic centimeters of blood, to 0.05 grams. The Department believes this change would effectively keep more impaired drivers off of Hawaii’s 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. 160. Thank you for this opportunity to testify.

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 160

**A BILL FOR AN ACT RELATING TO THE
USE OF AN INTOXICANT WHILE OPERATING A VEHICLE**

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Thursday, February 9, 2023 at 9:30 a.m.
Via Videoconference
State Capitol Conference Room 016
415 South Beretania Street

Honorable Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee on Judiciary: The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony in support of Senate Bill No. 160.

This bill was drafted with the intent to lower the threshold blood alcohol concentration ("BAC") for the offense of operating a vehicle while under the influence of an intoxicant from .08 to 0.5 grams of alcohol per two hundred ten liters of breath and .08 to .05 grams of alcohol per one hundred milliliters or cubic centimeters of blood.

According to the World Health Organization's Global Status Report on Road Safety in 2018, 89 countries have already implemented a .05 BAC threshold. In 2019, Utah became the first state to lower its BAC limit to .05. According to a February 2022 report by the National Highway Transportation Safety Administration ("NHTSA") there was a 19.8% reduction in the number of fatal car crashes in the 21-month period following the passage of Utah's law. Furthermore, Senate Bill No. 365 contemplates the creation of a violation, as such this would not increase arrests, nor substantially burden our State's limited law enforcement, prosecutorial, and judicial resources.

The County of Hawai'i, Office of the Prosecuting Attorney supports Senate Bill No. 160 and agrees that lowering the threshold blood alcohol concentration ("BAC") for the offense of operating a vehicle while under the influence of an intoxicant from .08 to 0.5 grams will be an effective public health strategy to address Hawai'i's current epidemic of impaired driving, reduce the number of traffic fatalities across the State, and make Hawai'i's roads safer.

The County of Hawai'i, Office of the Prosecuting Attorney remains committed to pursuing justice with integrity and commitment. For the foregoing reasons, the County of

Hawai'i, Office of the Prosecuting Attorney supports the passage of Senate Bill No. 160. Thank you for the opportunity to testify on this matter.

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Acting Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



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TESTIMONY
ON
SB 160 RELATING TO
THE USE OF INTOXICANTS
WHILE OPERATING A VEHICLE

TO: Honorable Karl Rhoads, Chair
Honorable Mike Gabbard, Vice Chair
Senate Committee on Judiciary

FROM: Department of the Prosecuting Attorney, County of Maui

DATE: February 8, 2023

SUBJECT: **SUPPORT OF SB 160, THE USE OF INTOXICANTS WHILE
OPERATING A VEHICLE**

Thank you for the opportunity to testify in **SUPPORT** of SB 160. 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.

We support this bill because it 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, after the State of Utah adopted the .05 BAC threshold on December 30, 2018 there was a 14.6% reduction in the number of drivers testing positive for alcohol consumption and a 19.8% reduction in the fatal crash rate between 2016 and 2019.

For these reasons, the Department of the Prosecuting Attorney, County of Maui supports SB 160. 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.

Rebecca V. Like
Prosecuting Attorney



Keola Siu
First Deputy
Prosecuting Attorney

OFFICE OF THE PROSECUTING ATTORNEY

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THE HONORABLE KARL RHOADS, CHAIR, SENATE COMMITTEE ON
JUDICIARY, THIRTY-SECOND STATE LEGISLATURE

Regular Session of 2023

State of Hawai'i

February 7, 2023

**RE: SB 160 RELATING TO THE USE OF INTOXICANTS WHILE OPERATING
A VEHICLE.**

Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on
Judiciary:

The Office of the Prosecuting Attorney, County of Kaua'i SUPPORTS SB 160, lowering the threshold per se maximum blood alcohol concentration ("BAC") for the offense of Operating a Vehicle Under the Influence of an Intoxicant.

The bill amends the per se legal amount of blood alcohol concentration for Hawaii drivers throughout Chapter 291E from a maximum per se BAC of .08, to the lower maximum per se BAC of .05 grams of alcohol per 210 liters of breath or grams of alcohol per one hundred milliliters or cubic centimeters of blood. With this revision the statute will more accurately encompass unsafe levels of intoxication among drivers and allow for more efficient enforcement to prevent intoxicated driving.

This amendment reflects the growing consensus that unsafe intoxication occurs at BAC levels much lower than Hawaii's current per se limit. The National Transportation Safety Board recommends this BAC reduction for all states and has concluded that BAC levels as low as 0.01 have been associated with driving-related performance impairment and BAC levels as low as 0.05 have been associated with significantly increased risk of fatal crashes. The

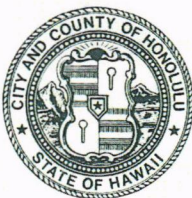
State of Utah has already implemented this lower BAC level, along with a number of other nations around the world, including Argentina, Australia, Austria, Belgium, Finland, France, Germany, Greece, Hong Kong, Israel, Italy, South Africa, Spain, Switzerland, Thailand, Taiwan, and Turkey.

Accordingly, the Office of the Prosecuting Attorney, County of Kauaʻi, requests that this measure be PASSED.

Thank you very much for the opportunity to testify.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE ST-TK

February 9, 2023

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 160, Relating to the Use of Intoxicants While Operating a Vehicle

I am Stason Tanaka, Acting Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 160, Relating to the Use of Intoxicants While Operating a Vehicle.

The HPD supports the proposal of lowering the alcohol concentration in a person's breath or blood for the purposes of Operating a Vehicle Under the Influence of an Intoxicant. Impaired driving is a serious problem that needs to be addressed. Research shows that critical driving skills are impaired at 0.05 blood alcohol concentration (0.05 or more grams of alcohol per one hundred milliliters or cubic centimeters of blood or 0.05 grams of alcohol per 210 liters of breath).

This level of impairment significantly increases the risk of senseless and preventable crashes that can take innocent lives. Any measure that could prevent these tragedies and keep impaired drivers off of our roadways should be considered.

The Honorable Rhoads, Chair
and Members
February 9, 2023
Page 2

The HPD urges you to support Senate Bill No. 160, Relating to the Use of Intoxicants While Operating a Vehicle.

Thank you for the opportunity to testify.

Sincerely,



STASON TANAKA, Acting Major
Traffic Division

APPROVED:


FOR, Arthur J. Logan
Chief of Police



To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB160, Relating to the Use of Intoxicants While Operating a Vehicle.

Hrg: Thursday, February 9th, 2023, at 9:30am, Conference Room 016

Position: Support

Aloha, my name is Rick Collins, the Director of the Hawai'i Alcohol Policy Alliance (Alliance). The Hawai'i Public Health Institute fiscally manages the Alliance. I am submitting testimony on behalf of the Alliance in STRONG SUPPORT of SB160. SB160 amends the definition of “under the influence” and defines the measurable amount of alcohol for impaired driving of a vehicle to a blood alcohol concentration (BAC) of 0.05 or more.

Lowering the BAC limit for impaired driving to 0.05 is an effective strategy for creating safer roads popular with Hawai'i voters, supported by strong research evidence, and endorsed by the world's largest brewer.

Below are some of the reasons why a 0.05 BAC would create safe roads and protect Hawai'i's residents, children, and families:

Lowering the BAC limit to 0.05 has shown to be an effective strategy for reducing alcohol-impaired crashes and fatalities and would create safer roads for all people.

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21 months following the passage of Utah's law that lowered the BAC limit to 0.05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.ⁱ

Hawai'i voters support the lowering of the BAC limit to 0.05.

A December 2022 statewide poll reveals that more than two-thirds (69%) of Hawai'i voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.ⁱⁱ

A 0.05 BAC is supported by strong research evidence and is nationally recommended to reduce alcohol-impaired crashes, fatalities, and related consequences.



In an effort to prevent alcohol-impaired driving and its related consequences, the National Highway Transportation Safety Board (NTSB) recommends that all 50 states adopt a 0.05 BAC law.ⁱⁱⁱ Drivers at 0.05 BAC are up to seven times more likely to be involved in a crash than those drivers at a .00 BAC. Additionally, approximately 85% of the world's population has already adopted per se levels for alcohol-impaired driving at 0.05 BAC or lower.^{iv}

The world's largest alcohol brewer endorses a 0.05 BAC as best practice to prevent alcohol-impaired driving.

The ABInBev Foundation (formerly Anheuser-Busch) agrees with the World Health Organization that a 0.05 BAC limit is best practice at this time.^v

Utah study shows a 0.05 BAC limit had no negative impact alcohol sales, tourism, and tax revenues

Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the 0.05 BAC law in Utah. There's no indication that this would be different with a 0.05 BAC law in Hawai'i.^{vi}

Utah study shows a 0.05 BAC limit did not increase arrests

DUI arrest data from Utah's 0.05 BAC law shows no large spikes in overall arrests relative to the passage of the 0.05 BAC law. In 2019, there was a slight increase in arrests for drives with a 0.05 to 0.079 BAC, which was expected given that law enforcement could now cite drivers for a per se offense in this BAC range.^{vii}

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths and creating safer streets for all people.

Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you **pass SB160**.

Mahalo for your time and consideration.

If you have any questions, please contact Rick Collins at rick@hiphi.org or (808) 591-6508, x22.



ⁱ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

ⁱⁱ Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.

ⁱⁱⁱ Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving, National Transportation Safety Board, 2013. <https://www.nts.gov/safety/safety-studies/Pages/DCA12SS006.aspx>

^{iv} Global Status Report on Road Safety 2018, World Health Organization, 2018.

https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

^v ABInBev Foundation, <https://www.ab-inbev.com/content/dam/abinbev/what-we-do/road-safety/ABI%20%20Road%20Safety%20%20A4%20layout%20%20digital%20%20v6.pdf>

^{vi} Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

^{vii} Ibid.

To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB 160, Relating to the Use of Intoxicants While Operating a Vehicle.

Hrg: Thursday, February 9th, 2023 at 9:30am, Conference Room 016

Position: Support

As the Maui Coalition for Drug-Free Youth, a community coalition dedicated to the prevention and reduction of underage drinking and associated harms of alcohol use in Maui County and the State of Hawaii, we are submitting testimony in STRONG SUPPORT of SB 160. SB 160 establishes the offense of driving while impaired and defines the per se level for impairment of having a blood alcohol concentration (BAC) between 0.05 BAC and 0.079 BAC.

Lowering the BAC limit for impaired driving to 0.05 is an effective strategy to creating safer roads that is popular with Hawai'i voters, supported by strong research evidence, and endorsed by the world's largest brewer.

Below are some of the reasons why a 0.05 BAC would create safe roads and protect Hawaii's residents, children, and families:

Lowering the BAC limit to 0.05 has shown to be an effective strategy for reducing alcohol-impaired crashes and fatalities, and would create safer roads for all people.

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21-month period following the passage of Utah's law that lowered the BAC limit to 0.05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.¹

Hawai'i voters support the lowering of the BAC limit to 0.05.

A December 2022 statewide poll reveals that more than two-thirds (69%) of Hawai'i voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.²

A 0.05 BAC is supported by strong research evidence and nationally recommended to reduce alcohol-impaired crashes, fatalities, and related consequences.

In an effort to prevent alcohol-impaired driving and its related consequences, the National Highway Transportation Safety Board (NTSB) recommends that all 50 states adopt a 0.05 BAC law.³ Drivers at 0.05 BAC are up to seven times more likely to be involved in a crash than those drivers at a 0.00 BAC.

¹ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

² Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.

³ Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving, National Transportation Safety Board, 2013. <https://www.nts.gov/safety/safety-studies/Pages/DCA12SS006.aspx>

Additionally, approximately 85% of the world's population has already adopted per se levels for alcohol-impaired driving at 0.05 BAC or lower.⁴

The world's largest alcohol brewer endorses a 0.05 BAC as best practice to prevent alcohol-impaired driving.

The ABInBev Foundation (formerly Anheuser-Busch) agrees with the World Health Organization that a 0.05 BAC limit is best practice at this time.⁵

Utah study shows a 0.05 BAC limit had no negative impact alcohol sales, tourism, and tax revenues
Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the 0.05 BAC law in Utah, and there's no indication that this would be different with a 0.05 BAC law in Hawai'i.⁶

Utah study shows a 0.05 BAC limit did not increase arrests

DUI arrest data from Utah's 0.05 BAC law shows no large spikes in overall arrests relative to the passage of the 0.05 BAC law. In 2019, there was a slight increase in arrests for drivers with a 0.05 to 0.079 BAC, which was expected given that law enforcement could now cite drivers for a per se offense in this BAC range.⁷

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and creating safer streets for all people.

Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you **pass SB 160**.

Mahalo for your time and consideration.

Maui Coalition for Drug-Free Youth
Ashlee Klemperer Chapman, Coordinator
244 Papa Place, Suite 101
Kahului, HI 96732
Mcdfy.org

⁴ Global Status Report on Road Safety 2018, World Health Organization, 2018.
https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

⁵ ABInBev Foundation, <https://www.ab-inbev.com/content/dam/abinbev/what-we-do/road-safety/ABI%20Road%20Safety%20A4%20layout%20digital%20v6.pdf>

⁶ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

⁷ Ibid.



Vision: The East Hawai'i Coalition envisions safe, resilient, and thriving communities free of substance misuse.

East Hawai'i Drug-Free Coalition

Mission: Our mission is to prevent and reduce substance misuse impacting keiki to kupuna with a focus on eliminating underage drinking.

To: The Honorable Senator Karl Rhoads, Chair

The Honorable Senator Mike Gabbard, Vice Chair and Members of the Senate Committee on Judiciary

Re: Strong Support of SB 160, Relating to the Use of Intoxicants While Operating a Vehicle.

Hrg: Thursday, February 9 th , 2023 at 9:30am, Conference Room 016

Position: Support

I am submitting testimony in STRONG SUPPORT of SB160. SB160 amends the definition of “under the influence” and defines the measurable amount of alcohol for impaired driving of a vehicle to a blood alcohol concentration (BAC) of 0.05 or more.

As the Chairperson for the East Hawai'i Drug-Free Coalition and as a Hilo resident, we want to create safer communities and support safe driving. Lowering the BAC is a change that could significantly prevent crashes, injuries, and deaths and create safer communities for everyone.

Below are some of the reasons why a 0.05 BAC would create safe roads and protect Hawaii's residents, children, and families:

Lowering the BAC limit to 0.05 has shown to be an effective strategy for reducing alcohol-impaired crashes and fatalities; therefore, implementing this lower BAC would create safer roads for all people. ^[i]

- The February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21 months following the passage of Utah's law lowering the BAC limit to 0.05.**
- This crash statistic is significantly better than the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.

The Utah study shows a 0.05 BAC limit had no negative impact on alcohol sales, tourism, and tax revenues. ^[i]

Alcohol sales and sales tax revenues from restaurants, rental cars, hotel stays, air travel, and resort sales continued to trend upward following the implementation of the Utah 0.05

The East Hawai'i Drug-Free Coalition envisions safe, resilient and thriving communities free of substance misuse. Our mission is to prevent and reduce substance misuse impacting keiki to kupuna with a focus on eliminating underage drinking.



Vision: The East Hawai'i Coalition envisions safe, resilient, and thriving communities free of substance misuse.

BAC law. There is no indication that lowering the BAC to 0.05 BAC in Hawai'i would have a negative economic impact either.

Hawai'i voters support lowering the BAC limit to 0.05.

According to a December 2022 statewide poll, conducted by the research firm SMS, nearly 70% of Hawai'i voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.

Hawai'i has led the nation in public health policies and now Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i.

Mahalo for hearing this measure, and please consider **passing SB160, Relating to Highway Safety**, to increase the safety of our roads and protect our communities.

Jacelyn Auna, East Hawai'i Drug-Free Coalition Chair



[i] <https://rosap.ntl.bts.gov/view/dot/60427>



**HAWAII ALCOHOL POLICY
ALLIANCE**

To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB 160, Relating to the Use of Intoxicants While Operating a Vehicle.

Hrg: Thursday, February 9th, 2023 at 9:30am, Conference Room 016

Position: Support

I am submitting testimony in STRONG SUPPORT of SB 160. SB 160 establishes the offense of driving while impaired and defines the per se level for impairment of having a blood alcohol concentration (BAC) between 0.05 BAC and 0.079 BAC.

Lowering the BAC limit for impaired driving to 0.05 is an effective strategy to creating safer roads that is popular with Hawai'i voters, supported by strong research evidence, and endorsed by the world's largest brewer.

Below are some of the reasons why a 0.05 BAC would create safe roads and protect Hawaii's residents, children, and families:

Lowering the BAC limit to 0.05 has shown to be an effective strategy for reducing alcohol-impaired crashes and fatalities, and would create safer roads for all people.

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21-month period following the passage of Utah's law that lowered the BAC limit to 0.05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.¹

Hawai'i voters support the lowering of the BAC limit to 0.05.

A December 2022 statewide poll reveals that more than two-thirds (69%) of Hawai'i voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.²

A 0.05 BAC is supported by strong research evidence and nationally recommended to reduce alcohol-impaired crashes, fatalities, and related consequences.

¹ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

² Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.



In an effort to prevent alcohol-impaired driving and its related consequences, the National Highway Transportation Safety Board (NTSB) recommends that all 50 states adopt a 0.05 BAC law.³ Drivers at 0.05 BAC are up to seven times more likely to be involved in a crash than those drivers at a 0.00 BAC. Additionally, approximately 85% of the world's population has already adopted per se levels for alcohol-impaired driving at 0.05 BAC or lower.⁴

The world's largest alcohol brewer endorses a 0.05 BAC as best practice to prevent alcohol-impaired driving.

The ABInBev Foundation (formerly Anheuser-Busch) agrees with the World Health Organization that a 0.05 BAC limit is best practice at this time.⁵

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DUI arrest data from Utah's 0.05 BAC law shows no large spikes in overall arrests relative to the passage of the 0.05 BAC law. In 2019, there was a slight increase in arrests for drivers with a 0.05 to 0.079 BAC, which was expected given that law enforcement could now cite drivers for a per se offense in this BAC range.⁷

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and creating safer streets for all people.

Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you **pass SB 160**.

Mahalo for your time and consideration.

³ Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving, National Transportation Safety Board, 2013. <https://www.nts.gov/safety/safety-studies/Pages/DCA12SS006.aspx>

⁴ Global Status Report on Road Safety 2018, World Health Organization, 2018. https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

⁵ ABInBev Foundation, <https://www.ab-inbev.com/content/dam/abinbev/what-we-do/road-safety/ABI%20%20Road%20Safety%20%20A4%20layout%20%20digital%20%20v6.pdf>

⁶ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

⁷ Ibid.



900 FORT ST. MALL, SUITE 1620 • HONOLULU, HI 96813
1-800-880-3394 • 808-695-2416 • SMARTSTARTINC.COM

February 9, 2023

To: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice-Chair
Members of the Senate Committee on Judiciary

From: JoAnn Hamaji-Oto, Territory Operations Director, Smart Start LLC, Hawaii Corporate Office

Re: SB 160 - Testimony in Support Relating to the Use of Intoxicants While Operating a Vehicle

I am JoAnn Hamaji-Oto, Territory Operations Director for Smart Start LLC, Hawaii Corporate Office. Smart Start is the current vendor contracted by the Hawaii Department of Transportation to install and service alcohol ignition interlocks in the state of Hawaii. I am offering testimony in support of SB160 - Testimony in Support Relating to the Use of Intoxicants While Operating a Vehicle, which Lowers the threshold blood alcohol concentration ("BAC") for the offense of operating a vehicle while under the influence of an intoxicant.

Currently, the only way to stop a drunk driver from reoffending is to install an ignition interlock on the vehicle that a person operates during a license revocation period. Unlike other alcohol monitoring technologies or programs, an ignition interlock is the only technology and the single most effective tool available to physically separate drinking from driving and to enhance public safety. A consequence for trying to drive drunk on an interlock is not incarceration, but rather a parked vehicle that will not start until the driver sobers up. Since the implementation of Hawaii's Ignition Interlock law in 2011, we have prevented more than 100,000 drunk driving attempts in the state of Hawaii. The interlock did what it was supposed to do, it directly prevented drunk driving and the injuries and deaths it causes.

By lowering the BAC, SB 160 will also make the interlock program available to those who violate the laws pertaining to operating a vehicle under the influence at lower levels which we believe will have an overall net effect of promoting safe driving. We support this measure and believe it represents an important step toward keeping Hawaii safe. Thank you for the opportunity to provide testimony in support of this important bill.



JoAnn Hamaji-Oto

Territory Operations Director-Hawaii

Office: 808-695-2416 Cell: 808-782-7723

jhamaji-oto@smartstartinc.com

Setting the Standard in Alcohol Monitoring Technology™

To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB 160, Relating to the Use of Intoxicants While Operating a Vehicle.

Hrg: Thursday, February 9th, 2023 at 9:30am, Conference Room 016

Position: Support

I am submitting testimony in STRONG SUPPORT of SB 160. SB160 amends the definition of “under the influence” and defines the measurable amount of alcohol for impaired driving of a vehicle to a blood alcohol concentration (BAC) of 0.05 or more.

Lowering the BAC limit for impaired driving to 0.05 is an effective strategy to creating safer roads that is popular with Hawai‘i voters, supported by strong research evidence, and endorsed by the world’s largest brewer.

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Lowering the BAC limit to 0.05 has shown to be an effective strategy for reducing alcohol-impaired crashes and fatalities, and would create safer roads for all people.

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21-month period following the passage of Utah’s law that lowered the BAC limit to 0.05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.¹

Hawai‘i voters support the lowering of the BAC limit to 0.05.

A December 2022 statewide poll reveals that more than two-thirds (69%) of Hawai‘i voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.²

A 0.05 BAC is supported by strong research evidence and nationally recommended to reduce alcohol-impaired crashes, fatalities, and related consequences.

In an effort to prevent alcohol-impaired driving and its related consequences, the National Highway Transportation Safety Board (NTSB) recommends that all 50 states adopt a 0.05 BAC law.³ Drivers at 0.05 BAC are up to seven times more likely to be involved in a crash than those drivers at a 0.00 BAC.

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Additionally, approximately 85% of the world's population has already adopted per se levels for alcohol-impaired driving at 0.05 BAC or lower.⁴

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Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and creating safer streets for all people.

Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you **pass SB 160**.

Mahalo for your time and consideration.

Lindsey Fernandes
Owner of Maika'i Cleaners LLC

⁴ Global Status Report on Road Safety 2018, World Health Organization, 2018.
https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

⁵ ABInBev Foundation, <https://www.ab-inbev.com/content/dam/abinbev/what-we-do/road-safety/ABI%20%20Road%20Safety%20%20A4%20layout%20%20digital%20%20v6.pdf>

⁶ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

⁷ Ibid.

Kauai Beer Company
Justin Guerber
Head Brewer
4265 Rice St
Lihue, HI 96766
justin@kauaibeer.com



SB160 Relating To The Use Of Intoxicants While Operating A Vehicle
Senate Committee On Judiciary
Thursday, February 9, 2023 at 9:30 a.m. Conf room 016

Position: **Oppose**

Chair Senator Karl Rhoads, Vice Chair Senator Mike Gabbard, and members of the Senate Committee On Judiciary,

My name is Justin Guerber and I am the Head Brewer of Kauai Beer Company. We are an independent craft brewery producing 100% of our beer in Hawaii. We are united with other members of the Hawaiian Craft Brewers Guild in our pursuit to promote economic activity and growth for Hawaii's beer manufacturers and enhance opportunities in our communities. Our brewery along with the other member breweries of the Hawaiian Craft Brewers Guild embrace the responsible consumption of alcohol.

We take our responsibility as producers of alcohol very seriously and work daily to prevent customers from potentially driving while over the current blood alcohol content legal limit, and we oppose this bill which would lower the limit from .08 to .05. People have different reactions to alcohol, and a blood alcohol content of .05 would be very difficult to discern for bartenders and servers, who ultimately have a legal obligation to not over-serve.

Further, the .08 limit is somewhat of a national standard, and most visitors to our state are familiar with it. I believe there is good reason to follow national standards in this regard as everyone knows what the limits are, and can judge their capability accordingly. I am not aware of any evidence indicating that a lower limit enhances public safety - in fact, research seems to indicate that a majority of drunk-driving related fatalities involve at least one driver with blood alcohol content of .15 or higher. Lowering the limit from .08 to .05 would not fix this problem.

While we advocate for the responsible consumption of alcohol - including designated drivers, not over-serving, and proper education about the effects of intoxication - we feel this bill would not deliver any benefits, while incurring costs and possible unintended consequences. We also welcome other possible solutions to promote public health and safety in regards to alcohol consumption.

Mahalo for considering our testimony in opposition of SB160.

SB-160

Submitted on: 2/7/2023 2:47:45 PM

Testimony for JDC on 2/9/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Steve Haumschild	Testifying for Lanikai brewing Company	Oppose	Written Testimony Only

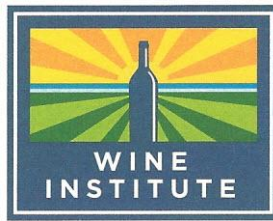
Comments:

Aloha Chair Rhoads, Vice Chair Gabbard and members of the JDC committee,

I am Steve Haumschild, CEO and founder of Lanikai Brewing Company located in Kailua Hawaii. We are an independent craft brewery producing 100% of our beer in Hawaii. In addition, we also operate a Distillery (Lanikai Spirits) as well as operate or are building multiple restaurants throughout Hawaii. We are united with other members of the Hawaiian Craft Brewers Guild in our pursuit to promote economic activity and growth for Hawaii's beer manufacturers and enhance opportunities in our communities. We are on the forefront of responsible consumption of alcohol and do not take that responsibility lightly.

SB 160 aims to reduce the definition of measurable amount of alcohol, which ultimately also impacts the "under the influence" definition. While at its surface the intent is to reduce risk, ultimately there is no scientific basis on the reduction of alcohol measured will have a measurable public safety benefit as the national standard for under the influence is set at .08. This bill will only confuse locals and visitors and ultimately not have a positive impact on impairment since people generally do not have the ability to self determine their measured level of alcohol

We are huge proponents of responsible consumption rooted in scientific studies. But this bill does not share that root.



Sally H. Jefferson
Director, Western States

THE SENATE
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2023

COMMITTEE ON JUDICIARY
February 9, 2023

Testimony in Opposition to SB 160

Chair Rhoads, Vice Chair Gabbard and Members of the Committee:

Thank you for the opportunity to provide testimony on SB 160 RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE. Wine Institute, a public policy association representing more than 1,000 California wineries and associate members, is opposed to SB 160 and respectfully offers the following comments for your consideration.

SB 160 would significantly reduce the legal threshold of alcohol concentration in breath or blood for the criminal offense 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. The current legal threshold of .08 BAC (Blood Alcohol Concentration) was established as a safe level of consumption based on the science and is the current standard in 49 states.

However, legislative proponents point to a February 2022 National Highway Safety Administration (NHTSA) report claiming that the implementation of a .05 BAC standard by the state of Utah, the only state to adopt this standard, is responsible for improving its road safety in 2019, the first full year after its implementation. While Utah experienced reduced alcohol-related fatalities that year, the report fails to acknowledge that more than 30 states, that have a .08 BAC standard, did as well. The report also excluded 2020 NHTSA data showing that alcohol-related traffic deaths in Utah dramatically increased by **52.6% during the second full year under Utah's .05 BAC standard**. That increase is almost quadruple the national rate of 14.3%. In comparison, NHTSA data shows that alcohol impaired driving fatalities in Hawaii fell by **25%**, the second highest state decline nationwide.

Alcohol-related fatalities are unacceptable and an unnecessary tragedy. As well-intentioned as this legislation is, it would result in criminalizing moderate drinking by responsible adults and divert much needed, limited resources away from targeting and keeping off the road high BAC (.15 or higher) drivers and repeat offenders who are the cause of most all alcohol impaired fatalities as well as other significant causes of impaired driving such as drugged driving.

To minimize the devastating effects of drunk driving, Wine Institute supports a comprehensive approach that combines prevention measures that includes strict enforcement of existing laws, with treatment and education in order to reduce impaired driving and we thank you for your consideration of our views on this legislation.

SB-160

Submitted on: 2/8/2023 1:48:22 PM

Testimony for JDC on 2/9/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Garrett W. Marrero	Testifying for Hawaiian Craft Brewers Guild	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and members of the committee.

We are here today to respectfully oppose BAC .05 legislation bill number. We'd like to emphasize our shared goal of working to eliminate impaired driving on our roads.

However, we believe lowering the BAC level without any training or tools to identify an individual who has reached a .05 limit would put both our breweries and staff at risk.

This bill would be a setback for our local craft breweries already struggling to recover.

We ask that you not move forward with this proposal, and thank you for your consideration.

Mahalo,

To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
Members of the Senate Committee on Judiciary

Re: Support of SB 160, Relating to the Use of Intoxicants While Operating a Vehicle

Hrg: Thursday, February 9th, 2023, 9:30am, Conference Room 016

Position: **Support**

SB160 amends the definition of “under the influence” and defines the measurable amount of alcohol for impaired driving of a vehicle to a blood alcohol concentration (BAC) of 0.05 or more.

Lowering the BAC limit for impaired driving to 0.05 **is an effective strategy to creating safer roads that is popular with Hawaii voters, supported by research evidence, and endorsed by the world’s largest brewer.**

A 0.05 BAC would create safer roads for all people.

- A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21-month period following the passage of Utah’s law that lowered the BAC limit to 0.05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.¹
- A December 2022 statewide poll reveals that more than two-thirds (69%) of **Hawaii voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.**²
- **To prevent alcohol-impaired driving and its related consequences, the National Highway Transportation Safety Board (NTSB) recommends that all 50 states adopt a 0.05 BAC law**³. Drivers at 0.05 BAC are up to seven times more likely to be involved in a crash than those drivers at a 0.08 BAC. Additionally, approximately **85% of the world’s population has already adopted per se levels for alcohol-impaired driving at 0.05 BAC or lower.**⁴
- The ABInBev Foundation (formerly Anheuser-Busch) agrees with the World Health Organization that a **0.05 BAC limit is best practice** at this time.⁵

- **Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the 0.05 BAC law in Utah**, and there's no indication that this would be different with a 0.05 BAC law in Hawaii.⁶
- **DUI arrest data from Utah's 0.05 BAC law shows no large spikes** in overall arrests relative to the passage of the 0.05 BAC law. In 2019, there was a slight increase in arrests for drivers with a 0.05 to 0.079 BAC, which was expected given that law enforcement could now cite drivers for a per se offense in this BAC range.⁷

Hawaii can help set a new BAC standard. This law would improve the overall health and safety of all people in Hawaii. Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and creating safer roads for all people.

I urge you to **pass SB 160** out of Committee.

Thank you for the opportunity to provide testimony.

To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB 160, Relating to the Use of Intoxicants While Operating a Vehicle.

Hrg: Thursday, February 9th, 2023 at 9:30am, Conference Room 016

Position: Support

My name is Chelsea Gonzales. I am submitting testimony in STRONG SUPPORT of SB 160. SB160 amends the definition of “under the influence” and defines the measurable amount of alcohol for impaired driving of a vehicle to a blood alcohol concentration (BAC) of 0.05 or more.

Lowering the BAC limit for impaired driving to 0.05 is an effective strategy to creating safer roads that is popular with Hawai‘i voters, supported by strong research evidence, and endorsed by the world’s largest brewer.

Below are some of the reasons why a 0.05 BAC would create safe roads and protect Hawaii’s residents, children, and families:

Lowering the BAC limit to 0.05 has shown to be an effective strategy for reducing alcohol-impaired crashes and fatalities, and would create safer roads for all people.

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21-month period following the passage of Utah’s law that lowered the BAC limit to 0.05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.¹

Hawai‘i voters support the lowering of the BAC limit to 0.05.

A December 2022 statewide poll reveals that more than two-thirds (69%) of Hawai‘i voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.²

A 0.05 BAC is supported by strong research evidence and nationally recommended to reduce alcohol-impaired crashes, fatalities, and related consequences.

In an effort to prevent alcohol-impaired driving and its related consequences, the National Highway Transportation Safety Board (NTSB) recommends that all 50 states adopt a 0.05 BAC law.³ Drivers at 0.05 BAC are up to seven times more likely to be involved in a crash than those drivers at a 0.00 BAC.

¹ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah’s 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

² Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.

³ Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving, National Transportation Safety Board, 2013. <https://www.nts.gov/safety/safety-studies/Pages/DCA12SS006.aspx>

Additionally, approximately 85% of the world's population has already adopted per se levels for alcohol-impaired driving at 0.05 BAC or lower.⁴

The world's largest alcohol brewer endorses a 0.05 BAC as best practice to prevent alcohol-impaired driving.

The ABInBev Foundation (formerly Anheuser-Busch) agrees with the World Health Organization that a 0.05 BAC limit is best practice at this time.⁵

Utah study shows a 0.05 BAC limit had no negative impact alcohol sales, tourism, and tax revenues
Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the 0.05 BAC law in Utah, and there's no indication that this would be different with a 0.05 BAC law in Hawai'i.⁶

Utah study shows a 0.05 BAC limit did not increase arrests

DUI arrest data from Utah's 0.05 BAC law shows no large spikes in overall arrests relative to the passage of the 0.05 BAC law. In 2019, there was a slight increase in arrests for drivers with a 0.05 to 0.079 BAC, which was expected given that law enforcement could now cite drivers for a per se offense in this BAC range.⁷

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and creating safer streets for all people.

Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you **pass SB 160**.

Mahalo for your time and consideration.

Chelsea Gonzales
chelsea@hiphi.org

⁴ Global Status Report on Road Safety 2018, World Health Organization, 2018.
https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

⁵ ABInBev Foundation, <https://www.ab-inbev.com/content/dam/abinbev/what-we-do/road-safety/ABI%20%20Road%20Safety%20%20A4%20layout%20%20digital%20%20v6.pdf>

⁶ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

⁷ Ibid.



To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
Members of the Senate Committee on Judiciary

Re: **Strong Support of SB 160**, Relating to the Use of Intoxicants While Operating a Vehicle

Hrg: Thursday, February 9th, 2023 at 9:30am, Conference Room 016

Position: Support

I am submitting testimony in STRONG SUPPORT of SB 160. SB 160 establishes the offense of driving while impaired and defines the per se level for impairment of having a blood alcohol concentration (BAC) between 0.05 BAC and 0.079 BAC.

Lowering the BAC limit for impaired driving to 0.05 is an extremely effective strategy to creating safer roads that is popular with Hawai'i voters, supported by strong research evidence, and endorsed by the world's largest brewer.

Below are some of the reasons why a 0.05 BAC would create safe roads and protect Hawaii's residents, children, and families:

Lowering the BAC limit to 0.05 has shown to be an effective strategy for reducing alcohol-impaired crashes and fatalities, and would create safer roads for all people.

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21-month period following the passage of Utah's law that lowered the BAC limit to 0.05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.¹

Hawai'i voters support the lowering of the BAC limit to 0.05.

A December 2022 statewide poll reveals that more than two-thirds (69%) of Hawai'i voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.²

¹ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

² Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.



A 0.05 BAC is supported by strong research evidence and nationally recommended to reduce alcohol-impaired crashes, fatalities, and related consequences.

In an effort to prevent alcohol-impaired driving and its related consequences, the National Highway Transportation Safety Board (NTSB) recommends that all 50 states adopt a 0.05 BAC law.³ Drivers at 0.05 BAC are up to seven times more likely to be involved in a crash than those drivers at a 0.00 BAC. Additionally, approximately 85% of the world's population has already adopted per se levels for alcohol-impaired driving at 0.05 BAC or lower.⁴

The world's largest alcohol brewer endorses a 0.05 BAC as best practice to prevent alcohol-impaired driving.

The ABInBev Foundation (formerly Anheuser-Busch) agrees with the World Health Organization that a 0.05 BAC limit is best practice at this time.⁵

Utah study shows a 0.05 BAC limit had no negative impact alcohol sales, tourism, and tax revenues
Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the 0.05 BAC law in Utah, and there's no indication that this would be different with a 0.05 BAC law in Hawai'i.⁶

Utah study shows a 0.05 BAC limit did not increase arrests

DUI arrest data from Utah's 0.05 BAC law shows no large spikes in overall arrests relative to the passage of the 0.05 BAC law. In 2019, there was a slight increase in arrests for drivers with a 0.05 to 0.079 BAC, which was expected given that law enforcement could now cite drivers for a per se offense in this BAC range.⁷

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and creating safer streets for all people.

Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you **pass SB 160**.

³ Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving, National Transportation Safety Board, 2013. <https://www.nts.gov/safety/safety-studies/Pages/DCA12SS006.aspx>

⁴ Global Status Report on Road Safety 2018, World Health Organization, 2018. https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

⁵ ABInBev Foundation, <https://www.ab-inbev.com/content/dam/abinbev/what-we-do/road-safety/ABI%20%20Road%20Safety%20%20A4%20layout%20%20digital%20%20v6.pdf>

⁶ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

⁷ Ibid.



HAWAI'I ALCOHOL POLICY
ALLIANCE

Mahalo for your time and consideration.

Michael Sparks

President SparksInitiatives

Kihei, HI

SB-160

Submitted on: 2/4/2023 9:07:58 AM

Testimony for JDC on 2/9/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Victor K. Ramos	Individual	Support	Written Testimony Only

Comments:

SUPPORT: Thank you for proposing this much needed bill. The evidence to support this change is clear.

SB-160

Submitted on: 2/6/2023 11:58:36 AM

Testimony for JDC on 2/9/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kristin Mills	Individual	Support	Written Testimony Only

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 SB160, Relating to the Use of Intoxicants while Operating a Vehicle.

SB160 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 the combination of drinking AND driving. Each person killed or injured in a preventable alcohol-related crash on Hawaii roads not just has their life prematurely ended, but it forever changes the lives of their families and communities.

On a more personal note, I am one of the lucky ones, twice over. Twice I have been involved in an automobile crash that involved the other driver being intoxicated while driving. Twice I have been lucky to survive even though my vehicle was totaled in one of the crashes and the second crash resulted in a 5-car pile-up where the intoxicated driver did not survive. I was in the first of the five cars in the pile up. I am not only lucky to be alive, but lucky to not have lasting health effects from being hit by another car travelling over 65 miles per hour because the driver was intoxicated.

Our Hawaii community members deserve to not need to 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 support SB160 to reduce the death and injury toll of alcohol-impaired driving by simply reducing the BAC to .05.

Mahalo for the opportunity to submit testimony.

Sincerely,

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

SB-160

Submitted on: 2/6/2023 12:14:08 PM

Testimony for JDC on 2/9/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
William Hankins	Individual	Support	Written Testimony Only

Comments:

As a retired traffic division commander for MPD, I strongly support this bill. Lowering the "measurable amount" of breath/blood alcohol level to .05 has proven successful in Utah and is saving lives. We need to stop impaired drivers from endangering everyone on the road with current BAC limits. NHTSA had been recommending for years to lower states legal blood/breath alcohol limits to .05, as it had been proven that drivers ARE IMPAIRED at .05 BAC/BrAC. Please make the smart decision and let's push thru this legislation this year! Help us save lives and prevent senseless preventable impaired driving fatalities.

February 6, 2023

To: The Honorable Senator Karl Rhoads, Chair

The Honorable Senator Mike Gabbard, Vice Chair

Members of the Senate Committee on Judiciary

Re: Strong Support of SB 160, Relating to the Use of Intoxicants While Operating a Vehicle.

Hrg: Thursday, February 9th , 2023 at 9:30am, Conference Room 016

Position: Support

My name is Katie Folio, from Kula, Maui, Hawai'i and I am submitting testimony in STRONG SUPPORT of SB160, which would establish the offense of driving while impaired and defines the per se level for impairment of having a blood alcohol concentration (BAC) between 0.05 BAC and 0.079 BAC.

I was a coordinator for the Coalition for a Tobacco-Free Hawai'i for almost five years, so I understand how important and effective public health policy can be. Where tobacco control has been so effective in helping prevent death and disease in the State of Hawaii and across the nation, we are failing to protect our communities from the harms of alcohol, and specifically alcohol impaired driving, through simple measures that can save lives.

Here on Maui, we have seen far too many lives lost to drunk driving incidents in recent years. As a mother with two young children, I can't imagine what these families have endured and I am already terrified of the day my children take to the road themselves. I want to do all I can to protect them when that day comes, and lowering the BAC limit for impaired driving is an evidence based strategy for reducing alcohol-impaired crashes and fatalities. I sincerely hope to see this law passed before that day comes, but every day we wait to implement this is another day we fail to protect those already on the roads.

Alcohol's annual death toll is higher than deaths due to guns, cars, drug overdoses, or HIV/AIDS in a single year in America - we can reduce this number here in Hawaii by passing SB160 this year. In fact, the majority of Hawaii voters support lowering the BAC to 0.05. The world's largest alcohol brewer, ABInBev Foundation (formerly Anheuser-Bush) supports a 0.05 BAC limit, and Utah has already implemented this law and seen no negative impacts to alcohol sales, tourism, or tax revenues. Truly, there are no good reasons not to pass this legislation.

Please pass SB160 out of this committee, for the sake of my children and everyone's children.

Mahalo nui loa,

Katie Folio

Kula, Maui, HI

SB-160

Submitted on: 2/6/2023 2:04:15 PM

Testimony for JDC on 2/9/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dawn Morais Webster Ph.D.	Individual	Support	Written Testimony Only

Comments:

It's time we did something about the rise in fatal crashes involving alcohol. Thank you for considering this smart bill.

- Lowering the BAC limit to .05 has been shown to be an effective strategy for reducing alcohol-impaired crashes and fatalities, and would create safer roads for all people.
- Utah saw a nearly 20% drop in fatal crashes following the adoption of their .05 BAC law. Studies show approximately an 11% reduction in fatal crashes if states went to .05 BAC.
- A December 2022 statewide poll reveals that more than two-thirds of Hawai'i voters support lowering the BAC limit for alcohol-impaired driving from .08 to .05.
- The national recommendation to improve road safety is to adopt a .05 BAC law. The National Transportation Safety Board (NTSB) recommends that all 50 states set their per se limit for alcohol-impaired driving to .05 BAC.
- The world's largest alcohol brewer endorses a .05 BAC as best practice to prevent alcohol-impaired driving. The ABInBev Foundation (formerly Anheuser-Busch) agrees with the World Health Organization that a .05 BAC limit is best practice at this time.
- Surely Hawaii can demonstrate it is as vigilant and concerned as a brewing company about making sure alcohol does not contribute to traffic crashes? Please move this bill forward. Mahalo.

To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB 160, Relating to the Use of Intoxicants While Operating a Vehicle.

Hrg: Thursday, February 9th, 2023 at 9:30am, Conference Room 016

Position: Support

I am submitting testimony in STRONG SUPPORT of SB 160. SB160 amends the definition of “under the influence” and defines the measurable amount of alcohol for impaired driving of a vehicle to a blood alcohol concentration (BAC) of 0.05 or more.

Lowering the BAC limit for impaired driving to 0.05 creates safer roads, is popular with Hawai‘i voters, and is supported by strong research evidence. A study of the implementation of a 0.05 BAC limit in Utah found that it had no negative impact alcohol sales, tourism, and tax revenues; and it did not increase arrests.¹ Lowering the BAC limit to 0.05 will prevent crashes, injuries, and deaths, and creating safer streets for all people.

A 0.05 BAC would create safe roads and protect Hawai‘i’s residents, children, and families by reducing alcohol-impaired crashes and fatalities and making our roads safer in Hawaii. In Utah, they saw a 20% drop in fatal car crashes after the BAC was lowered to 0.05.² The National Highway Transportation Safety Board (NTSB) has recommended that all 50 states adopt a 0.05 BAC law.³ Drivers at 0.05 BAC are up to seven times more likely to be involved in a crash than those drivers at a .00 BAC. Additionally, approximately 85% of the world’s population has already adopted per se levels for alcohol-impaired driving at 0.05 BAC or lower.⁴

The people of Hawai‘i support the lowering of the BAC limit to 0.05, as seen in a 2022 poll that indicated two-thirds (69%) of Hawai‘i voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.⁵

This law would improve the overall health and safety of all people in Hawai‘i. I ask that you **pass SB 160**. Mahalo for your time and consideration.

Dr. Colleen Fox
Honolulu (Makiki), Hawaii

¹ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah’s 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

² Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah’s 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

³ Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving, National Transportation Safety Board, 2013. <https://www.nts.gov/safety/safety-studies/Pages/DCA12SS006.aspx>

⁴ Global Status Report on Road Safety 2018, World Health Organization, 2018. https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

⁵ Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.

COMMENT ON LOWERING THE BAC LIMIT FOR DRIVING TO .05

By James C. Fell, M.S.

Principal Research Scientist at NORC at the University of Chicago

Mr. Fell has 56 years of experience in impaired driving research and in evaluating impaired driving countermeasures such as lowering the BAC limit for driving. He has published numerous studies of a .05 BAC limit and his latest report of a meta-analysis of .05 BAC effectiveness showed that it has the potential to reduce impaired driving fatal crashes by 11% in the US if all States adopted that limit which would save an estimated 1790 lives annually.

Mr. Fell's Comments:

In all my years of research, I am not aware of better rationale for a law than to lower the blood alcohol concentration (BAC) limit for driving to 0.05 grams per deciliter. It has solid laboratory science behind it, the public supports it, evaluation studies in other countries show it to be effective in reducing impaired driving fatalities, it has a general deterrent effect on impaired driving, and it is cost-effective. A recent evaluation of Utah's .05 BAC law showed an association with a 19% reduction in fatal crashes in that State.

In fact, there are seven very good reasons to adopt a .05 BAC limit:

- (1) *Virtually all drivers are impaired with regard to driving performance at .05 BAC.*
- (2) *The risk of being involved in a crash increases significantly at .05 BAC.*
- (3) *Lowering the illegal per se limit to .05 BAC is a proven effective countermeasure which has reduced alcohol-related traffic fatalities in several countries and in Utah*
- (4) *.05 BAC is a reasonable standard to set.*
- (5) *The public supports levels below .08 BAC.*
- (6) *Most industrialized nations around the world have set BAC limits at .05 BAC or lower.*
- (7) *Further progress is needed in reducing alcohol-impaired driving*

I have heard all of the reasons by opponents to adopting a .05 BAC limit and I have been able to counter every single reason with research.

James C. Fell
February 7, 2023

SB-160

Submitted on: 2/7/2023 1:07:44 PM

Testimony for JDC on 2/9/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Shawn Blair	Individual	Support	Written Testimony Only

Comments:

To: The Honorable Senator Karl Rhoads, Chair

The Honorable Senator Mike Gabbard, Vice Chair

Members of the Senate Committee on Judiciary

My name is Shawn Blair, a resident of Pearl City, and a US Navy retiree. I support SB 160 because it will save lives and will make individuals think twice before getting behind the wheel after drinking. There are too many lives lost from fatal car crashes in Hawaii. Lowering the BAC limit to .05 has shown to be an effective strategy for reducing alcohol-impaired crashes and fatalities, and would create safer roads for all people.

Please consider passing this bill out of this committee. Thank you for the opportunity to provide testimony.

Mahalo,

Shawn Blair

SB-160

Submitted on: 2/7/2023 1:44:18 PM

Testimony for JDC on 2/9/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jamil Folio	Individual	Support	Written Testimony Only

Comments:

I support this bill, mahalo

To: The Honorable Senator Karl Rhoads, Chair

The Honorable Senator Mike Gabbard, Vice Chair

Members of the Senate Committee on Judiciary

Re: Strong Support of SB 160, Relating to the Use of Intoxicants While Operating a Vehicle.

Hrg: Thursday, February 9 th , 2023 at 9:30am, Conference Room 016

Position: Support

I am submitting testimony in STRONG SUPPORT of SB 160. SB160 amends the definition of “under the influence” and defines the measurable amount of alcohol for impaired driving of a vehicle to a blood alcohol concentration (BAC) of 0.05 or more.

Lowering the BAC limit for impaired driving to 0.05 is an effective strategy to creating safer roads that is popular with Hawai'i voters, supported by strong research evidence, and endorsed by the world's largest brewer.

Below are some of the reasons why a 0.05 BAC would create safe roads and protect Hawaii's residents, children, and families:

Lowering the BAC limit to 0.05 has shown to be an effective strategy for reducing alcohol-impaired crashes and fatalities, and would create safer roads for all people.

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a 19.8% drop in fatal car crashes in the 21-month period following the passage of Utah's law that lowered the BAC limit to 0.05. This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period. 1

Hawai'i voters support the lowering of the BAC limit to 0.05.

A December 2022 statewide poll reveals that more than two-thirds (69%) of Hawai'i voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05. 2

A 0.05 BAC is supported by strong research evidence and nationally recommended to reduce alcohol-impaired crashes, fatalities, and related consequences.

In an effort to prevent alcohol-impaired driving and its related consequences, the National Highway Transportation Safety Board (NTSB) recommends that all 50 states adopt a 0.05 BAC law. 3 Drivers at 0.05 BAC are up to seven times more likely to be involved in a crash than those drivers at a 0.00 BAC. Additionally, approximately 85% of the world's population has already adopted per se levels for alcohol-impaired driving at 0.05 BAC or lower. 4

1 Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

2 Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.

3 Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving, National Transportation Safety Board, 2013.

<https://www.nts.gov/safety/safety-studies/Pages/DCA12SS006.aspx>

The world's largest alcohol brewer endorses a 0.05 BAC as best practice to prevent alcohol-impaired driving.

The ABInBev Foundation (formerly Anheuser-Busch) agrees with the World Health Organization that a 0.05 BAC limit is best practice at this time. 5

Utah study shows a 0.05 BAC limit had no negative impact alcohol sales, tourism, and tax revenues

Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the 0.05 BAC law in Utah, and there's no indication that this would be different with a 0.05 BAC law in Hawai'i. 6

Utah study shows a 0.05 BAC limit did not increase arrests

DUI arrest data from Utah's 0.05 BAC law shows no large spikes in overall arrests relative to the passage of the 0.05 BAC law. In 2019, there was a slight increase in arrests for drivers with a 0.05 to 0.079 BAC, which was expected given that law enforcement could now cite drivers for a per se offense in this BAC range. 7

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and creating safer streets for all people.

Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you **pass SB 160**.

Mahalo for your time and consideration.

4 Global Status Report on Road Safety 2018, World Health Organization, 2018.

https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

5 ABInBev Foundation, <https://www.ab-inbev.com/content/dam/abinbev/what-we-do/road-safety/ABI%20%20Road%20Safety%20%20A4%20layout%20%20digital%20%20v6.pdf>

6 Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

7 Ibid.

SB-160

Submitted on: 2/7/2023 3:15:59 PM

Testimony for JDC on 2/9/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jan Shishido	Individual	Support	Written Testimony Only

Comments:

Lowering the BAC limit to .05 has shown to be an effective strategy for reducing alcohol-impaired crashes and fatalities. This would create safer roads for all people. A December 2022 statewide poll reveals that 62% of Hawaii voters support the lowering of the BAC to .05.

SB-160

Submitted on: 2/7/2023 3:56:39 PM

Testimony for JDC on 2/9/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Camlyn Pola	Individual	Support	Written Testimony Only

Comments:

To: The Honorable Senator Karl Rhoads, Chair

The Honorable Senator Mike Gabbard, Vice Chair

Members of the Senate Committee on Judiciary

Re: Strong Support of SB 160, Relating to the Use of Intoxicants While Operating a Vehicle.

Hrg: Thursday, February 9th, 2023 at 9:30am, Conference Room 016

Position: Support

I am submitting testimony in STRONG SUPPORT of SB 160. SB160 amends the definition of “under the

influence” and defines the measurable amount of alcohol for impaired driving of a vehicle to a blood

alcohol concentration (BAC) of 0.05 or more.

Lowering the BAC limit for impaired driving to 0.05 is an effective strategy to creating safer roads that is popular with Hawai‘i voters, supported by strong research evidence, and endorsed by the world’s largest brewer.

Below are some of the reasons why a 0.05 BAC would create safe roads and protect Hawaii's residents, children, and families:

Lowering the BAC limit to 0.05 has shown to be an effective strategy for reducing alcohol-impaired crashes and fatalities, and would create safer roads for all people.

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a 19.8% drop in fatal car crashes in the 21-month period following the passage of Utah's law that lowered the BAC limit to 0.05. This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.

Hawai'i voters support the lowering of the BAC limit to 0.05.

A December 2022 statewide poll reveals that more than two-thirds (69%) of Hawai'i voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.

A 0.05 BAC is supported by strong research evidence and nationally recommended to reduce alcohol-impaired crashes, fatalities, and related consequences.

In an effort to prevent alcohol-impaired driving and its related consequences, the National Highway Transportation Safety Board (NTSB) recommends that all 50 states adopt a 0.05 BAC law. Drivers at 0.05 BAC are up to seven times more likely to be involved in a crash than those drivers at a 0.08 BAC. Additionally, approximately 85% of the world's population has already adopted per se levels for alcohol-impaired driving at 0.05 BAC or lower.

The world's largest alcohol brewer endorses a 0.05 BAC as best practice to prevent alcohol-impaired driving.

The ABInBev Foundation (formerly Anheuser-Busch) agrees with the World Health Organization that a 0.05 BAC limit is best practice at this time.

Utah study shows a 0.05 BAC limit had no negative impact alcohol sales, tourism, and tax revenues

Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the 0.05 BAC law in Utah, and there's no indication that this would be different with a 0.05 BAC law in Hawai'i.

Utah study shows a 0.05 BAC limit did not increase arrests

DUI arrest data from Utah's 0.05 BAC law shows no large spikes in overall arrests relative to the passage of the 0.05 BAC law. In 2019, there was a slight increase in arrests for drivers with a 0.05 to 0.079 BAC, which was expected given that law enforcement could now cite drivers for a per se offense in this BAC range.

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and creating safer streets for all people.

Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you pass SB 160.

Mahalo for your time and consideration.

Camlyn Pola

To: The Honorable Senator Karl Rhoads, Chair

The Honorable Senator Mike Gabbard, Vice Chair and Members of the Senate Committee on Judiciary

Re: Strong Support of SB 160, Relating to the Use of Intoxicants While Operating a Vehicle.

Hrg: Thursday, February 9 th , 2023 at 9:30am, Conference Room 016

Position: Support

I am submitting testimony in STRONG SUPPORT of SB160. SB160 amends the definition of “under the influence” and defines the measurable amount of alcohol for impaired driving of a vehicle to a blood alcohol concentration (BAC) of 0.05 or more.

As the coordinator for the East Hawai'i Drug-Free Coalition and as a Hilo resident, we want to create safer communities. Lowering the BAC is a change that could significantly prevent crashes, injuries, and deaths and create safer communities for everyone.

Below are some of the reasons why a 0.05 BAC would create safe roads and protect Hawaii's residents, children, and families:

Lowering the BAC limit to 0.05 has shown to be an effective strategy for reducing alcohol-impaired crashes and fatalities; therefore, implementing this lower BAC would create safer roads for all people. ^[i]

- The February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21 months following the passage of Utah's law lowering the BAC limit to 0.05.**
- This crash statistic is significantly better than the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.

The Utah study shows a 0.05 BAC limit had no negative impact on alcohol sales, tourism, and tax revenues. ^[i]

Alcohol sales and sales tax revenues from restaurants, rental cars, hotel stays, air travel, and resort sales continued to trend upward following the implementation of the Utah 0.05 BAC law. There is no indication that lowering the BAC to 0.05 BAC in Hawai'i would have a negative economic impact either.

Hawai'i voters support lowering the BAC limit to 0.05.

According to a December 2022 statewide poll, conducted by the research firm SMS, nearly 70% of Hawai'i voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.

Hawai'i has led the nation in public health policies and now Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i.

Mahalo for hearing this measure, and please consider **passing SB365, Relating to Highway Safety**, to increase the safety of our roads and protect our communities.

Sally Ancheta, East Hawai'i Drug-Free Coordinator



[i] <https://rosap.ntl.bts.gov/view/dot/60427>

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The Honorable Senator Mike Gabbard, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB 160, Relating to the Use of Intoxicants While Operating a Vehicle.

Hrg: Thursday, February 9th, 2023 at 9:30am, Conference Room 016

Position: Support

I am submitting testimony in STRONG SUPPORT of SB 160. SB160 amends the definition of “under the influence” and defines the measurable amount of alcohol for impaired driving of a vehicle to a blood alcohol concentration (BAC) of 0.05 or more.

Lowering the BAC limit for impaired driving to 0.05 is an effective strategy to creating safer roads that is popular with Hawai‘i voters, supported by strong research evidence, and endorsed by the world’s largest brewer.

Below are some of the reasons why a 0.05 BAC would create safe roads and protect Hawaii’s residents, children, and families:

Lowering the BAC limit to 0.05 has shown to be an effective strategy for reducing alcohol-impaired crashes and fatalities, and would create safer roads for all people.

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21-month period following the passage of Utah’s law that lowered the BAC limit to 0.05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.¹

Hawai‘i voters support the lowering of the BAC limit to 0.05.

A December 2022 statewide poll reveals that more than two-thirds (69%) of Hawai‘i voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.²

A 0.05 BAC is supported by strong research evidence and nationally recommended to reduce alcohol-impaired crashes, fatalities, and related consequences.

In an effort to prevent alcohol-impaired driving and its related consequences, the National Highway Transportation Safety Board (NTSB) recommends that all 50 states adopt a 0.05 BAC law.³ Drivers at 0.05 BAC are up to seven times more likely to be involved in a crash than those drivers at a 0.00 BAC.

¹ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah’s 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

² Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.

³ Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving, National Transportation Safety Board, 2013. <https://www.nts.gov/safety/safety-studies/Pages/DCA12SS006.aspx>

Additionally, approximately 85% of the world's population has already adopted per se levels for alcohol-impaired driving at 0.05 BAC or lower.⁴

The world's largest alcohol brewer endorses a 0.05 BAC as best practice to prevent alcohol-impaired driving.

The ABInBev Foundation (formerly Anheuser-Busch) agrees with the World Health Organization that a 0.05 BAC limit is best practice at this time.⁵

Utah study shows a 0.05 BAC limit had no negative impact alcohol sales, tourism, and tax revenues
Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the 0.05 BAC law in Utah, and there's no indication that this would be different with a 0.05 BAC law in Hawai'i.⁶

Utah study shows a 0.05 BAC limit did not increase arrests

DUI arrest data from Utah's 0.05 BAC law shows no large spikes in overall arrests relative to the passage of the 0.05 BAC law. In 2019, there was a slight increase in arrests for drivers with a 0.05 to 0.079 BAC, which was expected given that law enforcement could now cite drivers for a per se offense in this BAC range.⁷

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and creating safer streets for all people.

Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you **pass SB 160**.

Mahalo for your time and consideration.

Na'u nō me ka ha'aha'a,

Kawena Bagano

Program Specialist III • Alu Like Inc.

2970 Kele Street, Suite 116

Lihue, Hawaii 96766

Office: 808-245-8545 • Cell: 808-634-1661

[Alu Like, Inc. Ho'ala Hou – Hawai'i High Risk Reduction Program](#)

E alu like mai kakou, e na 'oiwi o Hawai'i

Let Us Work Together, Natives of Hawai'i

⁴ Global Status Report on Road Safety 2018, World Health Organization, 2018.

https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

⁵ ABInBev Foundation, <https://www.ab-inbev.com/content/dam/abinbev/what-we-do/road-safety/ABI%20%20Road%20Safety%20%20A4%20layout%20%20digital%20%20v6.pdf>

⁶ Thomas, F. D., Blomberg, R., Darrach, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

⁷ Ibid.

To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB 160, Relating to the Use of Intoxicants While Operating a Vehicle.

Hrg: Thursday, February 9th, 2023 at 9:30am, Conference Room 016

Position: Support

I am submitting testimony in STRONG SUPPORT of SB 160. SB160 amends the definition of “under the influence” and defines the measurable amount of alcohol for impaired driving of a vehicle to a blood alcohol concentration (BAC) of 0.05 or more.

Lowering the BAC limit for impaired driving to 0.05 is an effective strategy to creating safer roads that is popular with Hawai‘i voters, supported by strong research evidence, and endorsed by the world’s largest brewer.

Below are some of the reasons why a 0.05 BAC would create safe roads and protect Hawaii’s residents, children, and families:

Lowering the BAC limit to 0.05 has shown to be an effective strategy for reducing alcohol-impaired crashes and fatalities, and would create safer roads for all people.

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21-month period following the passage of Utah’s law that lowered the BAC limit to 0.05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.¹

Hawai‘i voters support the lowering of the BAC limit to 0.05.

A December 2022 statewide poll reveals that more than two-thirds (69%) of Hawai‘i voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.²

A 0.05 BAC is supported by strong research evidence and nationally recommended to reduce alcohol-impaired crashes, fatalities, and related consequences.

In an effort to prevent alcohol-impaired driving and its related consequences, the National Highway Transportation Safety Board (NTSB) recommends that all 50 states adopt a 0.05 BAC law.³ Drivers at 0.05 BAC are up to seven times more likely to be involved in a crash than those drivers at a 0.00 BAC.

¹ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah’s 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

² Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.

³ Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving, National Transportation Safety Board, 2013. <https://www.nts.gov/safety/safety-studies/Pages/DCA12SS006.aspx>

Additionally, approximately 85% of the world's population has already adopted per se levels for alcohol-impaired driving at 0.05 BAC or lower.⁴

The world's largest alcohol brewer endorses a 0.05 BAC as best practice to prevent alcohol-impaired driving.

The ABInBev Foundation (formerly Anheuser-Busch) agrees with the World Health Organization that a 0.05 BAC limit is best practice at this time.⁵

Utah study shows a 0.05 BAC limit had no negative impact alcohol sales, tourism, and tax revenues
Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the 0.05 BAC law in Utah, and there's no indication that this would be different with a 0.05 BAC law in Hawai'i.⁶

Utah study shows a 0.05 BAC limit did not increase arrests

DUI arrest data from Utah's 0.05 BAC law shows no large spikes in overall arrests relative to the passage of the 0.05 BAC law. In 2019, there was a slight increase in arrests for drivers with a 0.05 to 0.079 BAC, which was expected given that law enforcement could now cite drivers for a per se offense in this BAC range.⁷

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and creating safer streets for all people.

Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you **pass SB 160**.

Mahalo for your time and consideration.

Aaron Hoff
President and Founder of Keala Foundation

⁴ Global Status Report on Road Safety 2018, World Health Organization, 2018.
https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

⁵ ABInBev Foundation, <https://www.ab-inbev.com/content/dam/abinbev/what-we-do/road-safety/ABI%20%20Road%20Safety%20%20A4%20layout%20%20digital%20%20v6.pdf>

⁶ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

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In an effort to prevent alcohol-impaired driving and its related consequences, the National Highway Transportation Safety Board (NTSB) recommends that all 50 states adopt a 0.05 BAC law.³ Drivers at 0.05 BAC are up to seven times more likely to be involved in a crash than those drivers at a 0.00 BAC.

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Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and creating safer streets for all people.

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Mahalo for your time and consideration.

Aaron Akau,
Waimanalo Resident

⁴ Global Status Report on Road Safety 2018, World Health Organization, 2018.
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⁵ ABInBev Foundation, <https://www.ab-inbev.com/content/dam/abinbev/what-we-do/road-safety/ABI%20%20Road%20Safety%20%20A4%20layout%20%20digital%20%20v6.pdf>

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⁷ Ibid.

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Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you **pass SB 160**.

Mahalo for your time and consideration.

Gwendolyn Kalani
41-545 Hihimanu St. apt. 4-13
Waimanalo, HI 96795

⁴ Global Status Report on Road Safety 2018, World Health Organization, 2018.
https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

⁵ ABInBev Foundation, <https://www.ab-inbev.com/content/dam/abinbev/what-we-do/road-safety/ABI%20%20Road%20Safety%20%20A4%20layout%20%20digital%20%20v6.pdf>

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The Honorable Senator Mike Gabbard, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB 160, Relating to the Use of Intoxicants While Operating a Vehicle.

Hrg: Thursday, February 9th, 2023 at 9:30am, Conference Room 016

Position: Support

I am submitting testimony in STRONG SUPPORT of SB 160. SB160 amends the definition of “under the influence” and defines the measurable amount of alcohol for impaired driving of a vehicle to a blood alcohol concentration (BAC) of 0.05 or more.

Lowering the BAC limit for impaired driving to 0.05 is an effective strategy to creating safer roads that is popular with Hawai‘i voters, supported by strong research evidence, and endorsed by the world’s largest brewer.

Below are some of the reasons why a 0.05 BAC would create safe roads and protect Hawaii’s residents, children, and families:

Lowering the BAC limit to 0.05 has shown to be an effective strategy for reducing alcohol-impaired crashes and fatalities, and would create safer roads for all people.

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21-month period following the passage of Utah’s law that lowered the BAC limit to 0.05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.¹

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A December 2022 statewide poll reveals that more than two-thirds (69%) of Hawai‘i voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.²

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In an effort to prevent alcohol-impaired driving and its related consequences, the National Highway Transportation Safety Board (NTSB) recommends that all 50 states adopt a 0.05 BAC law.³ Drivers at 0.05 BAC are up to seven times more likely to be involved in a crash than those drivers at a 0.00 BAC.

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Additionally, approximately 85% of the world's population has already adopted per se levels for alcohol-impaired driving at 0.05 BAC or lower.⁴

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Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you **pass SB 160**.

Mahalo for your time and consideration.

Cameron Zulevic,
Kaua'i Resident, Head Cook at Keoki's Paradise Restaraunt

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Mahalo for your time and consideration.

Pono Matthews
Owner of Foil Fever
Kaua'i Resident

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Kinohi Naihe,
Program Specialist
Ho'ala Hou High-Reduction Program

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Syrus Melandish
Professor, Pure JiuJitsu

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SB-160

Submitted on: 2/8/2023 9:12:36 AM

Testimony for JDC on 2/9/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dana Fulton	Individual	Support	Written Testimony Only

Comments:

It lowered drunk driving incidents in Utah, we need to do the same. Our roads are dangerous.

- Lowering the BAC limit to .05 has shown to be an effective strategy for reducing alcohol-impaired crashes and fatalities, and would create safer roads for all people.
- Utah saw a 19.8% drop in fatal crashes following the adoption of their .05 BAC law. Studies show approximately an 11% reduction in fatal crashes if states went to .05 BAC.
- Hawai‘i voters support the lowering of the BAC limit to .05. A December 2022 statewide poll reveals that more than two-thirds (62%) of Hawai‘i voters support lowering the BAC limit for alcohol-impaired driving from .08 to .05.
- The national recommendation to improve road safety is to adopt a .05 BAC law. The National Transportation Safety Board (NTSB) recommends that all 50 states set their per se limit for alcohol-impaired driving to .05 BAC.
- The world’s largest alcohol brewer endorses a .05 BAC as best practice to prevent alcohol-impaired driving. The ABInBev Foundation (formerly Anheuser-Busch) agrees with the World Health Organization that a .05 BAC limit is best practice at this time.
- Utah study shows a .05 BAC limit had no negative impact alcohol sales, tourism, and tax revenues Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the .05 BAC law in Utah, and there’s no indication that this would be different with a .05 BAC law in Hawai‘i.
- Utah study shows a .05 BAC limit did not increase arrests. DUI arrest data from Utah’s .05 BAC law shows no large spikes in overall arrests relative to the passage of the .05 BAC law. In 2019, there was a slight increase in arrests for drives with a .05 to .079 BAC, which was expected given that law enforcement could now cite drivers for a per se offense in this BAC range
- A .05 BAC is a reasonable standard to set. A 0.05 BAC is not typically reached with a couple of beers after work or with a glass of wine or two with dinner. It takes at least 4 drinks for the average 170 lb. male to exceed 0.05 BAC in two hours on an empty stomach (3 drinks for the 137 lb. female) (NHTSA, 1994)

SB-160

Submitted on: 2/8/2023 1:06:30 PM

Testimony for JDC on 2/9/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cleota Brown	Individual	Support	Written Testimony Only

Comments:

Dear Chair Rhoads and Vice Chair Gabbard, and members of the Senate Committee on Judiciary,

I strongly support SB 160 Relating to the use of intoxicants while operating a vehicle.

Far too many lives are destroyed every year due to driving under the influence of alcohol.

I support the "measurable amount of alcohol" means test of greater than .02 but less than .05 grams of alcohol per one hundred milliliters or cubic centimeters of blood, this bill proposes.

I strongly urge you to pass this legislation and appreciate this opportunity to provide written testimony.

Sincerely,

Cleota Brown

Kaneohe, HI 96744

To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB 160, Relating to the Use of Intoxicants While Operating a Vehicle.

Hrg: Thursday, February 9th, 2023 at 9:30am, Conference Room 016

Position: Support

I am a student obtaining my Masters in Social Work at the University of Hawai'i at Manoa, submitting testimony in STRONG SUPPORT of SB 160. SB160 amends the definition of "under the influence" and defines the measurable amount of alcohol for impaired driving of a vehicle to a blood alcohol concentration (BAC) of 0.05 or more.

Lowering the BAC limit for impaired driving to 0.05 is an effective strategy to creating safer roads that is popular with Hawai'i voters, supported by strong research evidence, and endorsed by the world's largest brewer.

Below are some of the reasons why a 0.05 BAC would create safe roads and protect Hawaii's residents, children, and families:

Lowering the BAC limit to 0.05 has shown to be an effective strategy for reducing alcohol-impaired crashes and fatalities, and would create safer roads for all people.

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21-month period following the passage of Utah's law that lowered the BAC limit to 0.05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.¹

Hawai'i voters support the lowering of the BAC limit to 0.05.

A December 2022 statewide poll reveals that more than two-thirds (69%) of Hawai'i voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.²

A 0.05 BAC is supported by strong research evidence and nationally recommended to reduce alcohol-impaired crashes, fatalities, and related consequences.

In an effort to prevent alcohol-impaired driving and its related consequences, the National Highway Transportation Safety Board (NTSB) recommends that all 50 states adopt a 0.05 BAC law.³ Drivers at 0.05 BAC are up to seven times more likely to be involved in a crash than those drivers at a 0.00 BAC.

¹ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

² Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.

³ Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving, National Transportation Safety Board, 2013. <https://www.nts.gov/safety/safety-studies/Pages/DCA12SS006.aspx>

Additionally, approximately 85% of the world's population has already adopted per se levels for alcohol-impaired driving at 0.05 BAC or lower.⁴

The world's largest alcohol brewer endorses a 0.05 BAC as best practice to prevent alcohol-impaired driving.

The ABInBev Foundation (formerly Anheuser-Busch) agrees with the World Health Organization that a 0.05 BAC limit is best practice at this time.⁵

Utah study shows a 0.05 BAC limit had no negative impact alcohol sales, tourism, and tax revenues
Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the 0.05 BAC law in Utah, and there's no indication that this would be different with a 0.05 BAC law in Hawai'i.⁶

Utah study shows a 0.05 BAC limit did not increase arrests

DUI arrest data from Utah's 0.05 BAC law shows no large spikes in overall arrests relative to the passage of the 0.05 BAC law. In 2019, there was a slight increase in arrests for drivers with a 0.05 to 0.079 BAC, which was expected given that law enforcement could now cite drivers for a per se offense in this BAC range.⁷

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and creating safer streets for all people.

Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you **pass SB 160**.

Mahalo for your time and consideration.

⁴ Global Status Report on Road Safety 2018, World Health Organization, 2018.
https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

⁵ ABInBev Foundation, <https://www.ab-inbev.com/content/dam/abinbev/what-we-do/road-safety/ABI%20%20Road%20Safety%20%20A4%20layout%20%20digital%20%20v6.pdf>

⁶ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

⁷ Ibid.



TO: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Committee on Judiciary

FR: Sabra Rosener, Senior Vice Present
Intoxalock

RE: SB160 RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

DATE: Thursday, February 9, 2023

TIME: 9:30 AM; VIA VIDEOCONFERENCE; Conference Room 016

Chair Rhoads, Vice-Chair Gabbard and members of the Committee on Judiciary:

My name is Sabra Rosener, Senior Vice President of Intoxalock. Intoxalock is one of the largest providers of breath alcohol ignition interlock devices in the United States, meeting state requirements in 47 states across the nation. For 30 years, Intoxalock devices have been keeping thousands of intoxicated persons from driving. We are also committed to supporting public policy and legislation which reduces driving under the influence.

Intoxalock supports SB160 which lowers the threshold blood alcohol concentration from .08 to .05 blood alcohol concentration (BAC) for the offense of operating a vehicle while under the influence of an intoxicant. Because Intoxalock has a national presence throughout the US, the company monitors and supports public policy and legislation which reduces drunk driving.

Intoxalock would like to submit background information to this Committee research, data and conclusions of the efficacy of reducing Hawai'i's BAC to .05. In particular, we are attaching a summary of a study by the US Department of Transportation National Highway Traffic Safety Administration which evaluated Utah's .05 BAC law. Overall, the study's findings indicate that passage of the .05 per se law had demonstrably positive impacts on highway safety in Utah. The crash analyses highlighted reliable reductions in crash rates and alcohol involvement in crashes associated with the new law that were consistent with, or greater than, those observed or predicted by prior research.

Strengthening Hawai'i's drunk driving laws saves lives. We urge this Committee to support SB160. Thank you for the opportunity to testify on this matter.

Sincerely,

/S/

SABRA ROSENER, ESQ.
Senior Vice President
Intoxalock
11035 Aurora Avenue
Des Moines, IA 50322
srosener@intoxalock.com



U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

TRAFFIC TECH

Technology Transfer Series



DOT HS 813 234

February 2022

Evaluation of Utah's .05 BAC Per Se Law

Background

The National Highway Traffic Safety Administration (NHTSA) conducts research on the effectiveness of countermeasures to improve safety on the nation's roads. State legislation regarding per se limits for driver blood alcohol concentration (BAC) is one area of interest. Past NHTSA studies examined changes in traffic safety after California and Illinois lowered their BAC per se limits from .10 to .08 grams per deciliter (g/dL). Those studies were instrumental in providing States and advocates information on the benefits of a .08 limit. Since then, all States have adopted .08 BAC per se limits. However, impaired driving continues to be an important issue, with 10,142 alcohol-impaired fatalities on U.S. roadways in 2019. The National Transportation Safety Board in 2013 published *Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving* recommending States lower their BAC per se limits from .08 to .05 g/dL.

On March 23, 2017, the Governor of Utah signed into law House Bill 155, modifying Utah Code §41-6a-502 to prohibit people 21 and over from operating a noncommercial vehicle with a BAC of .05 g/dL or greater, rather than .08 g/dL. The law established this as a per se offense and carried an effective date of December 30, 2018. With the passing of this legislation, Utah became the first State to adopt an impaired driving per se BAC limit lower than .08.

Research Objectives

The goal of this study was to conduct a comprehensive evaluation of the impacts of the change in Utah's per se law from .08 to .05. The specific objectives were to—

- Document the legislative process that resulted in the per se law change; and
- Examine whether any changes occurred within Utah after the law revision in terms of:
 - ◆ Crashes and fatalities,
 - ◆ Impaired driving arrests,
 - ◆ Driver knowledge, perceptions, and attitudes toward drinking and driving,
 - ◆ State education or prevention strategies, and
 - ◆ Alcohol sales and other economic indicators.

Methods

NHTSA coordinated with the Utah State Highway Safety Office and other State agencies to obtain data on crashes; impaired driving arrests; and driver knowledge, perceptions, and attitudes toward drinking and driving. NHTSA's Fatality Analysis Reporting System (FARS) data were also examined. Statistical analyses focused on changes in the State crash data measures for the 21 months after the law was passed (but not yet in effect), and for the first 12 months after it was in effect. The study also examined publicly available information on alcohol sales, sales tax revenues, and tourism to see how these economic factors were impacted by the change in BAC limit.

Results

Legislative Review. This indicated the motivation for lowering the BAC law from .08 to .05 was a desire to improve traffic safety. The majority of objections were based on hypothesized negative effects on the economy (e.g., alcohol sales, tax revenues, and tourism), the belief arrests for driving under the influence (DUI) would increase drastically for people who had "one or two drinks," and the assumption there would be no safety benefits.

State Education/Media Strategies. Utah did not undertake any large-scale media activities related to the passage of the .05 BAC law. The Utah Department of Public Safety posted a fact sheet in March 2017 describing types of physical and mental function losses related to a .05 BAC level, and explained the new law would not involve significant changes to the State's DUI enforcement approach. A Frequently Asked Questions document was developed, along with a short video entitled *Business As Usual*.

Crashes and Fatalities. Time series analyses of the monthly State crash data showed reductions for almost all of the crash- and driver-level measures (i.e., there were fewer crashes and lower alcohol involvement) for the 21 months after the law passed, and the 12 months after it went into effect, compared to what would be expected based on statistical projections from the baseline period (Table 1). A negative value in the table represents a reduction in the average monthly crash rate or driver alcohol involvement measure.

Table 1. Estimated Average Monthly Changes for Selected Crash and Driver Measures

Measure	After .05 Law in Effect (12 months)
	Δ%
Crashes	
Total per VMT [†]	-9.6*
Injury (including fatalities) per VMT	-10.8*
Single Vehicle Nighttime per VMT	-7.8
Single Vehicle Nighttime Injury per VMT	-13.7*
Alcohol Positive per VMT	-8.9*
BAC ≥ .05 per VMT	-14.7
BAC ≥ .08 per VMT	-13.7
BAC ≥ .15 per VMT	-9.1
Drivers	
% Suspected Alcohol	-12.5*
% Alcohol Positive	-14.6*
% BAC ≥ .05	-22.5*
% BAC ≥ .08	-22.9*
% BAC ≥ .15	-22.5*

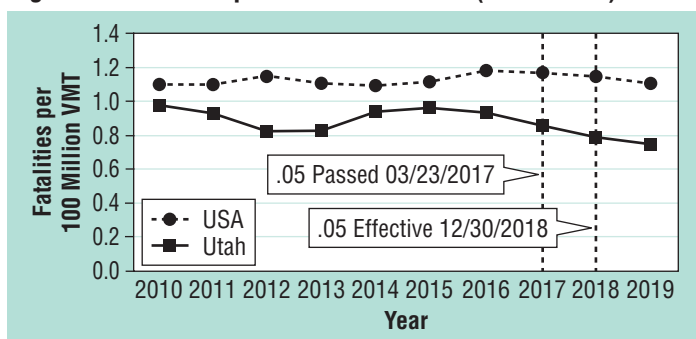
Δ% = estimated percentage change.

*p < .05, two-tailed ARIMA model.

[†]VMT is per 100 million vehicle miles traveled.

An examination of FARS data for Utah revealed reductions in fatal crashes and overall numbers of people killed in 2019 (the first year the .05 law was in effect) compared to 2016 (the last full year before the law was passed). In 2019, despite increased vehicle miles traveled (VMT), Utah recorded 225 fatal crashes and 248 fatalities, which is lower than the 259 fatal crashes and 281 fatalities for 2016. When VMT is considered (See Figure 1 for a plot of fatality rates for Utah versus the rest of the United States), the fatal crash rate reduction from 2016 to 2019 in Utah was 19.8%, and the fatality rate reduction was 18.3%. In comparison, the rest of the United States showed a 5.6% fatal crash rate reduction and 5.9% fatality rate reduction during the same time. The neighboring States of Arizona, Colorado, and Nevada did not show the same levels of improvement in fatal crash and fatality rates as Utah. Monthly fatal crash counts in Utah were too small to support time series analyses.

Figure 1. Fatalities per 100 Million VMT (FARS Data)




 U.S. Department of Transportation
National Highway Traffic Safety Administration
 1200 New Jersey Avenue SE
 Washington, DC 20590

DUI Arrests. DUI arrest data showed no large spikes in overall arrests or arrests per population relative to passage of the law. In 2019, there was a slight increase in number and proportion of arrests of drivers with BACs between .05 and .079 relative to the prior few years, which was expected given that law enforcement could now cite drivers for a per se offense in this BAC range.

Public Awareness. A survey conducted by the State found in 2018, 26.6% of drinkers and 12.6% of the non-drinkers thought the limit was .05 even though the law had not yet taken effect. In 2019, 22.1% of drinkers indicated they had, in fact, changed their behaviors once the law went into effect. The most common change was ensuring transportation was available when drinking away from home.

Alcohol Sales, Tax Revenues, and Tourism. Alcohol sales in Utah from 2012 through 2018 increased and continued the trend through Fiscal Year 2020 after the law was effective. Similar patterns were observed for sales tax revenues from restaurant, rental car, hotel, and resort sales, as well as air travel to Utah and visitors to State and National parks.

Summary

Overall, the study’s findings indicate that passage of the .05 per se law had demonstrably positive impacts on highway safety in Utah. The crash analyses highlighted reliable reductions in crash rates and alcohol involvement in crashes associated with the new law that were consistent with, or greater than, those observed or predicted by prior research. While the concerns about the impact of the law change on the State’s economy were certainly understandable, the data reviewed for this study indicate none of the potential negative effects of concern came to fruition. In fact, alcohol sales and per capita consumption appeared to continue their increasing trends under the new law as did tourism and tax revenues. Similarly, DUI arrests for alcohol did not climb sharply after the law went into effect as some had feared.

Full Report:

Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). *Evaluation of Utah’s .05 BAC per se law* (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

Suggested APA format citation for this document is:

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TRAFFIC TECH is a publication to disseminate information about traffic safety programs, including evaluations, innovative programs, and new publications. Feel free to copy it as you wish.

SB-160

Submitted on: 2/8/2023 10:04:56 PM

Testimony for JDC on 2/9/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrea Maniago	Individual	Support	Written Testimony Only

Comments:

Hello Senators,

My name is Andrea Maniago I live in Wailuku, Maui and I support SB 160. I lost my son to a drunk driver when he was 16yrs old, that was about 14 yrs ago. For 14 years I have done anything and everything to bring awareness to the dangers of drunk driving. I have spoken at high schools, traveled to different islands to speak to youth groups, volunteered to speak at DUI classes every week for 3 years, done sign waving events, supported other victims that lost there loved ones in a drunk driving crash, joined the police department to put out PSA's to bring awareness to drunk driving etc, so as a mom when I say I have tried everything that I can possibly do to bring awareness I promise I have tried. It's devastating to know that it hasn't helped because our community still has to many drunk driving deaths on our roadways. I am asking you as a tired mom please please pass SB 160 because after 14 years nothing has changed and I'm tired and emotional. Something needs to change and after all that we have done for our community it isn't enough. Something drastically has to change and I feel like this might just be the answer so I beg of you to please pass this because nothing has changed in 14 years. Let this be the change. Support SB 160

Mahalo,

Andrea Maniago