



*Testimony of*

Leah Walton  
Safety Advocate  
National Transportation Safety Board

*Before the*

Committee on Transportation and Culture and the Arts  
Hawai'i State Legislature

— *On* —

Operating a Vehicle While Impaired/.05 Blood Alcohol Concentration

—

Honolulu, Hawai'i • January 31, 2023

**NTSB** | National  
Transportation  
Safety Board  
*An Independent Federal Agency*

Good afternoon, Chair Lee, Vice Chair Inouye 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.<sup>1</sup>

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.<sup>2</sup> 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,<sup>3,4</sup> there has not been improvement since that time. In fact, in 2020, there were 11,654 alcohol-impaired driving fatalities, the highest number

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<sup>1</sup> 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.

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

<sup>3</sup> 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>

<sup>4</sup> 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.<sup>5,6</sup> 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.<sup>7</sup> 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,”<sup>8</sup> 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.<sup>9</sup>

### **The (Present) .08 BAC Limit**

From 2006 to 2017<sup>10</sup>, 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.<sup>11</sup>

### **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.<sup>12</sup>

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<sup>5</sup> 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

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

<sup>7</sup> 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>

<sup>8</sup> 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>

<sup>9</sup> NTSB Safety Recommendation H-13-5

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

<sup>11</sup> 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.

<sup>12</sup> 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.<sup>13</sup> Currently, more than 100 countries have BAC limits set at .05 or lower.<sup>14</sup> 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.<sup>15</sup>

### **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.<sup>16</sup>

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.

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<sup>13</sup> 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.

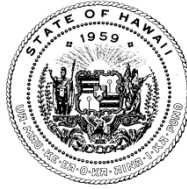
<sup>14</sup> <https://apps.who.int/gho/data/view.main.54600>

<sup>15</sup> 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>.

<sup>16</sup> 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:**  
EDWIN H. SNIFFEN  
DIRECTOR  
  
Deputy Directors  
DREANALEE K. KALILI  
TAMMY L. LEE  
ROBIN K. SHISHIDO  
JAMES KUNANE TOKIOKA

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

January 31, 2023  
3:00 P.M.  
State Capitol, Teleconference

**S.B. 365**  
**RELATING TO HIGHWAY SAFETY**

Senate Committee on Transportation and Culture and the Arts

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The Department of Transportation (DOT) **supports the intent** of S.B. 365, which establishes the offense of operating a vehicle while impaired with penalties.

While the DOT appreciates the Legislature's intent to create a new section to address impaired driving between .05 and .079 blood alcohol concentration (BAC), the DOT is concerned that merely assessing a fine gives the misleading impression that driving while impaired within those levels is not serious or dangerous.

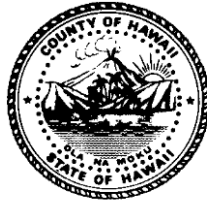
Our preference is to mirror the language in SB 160 to lower the illegal BAC per se level from .08 to .05. Including sanctions to prevent drivers from operating a vehicle while impaired – such as license revocation and installation of ignition interlock devices in vehicles – is more effective in changing behaviors and separating the acts of drinking and driving. We are also working with our traffic safety partners to consider potential, alternative sanctions for impaired driving between .05 and .079 and the impacts those sanctions may have. For example, in some provinces in Canada, .05-.079 is considered a “warn range” with administrative penalties that include a fine, license revocation and ignition interlock.

Laboratory and driving simulator studies have found that most adults are significantly impaired at .05 BAC, with driving-related skills such as divided attention, 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.

In addition, we are unsure how this new section would impact Operating a Vehicle Under the Influence of an Intoxicant (OVUII) cases that involve alcohol and drugs, as impaired drivers may test positive for having a drug in their system and have a .05-.079 BAC.

Thank you for the opportunity to provide testimony.

**Mitchell D. Roth**  
Mayor



**Benjamin T. Moszkowicz**  
Police Chief

## County of Hawai'i

### POLICE DEPARTMENT

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

January 30, 2023

Senator Chris Lee  
Chairperson and Committee Members  
Committee on Transportation and Culture and the Arts  
415 South Beretania Street  
Honolulu, Hawai'i 96813

RE: SENATE BILL 365, RELATING TO HIGHWAY SAFETY  
HEARING DATE: JANUARY 31, 2023  
TIME: 3:00 p.m.

Dear Senator Lee:


The Hawai'i Police Department **supports** Senate Bill 365, with its purpose to 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.

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.

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 .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.

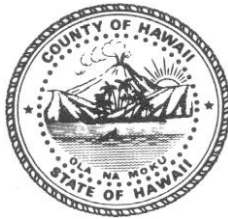
It is for these reasons, we urge this committee **to approve** this legislation. Thank you for allowing the Hawai'i Police Department to provide comments relating to Senate Bill 365.

Sincerely,

  
BENJAMIN T. MOSZKOWICZ  
POLICE CHIEF

**KELDEN B.A. WALTJEN**  
PROSECUTING ATTORNEY

**STEPHEN L. FRYE**  
FIRST DEPUTY  
PROSECUTING ATTORNEY



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**OFFICE OF THE PROSECUTING ATTORNEY**  
**TESTIMONY IN SUPPORT OF SENATE BILL 365**

A BILL FOR AN ACT  
RELATING TO HIGHWAY SAFETY

COMMITTEE ON TRANSPORTATION  
AND CULTURE AND THE ARTS  
Senator Chris Lee, Chair  
Senator Lorraine R. Inouye, Vice Chair

Tuesday, January 31, 2023 at 3:00 p.m.  
Via Videoconference  
State Capitol Conference Room 224  
415 South Beretania Street

Honorable Chair Lee, Vice-Chair Inouye and Members of the Committee on Transportation and Culture and the Arts. The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony in support of Senate Bill No. 365.

This bill establishes the traffic infraction or violation of Operating a vehicle while impaired. This bill was drafted with the intent to provide an appropriate sanction for individuals determined to be operating a vehicle while having a blood alcohol content ("BAC") equal to or greater than .05 grams but less than .08 grams alcohol per one hundred milliliters or cubic centimeters of blood. Senate Bill No. 365 proposes the creation of a traffic infraction or violation in contrast to the petty misdemeanor offense of Operating a vehicle under the influence of an intoxicant under Section 291E-61 of the Hawaii Revised Statutes ("HRS"). The bill also calls for appropriate fines and the other associated statutory penalties within HRS chapter 291E, including but not limited to completion of a substance abuse program, license revocation, and/or requirement of the installation of an ignition interlock.

HRS Section 291E-61(a)(1) provides as follows:

*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 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.*

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. 365 and agrees that establishing a traffic violation or infraction for operating a vehicle while impaired with a BAC equal to or greater than .05 but less than .08 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. 365. Thank you for the opportunity to testify on this matter.

**Rebecca V. Like**  
Prosecuting Attorney



**Keola Siu**  
First Deputy  
Prosecuting Attorney

**OFFICE OF THE PROSECUTING ATTORNEY**

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

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

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January 30, 2023

**RE: SB 365 RELATING TO HIGHWAY SAFETY.**

Chair Lee, Vice Chair Inouye, and Members of the Senate Committee on Transportation and Culture and the Arts: The Office of the Prosecuting Attorney for the County of Kaua'i SUPPORTS the intent of SB 365, establishing a finable offense for operating a vehicle with a blood alcohol concentration between .05 and .08 grams of Alcohol per one hundred milliliters or cubic centimeters of blood, with amendments.

Our office believes that the bill should be amended to include blood alcohol concentration as measured in breath, such that "A person commits the offense of operating a vehicle while impaired if the person operates or assumes actual physical control of a vehicle while having a blood alcohol content equal to or greater than .05 grams but less than .08 grams of alcohol per one hundred milliliters or cubic centimeters of blood," or .05 grams but less than .08 grams of alcohol per two hundred ten liters of breath.

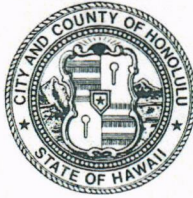
The bill establishes a finable offense for operating a vehicle with .05 to .08 blood alcohol concentration, but only as measure by a sample of the person's blood. With this provision, only drivers who are under investigation for Operating a Vehicle Under the Influence of an Intoxicant ("OVUII) and either choose to take a blood draw or are under order of a warrant to provide a blood sample may be liable under this proposed section. As a great majority of OVUII investigations result in suspects providing a breath sample as opposed to a blood sample, we propose that this statute would be more broadly applied and make Hawaii's roads safer with this added provision.

This bill addresses a specific need to reduce intoxicated driving and increase awareness of the dangers of intoxicated driving in Hawaii. There is a nationwide effort among traffic safety professionals to lower the legal allowable blood alcohol concentration to .05, as studies have shown that many drivers show signs of impaired driving at this lower level of intoxication. This bill is a first step towards increased enforcement to prevent people who choose to consume alcohol for operating vehicles on Hawaii's roadways.

Accordingly, the Office of the Prosecuting Attorney for the County of Kaua'i, requests that this measure be PASSED, with proposed amendments. Thank you very much for the opportunity to testify.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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



RICK BLANGIARDI  
MAYOR

ARTHUR J. LOGAN  
CHIEF

KEITH K. HORIKAWA  
RADE K. VANIC  
DEPUTY CHIEFS

OUR REFERENCE ST-TK

January 31, 2023

The Honorable Chris Lee, Chair  
and Members  
Committee on Transportation and  
Culture and the Arts  
State Senate  
Hawaii State Capitol  
415 South Beretania Street, Room 224  
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

SUBJECT: Senate Bill No. 365, Relating to Highway Safety

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. 365, Relating to Highway Safety.

The HPD supports the proposal of lowering the alcohol concentration in a person's blood for the purposes of Operating a Vehicle Under the Influence on 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 content (0.05 or more grams of alcohol per one hundred milliliters or cubic centimeters of blood).

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 Chris Lee, Chair  
and Members  
January 31, 2023  
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The HPD urges you to support Senate Bill No. 365, Relating Highway Safety.


Thank you for the opportunity to testify.

Sincerely,



Stason Tanaka, Acting Major  
Traffic Division

APPROVED:



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Arthur J. Logan  
Chief of Police

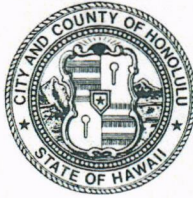


POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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**LATE**

RICK BLANGIARDI  
MAYOR



ARTHUR J. LOGAN  
CHIEF

KEITH K. HORIKAWA  
RADE K. VANIC  
DEPUTY CHIEFS

OUR REFERENCE ST-TK

January 31, 2023

The Honorable Chris Lee, Chair  
and Members  
Committee on Transportation and  
Culture and the Arts  
State Senate  
Hawaii State Capitol  
415 South Beretania Street, Room 224  
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

SUBJECT: Senate Bill No. 365, Relating to Highway Safety

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. 365, Relating to Highway Safety.

The HPD supports the proposal of lowering the alcohol concentration in a person's blood for the purposes of Operating a Vehicle Under the Influence on 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 content (0.05 or more grams of alcohol per one hundred milliliters or cubic centimeters of blood).

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 Chris Lee, Chair  
and Members  
January 31, 2023  
Page 2

The HPD urges you to support Senate Bill No. 365, Relating Highway Safety.


Thank you for the opportunity to testify.

Sincerely,



Stason Tanaka, Acting Major  
Traffic Division

APPROVED:



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Arthur J. Logan  
Chief of Police



To: The Honorable Senator Chris Lee, Chair  
The Honorable Senator Lorraine Inouye, Vice Chair  
Members of the Senate Committee on Transportation and Culture and the Arts

Re: Strong Support of SB 365, Relating to Highway Safety

Hrg: Tuesday, January 31, 2023 at 3:00pm, Conference Room 224

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**Position: Support**

My name is Chelsea Gonzales, coordinator for the Hawai'i Alcohol Policy Alliance. I am submitting testimony in STRONG SUPPORT of SB 365. SB 365 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.<sup>1</sup>

**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.<sup>2</sup>

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

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<sup>1</sup> 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.

<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

### **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.<sup>5</sup>

### **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.<sup>6</sup>

### **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.<sup>7</sup> 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 365**.

Mahalo for your time and consideration.

Chelsea Gonzales  
Statewide Coordinator  
Hawai'i Alcohol Policy Alliance

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

<sup>4</sup> Global Status Report on Road Safety 2018, World Health Organization, 2018. [https://www.who.int/violence\\_injury\\_prevention/road\\_safety\\_status/2018/en/](https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/)

<sup>5</sup> 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>

<sup>6</sup> 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.

<sup>7</sup> Ibid.

**SB-365**

Submitted on: 1/30/2023 12:57:41 PM

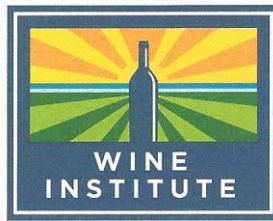
Testimony for TCA on 1/31/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Arkie Koehl	Testifying for MADD	Comments	In Person

Comments:

I'm Arkie Koehl, a MADD Hawaii volunteer, offering comments regarding Senate Bill 365.

While strongly in support of lowering the BAC threshold from .08 to .05, MADD Hawaii needs more time to study the effects this compromise bill may have on overall OVUII legislation currently in place. We will attend the Jan. 31st hearing and be available for any discussion.



**Sally H. Jefferson**  
Director, Western States

THE SENATE  
THE THIRTY-SECOND LEGISLATURE  
REGULAR SESSION OF 2023

COMMITTEE ON TRANSPORTATION AND CULTURE AND THE ARTS  
January 31, 2023

**Testimony in Opposition to SB 365**

Chair Lee, Vice Chair Inouye and Members of the Committee:

Thank you for the opportunity to provide testimony on SB 365 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 365 and offers the following comments.

SB 365 would make it an offense for operating a vehicle if the person has a blood alcohol content (BAC) equal to or greater than .05 grams but less than .08 grams of alcohol per one hundred milliliters or cubic centimeters of blood or breath. As well-intentioned as this legislation is, it would result in the criminalization of moderate drinking by responsible adults and divert much needed, limited resources away from targeting high BAC drivers and repeat offenders who are the cause of most alcohol impaired fatalities. The current legal threshold of .08 BAC was established as a safe level of consumption based on the science and is the current standard in Hawaii and 48 other states.

NHTSA 2020 data shows that the vast majority of alcohol-related fatalities involve higher blood alcohol concentration levels. In Hawaii, 79% of traffic fatalities involving alcohol had a .08 and higher BAC, of which **50% had .15 BAC and higher.**

Alcohol-related fatalities are unacceptable and an unnecessary tragedy. To minimize the devastating effects of drunk driving, the focus should be to concentrate on keeping people with high-BAC levels and repeat offenders off the road as well as other significant causes of impaired driving such as drugged driving rather than penalizing responsible adult consumers. Wine Institute supports a comprehensive approach that combines prevention measures that includes strict enforcement of existing laws, with treatment and education, to reduce impaired driving and we thank you for your consideration of our views on this legislation.



To: The Honorable Senator Chris Lee, Chair  
The Honorable Senator Lorraine Inouye, Vice Chair  
Members of the Senate Committee on Transportation and Culture and the Arts

Re: Strong Support of SB365, Relating to Highway Safety

Hrg: Tuesday, January 31, 2023, at 3:00 pm, Conference Room 224

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**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 SB365. SB365 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 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.<sup>i</sup>

**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.<sup>ii</sup>

**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.<sup>iii</sup> 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.<sup>iv</sup>

**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.<sup>v</sup>

**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.<sup>vi</sup>

**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.<sup>vii</sup>

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 SB365**.

Mahalo for your time and consideration.

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

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<sup>i</sup> 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.

<sup>ii</sup> Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.

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

<sup>iv</sup> Global Status Report on Road Safety 2018, World Health Organization, 2018.

[https://www.who.int/violence\\_injury\\_prevention/road\\_safety\\_status/2018/en/](https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/)

<sup>v</sup> 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>

<sup>vi</sup> 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.

<sup>vii</sup> Ibid.

To: The Honorable Senator Chris Lee, Chair  
The Honorable Senator Lorraine Inouye, Vice Chair  
Members of the Senate Committee on Transportation and Culture and the Arts  
Re: Strong Support of SB 365, Relating to Highway Safety  
Hrg: Tuesday, January 31, 2023, at 3:00pm, Conference Room 224

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**Position: Support**

SB365 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. I in STRONG SUPPORT of SB 365.

**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 strong research evidence, and endorsed by the world's largest brewer.**

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.

**Hawaii voters support the lowering of the BAC limit to 0.05.** 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.

**A 0.05 BAC is supported by strong research evidence and nationally recommended to reduce alcohol-impaired crashes, fatalities, and related consequences.** To prevent alcohol-impaired driving and its related consequences, the National Highway Transportation Safety Board (NTSB) recommended 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 0.00 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.

**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 currently.

**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 Hawaii.

**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.

Hawaii can help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawaii. I ask that you **pass SB 365 out of committee.**

Mahalo for your time and consideration.  
Cynthia Okazaki

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**SB-365**

Submitted on: 1/30/2023 1:24:25 PM

Testimony for TCA on 1/31/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Aubrey Ahana	Testifying for Maui Coalition for Drug-Free Youth	Support	Remotely Via Zoom

Comments:

From: Aubrey Ahana

Date: January 29, 2023

Subject: Support for Lowering the Blood Alcohol Concentration; SB365

Aloha, my name is Aubrey Ahana and I live in the Ahupua'a of Wailuku, Maui. I'm a Senior attending Kamehameha schools Maui and encouraged the prevention of drugs and alcohol at a legislative standpoint for about three years now. I stand before you both as a Maui Nui Youth Council member, and a fellow citizen who cares deeply for the safety of Hawai'i along with the generations that will one day lead our state—maybe even nation.

I'm testifying in support of bill SB365 in hopes of lowering the Blood Alcohol Concentration level from 0.08 to 0.05. As we're all greatly aware, alcohol has never once benefitted anyone's health or actions after intake, further driving my reasoning to lowering the current B.A.C. I, myself, know at least five people off the top of my head who've either gotten injured by drunk driving, or even killed, and I'm sure you know a few as well; so wouldn't the best way to reduce these misfortunes be by giving people a legal reason to lower their substance intake?

Through lowering the current B.A.C. level, I'm willing to believe that many lives will be saved. I don't want family or community members I know to be another name on the news or found in some newspaper due to someone who decided to drive impaired. It is not fair that someone who did nothing wrong—nothing illegal—be punished for another's doing.

In conclusion, the passage of bill SB365 would be able to save countless lives—maybe even lives that haven't been brought into this world yet. If we're able to pass this bill, it'll be another step forward to a future of health and safety that our current generation should've been given. To this, will you be willing to give your full support in passing bill number SB365 in hopes of lowering the Blood Alcohol Concentration level from 0.08 to 0.05?

Mahalo,  
Aubrey Ahana  
Resident of Wailuku  
aubreyahana@gmail.com  
(808)-633-7515



To: The Honorable Senator Chris Lee, Chair  
The Honorable Senator Lorraine Inouye, Vice Chair  
Members of the Senate Committee on Transportation and Culture and the Arts

Re: Strong Support of SB 365, Relating to Highway Safety

Hrg: Tuesday, January 31, 2023, at 3:00pm, Conference Room 224

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**Position: Support**

On behalf of the Maui Coalition for Drug-Free Youth, a community coalition dedicated to preventing and reducing harms of underage alcohol use throughout Maui County, we are submitting testimony in STRONG SUPPORT of SB 365. SB 365 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.

As we represent parents, youth-serving organizations, youth and many other sectors of the community we have seen and experienced the devastation of impaired driving. We genuinely believe that 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.<sup>1</sup>

**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.<sup>2</sup>

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<sup>1</sup> 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.

<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

**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.<sup>5</sup>

**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.<sup>6</sup>

**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.<sup>7</sup>

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 365**.

Mahalo for your time and consideration.

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

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

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<sup>5</sup> 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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<sup>7</sup> Ibid.

To: The Honorable Senator Chris Lee, Chair  
The Honorable Senator Lorraine Inouye, Vice Chair  
Members of the Senate Committee on Transportation and Culture and the Arts

Re: Strong Support of SB365, Relating to Highway Safety

Hrg: Tuesday, January 31, 2023, at 3:00 PM, Conference Room 224

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**Position: Support**

I am submitting testimony in STRONG SUPPORT of SB365. This measure 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.

The East Hawai'i Drug-Free Coalition wants to create safer communities. Lowering the BAC is a change that could significantly prevent crashes, injuries, and deaths and create safer communities for everyone.

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; therefore, implementing this lower BAC would create safer roads for all people.** <sup>[i]</sup>

- 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.** <sup>[i]</sup>

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



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

To: The Honorable Senator Chris Lee, Chair  
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**Position: Support**

On behalf of the Maui Coalition for Drug-Free Youth, a community coalition dedicated to preventing and reducing harms of underage alcohol use throughout Maui County, we are submitting testimony in STRONG SUPPORT of SB 365. SB 365 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.

As we represent parents, youth-serving organizations, youth and many other sectors of the community we have seen and experienced the devastation of impaired driving. We genuinely believe that 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.<sup>1</sup>

**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.<sup>2</sup>

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<sup>1</sup> 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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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 365**.

Mahalo for your time and consideration.

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

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<sup>7</sup> Ibid.



To: The Honorable Senator Chris Lee, Chair  
The Honorable Senator Lorraine Inouye, Vice Chair  
Members of the Senate Committee on Transportation and Culture and the Arts

Re: Strong Support of SB 365, Relating to Highway Safety

Hrg: Tuesday, January 31, 2023 at 3:00pm, Conference Room 224

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**Position: Support**

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**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.<sup>2</sup>

**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

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<sup>1</sup> 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.

<sup>2</sup> Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.

law.<sup>3</sup> 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.<sup>4</sup>

### **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.<sup>5</sup>

### **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.<sup>6</sup>

### **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.<sup>7</sup>

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 365**.

Mahalo for your time and consideration.

Russell Hamilton Psy. M, CSAC  
Lokahi Treatment Centers  
Clinical Supervisor

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

<sup>4</sup> Global Status Report on Road Safety 2018, World Health Organization, 2018. [https://www.who.int/violence\\_injury\\_prevention/road\\_safety\\_status/2018/en/](https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/)

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

<sup>6</sup> 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.

<sup>7</sup> Ibid.



To: The Honorable Senator Chris Lee, Chair  
The Honorable Senator Lorraine Inouye, Vice Chair  
Members of the Senate Committee on Transportation and Culture and the Arts  
Re: Strong Support of SB 365, Relating to Highway Safety  
Hrg: Tuesday, January 31, 2023, at 3:00pm, Conference Room 224

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**Position: Support**

SB365 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. I in STRONG SUPPORT of SB 365.

**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 strong research evidence, and endorsed by the world's largest brewer.**

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.

**Hawaii voters support the lowering of the BAC limit to 0.05.** 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.

**A 0.05 BAC is supported by strong research evidence and nationally recommended to reduce alcohol-impaired crashes, fatalities, and related consequences.** To prevent alcohol-impaired driving and its related consequences, the National Highway Transportation Safety Board (NTSB) recommended 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 0.00 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.

**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 currently.

**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 Hawaii.

**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.

Hawaii can help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawaii. I ask that you **pass SB 365 out of committee.**

Mahalo for your time and consideration.  
Cynthia Okazaki

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**SB-365**

Submitted on: 1/29/2023 7:11:09 PM

Testimony for TCA on 1/31/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
William Hankins	Individual	Support	Written Testimony Only

Comments:

As a retired traffic division commander for MPD, I strongly support this bill. Lowering the legal 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.

To: The Honorable Senator Chris Lee, Chair  
The Honorable Senator Lorraine Inouye, Vice Chair  
Members of the Senate Committee on Transportation and Culture and the Arts

Re: Strong Support of SB 365, Relating to Highway Safety

Hrg: Tuesday, January 31, 2023 at 3:00pm, Conference Room 224

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**Position: Support**

I am submitting testimony in STRONG SUPPORT of SB 365. SB 365 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.<sup>1</sup>

**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.<sup>2</sup>

**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

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<sup>1</sup> 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.

<sup>2</sup> Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.

law.<sup>3</sup> 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.<sup>4</sup>

### **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.<sup>5</sup>

### **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.<sup>6</sup>

### **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.<sup>7</sup>

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 365**.

Mahalo for your time and consideration.

Kawena Bagano

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

<sup>4</sup> Global Status Report on Road Safety 2018, World Health Organization, 2018. [https://www.who.int/violence\\_injury\\_prevention/road\\_safety\\_status/2018/en/](https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/)

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

<sup>6</sup> 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.

<sup>7</sup> Ibid.





To: The Honorable Senator Chris Lee, Chair  
The Honorable Senator Lorraine Inouye, Vice Chair  
Members of the Senate Committee on Transportation and Culture and the Arts

Re: Strong Support of SB 365, Relating to Highway Safety

Hrg: Tuesday, January 31, 2023 at 3:00pm, Conference Room 224

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**Position: Support**

I am submitting testimony in STRONG SUPPORT of SB 365. SB 365 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.

Last legislative session the legislature chose not to advance this bill out of a House committee. We are hopeful this year will be different and we will see both the Senate and House and Senate will have a chance to vote this off the floor and send to the Governor for his signature.

**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.<sup>1</sup>

### **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.<sup>2</sup>

### **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.<sup>3</sup> Drivers at 0.05 BAC are up to seven times more likely to be involved in a crash than those drivers at a .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.<sup>4</sup>

### **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.<sup>5</sup>

### **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.<sup>6</sup>

### **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.<sup>7</sup>

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<sup>1</sup> 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.

<sup>2</sup> Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.

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

<sup>4</sup> Global Status Report on Road Safety 2018, World Health Organization, 2018. [https://www.who.int/violence\\_injury\\_prevention/road\\_safety\\_status/2018/en/](https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/)

<sup>5</sup> 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>

<sup>6</sup> 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.

<sup>7</sup> Ibid.

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 365**.

Mahalo for your time and consideration.

*Michael Sparks*

**President SparksInitiatives**

Kihei, HI

**SB-365**

Submitted on: 1/30/2023 12:17:54 AM

Testimony for TCA on 1/31/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ryan Samonte	Individual	Support	Written Testimony Only

Comments:

Re: SB365

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.

**SB-365**

Submitted on: 1/30/2023 3:18:26 AM

Testimony for TCA on 1/31/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Camlyn Pola	Individual	Support	Written Testimony Only

Comments:

To: The Honorable Senator Chris Lee, Chair

The Honorable Senator Lorraine Inouye, Vice Chair

Members of the Senate Committee on Transportation and Culture and the Arts

Re: Strong Support of SB365, Relating to Highway Safety

Hrg: Tuesday, January 31, 2023 at 3:00pm, Conference Room 224

Position: Support

I am submitting testimony in **STRONG SUPPORT** of SB365. SB365 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.

As the East Hawai'i Drug-Free Coalition Coordinator, we want to create safer communities and lowering the BAC will be a community change that could significantly prevent crashes, injuries, and deaths, and creating safer streets for all people.

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 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

- o 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.

- o 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.

Utah study shows a 0.05 BAC limit had no negative impact on 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.

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 SB365.

February 24, 1996 three of my friends died due to a drunk driver. I believe they would still be alive if we had more bills like this one. Mahalo for your support and consideration.

Camlyn Pola

**SB-365**

Submitted on: 1/30/2023 8:37:57 AM

Testimony for TCA on 1/31/2023 3:00:00 PM

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

Comments:

The case for lowering BAC is clear and is supported by even the world's largest brewer. Data from industrialized countries and Utah all support the fact that lowering BAC to .05 will save lives. Please move this bill forward.

1. It 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.

2. Hawai'i voters support the lowering of the BAC limit to .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 .08 to .05.

3. 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.

4. 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.

5. 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.

6. 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.

7. A .05 BAC is a reasonable standard.

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)

7. Most industrialized nations around the world and approximately 85% of the world's population have set BAC limits at 0.05 BAC or lower.

All states in Australia now have a 0.05 BAC limit. France, Austria, Italy, Spain and Germany lowered their limit to 0.05 BAC, while Sweden, Norway, Japan and Russia have set their limit at .02 BAC (WHO, 2013)

8. A 0.05 BAC limit would reduce the economic burden of alcohol-impaired driving to the state, including first responders.

A 0.05 BAC would reduce alcohol-impaired driving and crash rates, which would result in lower economic costs and resources to the state. Economic costs include first responder and hospital ER resources to respond to the incidents, associated medical costs, court costs, damages and repairs to roadways, and the loss of work production.



**SB-365**

Submitted on: 1/30/2023 10:46:23 AM

Testimony for TCA on 1/31/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cody Raich	Individual	Oppose	Written Testimony Only

Comments:

I do not support this bill.

To: The Honorable Senator Chris Lee, Chair  
The Honorable Senator Lorraine Inouye, Vice Chair  
Members of the Senate Committee on Transportation and Culture and the Arts

Re: Strong Support of SB 365, Relating to Highway Safety

Hrg: Tuesday, January 31, 2023 at 3:00pm, Conference Room 224

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**Position: Support**

I am submitting testimony in STRONG SUPPORT of SB 365. SB 365 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 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.<sup>1</sup> 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.<sup>2</sup> The National Highway Transportation Safety Board (NTSB) has recommended that all 50 states adopt a 0.05 BAC law.<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup>

This law would improve the overall health and safety of all people in Hawai'i. I ask that you **pass SB 365**. Mahalo for your time and consideration.

Dr. Colleen Fox  
Honolulu, Hawaii

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<sup>1</sup> 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.

<sup>2</sup> 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.

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

<sup>4</sup> Global Status Report on Road Safety 2018, World Health Organization, 2018. [https://www.who.int/violence\\_injury\\_prevention/road\\_safety\\_status/2018/en/](https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/)

<sup>5</sup> Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.

To: The Honorable Senator Chris Lee, Chair  
The Honorable Senator Lorraine Inouye, Vice Chair  
Members of the Senate Committee on Transportation and Culture and the Arts

Re: Strong Support of SB 365, Relating to Highway Safety

Hrg: Tuesday, January 31, 2023 at 3:00pm, Conference Room 224

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**Position: Support**

I am submitting testimony in STRONG SUPPORT of SB 365. SB 365 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.<sup>1</sup>

**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.<sup>2</sup>

**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

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<sup>1</sup> 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.

<sup>2</sup> Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.

law.<sup>3</sup> 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.<sup>4</sup>

### **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.<sup>5</sup>

### **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.<sup>6</sup>

### **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.<sup>7</sup>

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 365**.

Mahalo for your time and consideration.

Michelle Paquin-Lozano, CSAC, CPS

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

<sup>4</sup> Global Status Report on Road Safety 2018, World Health Organization, 2018. [https://www.who.int/violence\\_injury\\_prevention/road\\_safety\\_status/2018/en/](https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/)

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

<sup>6</sup> 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.

<sup>7</sup> Ibid.

**SB-365**

Submitted on: 1/30/2023 12:47:52 PM

Testimony for TCA on 1/31/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ashley Camara	Individual	Support	Written Testimony Only

Comments:

Hello, I am Ashley Camara, I attend Kalama Intermediate School in the 8th grade and am 14 years of age. I am in support of this bill because as a youth growing up in Hawaii I don't want to have to worry about being hit by a drunk driver when I go out with friends. So in my oppinion it would be an exilant idea to lower the B.A.C. from 0.08 to 0.05.

**SB-365**

Submitted on: 1/30/2023 12:58:40 PM

Testimony for TCA on 1/31/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lacie Chapman	Individual	Support	Written Testimony Only

Comments:

My name is Lacie Chapman and I attend Lokelani Intermediate, in 7th grade, and I think the bill: SB365 should pass. This bill would lower the B.A.C (blood alcohol concentration) from 0.08 to 0.05, if this were to happen people would be able to not get dangerously drunk when and or if they plan on driving. I personally want to feel safe in my community, knowing that my family, friends, others, and myself would be safe from getting badly injured or killed by someone's choice.

**SB-365**

Submitted on: 1/30/2023 1:08:22 PM

Testimony for TCA on 1/31/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Malliya Thompson	Individual	Support	Written Testimony Only

Comments:

My name is Malliya Thompson I go to lokelani intermediate school in maui,hawaii. I'm in 7th grade I'm writing to you today in support of Bill SB365.I want the b.a.c to be lowered from 0.08 to 0.05 because I would like to be able to get home to my family and friends with out them worrying about me getting hurt by any drunk driver due to their choice of drinking.

**SB-365**

Submitted on: 1/30/2023 2:15:27 PM

Testimony for TCA on 1/31/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cleota Brown	Individual	Support	Written Testimony Only

Comments:

I support SB365 to impose an additional penalty fine if the person operates or assumes actual physical control of a vehicle while having a blood alcohol content equal to or greater than .05 grams but less than .08 grams of alcohol per one hundred milliliters or cubic centimeters of blood.

In my opinion, driving under the influence of alcohol is dangerous and a threat to all motorists and pedestrians at all levels. We see and hear about far too many accidents that could have been prevented and lives saved if drivers stopped drinking and driving.

It's my hope that this legislation will pass and become enforceable across Hawai'i.

Thank you,

Cleota G. Brown



January 29, 2023

To: The Honorable Senator Chris Lee, Chair

The Honorable Senator Lorraine Inouye, Vice Chair

Members of the Senate Committee on Transportation and Culture and the Arts

Re: Strong Support of SB365, Relating to Highway Safety

Hrg: Tuesday, January 31, 2023 at 3:00pm, Conference Room 224

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**Position: Support**

My name is Katie Folio, from Kula, Maui, Hawai'i and I am submitting testimony in STRONG SUPPORT of SB365, 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 years past. 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 SB365 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 SB365 out of this committee, for the sake of my children and everyone's children.

Mahalo nui loa,

Katie Folio

Kula, Maui, HI

**LATE**

**SB-365**

Submitted on: 1/30/2023 7:05:58 PM

Testimony for TCA on 1/31/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Darlyn Chen Scovell	Individual	Support	Written Testimony Only

Comments:

To: The Honorable Senator Chris Lee, Chair

The Honorable Senator Lorraine Inouye, Vice Chair

Members of the Senate Committee on Transportation and Culture and the Arts

Re: Strong Support of SB 365, Relating to Highway Safety

Position: **Support**

I am submitting testimony in **STRONG SUPPORT** of SB 365. SB 365 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.**

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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 365**.

Mahalo for your time and consideration.

Always with Gratitude,

Respectfully yours,

Darlyn Chen Scovell

Reference

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[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>

[4] Global Status Report on Road Safety 2018, World Health Organization, 2018. [https://www.who.int/violence\\_injury\\_prevention/road\\_safety\\_status/2018/en/](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.