



Testimony of

Thomas Chapman
Board Member
National Transportation Safety Board

Before the

Senate Committee on Judiciary
Hawai'i State Legislature

— *On* —

SB 2384
Relating to the Use of Intoxicants While Operating a Vehicle

Honolulu, HI • February 27, 2024

NTSB | National
Transportation
Safety Board
An Independent Federal Agency

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

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

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

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

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

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.

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

The Persistent Problem: Impaired-Driving Crashes Still Kill Thousands

Progress addressing impaired driving has stalled. In fact, the problem has gotten worse. In 2021, there were 13,384 alcohol-impaired driving fatalities in the US, the highest number since 2008.^{3,4} The State of Hawai'i experienced 354 fatalities involving a driver with BAC of .08+ between 2012 and 2021. The COVID-19 pandemic has only made this problem worse.

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

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

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

³ 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/drunken-driving>.

⁴ Stewart, T. (2023). Overview of motor vehicle crashes in 2021 (Report No. DOT HS 813 435). National Highway Traffic Safety Administration.

in the U.S. at \$68.9 billion for the year 2019.⁵ So while the ongoing tragedy of impaired driving *can* strike anybody, its economic burden *does* strike everybody.

Due to the 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,”⁶ 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.⁷

Lowering the Per Se BAC Limit to .05

From 2006 to 2017⁸, 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. Let’s be clear. Drivers are impaired at a BAC of .05. Individuals at a BAC of .05 can experience lowered alertness, reduced coordination, impaired judgment, and difficulty tracking moving objects.⁹ Most of us would not want to be in the same vehicle as a driver experiencing those impairments, and neither should we want to share the road with those impaired drivers. These abilities are critical for safe driving and explain why drivers at a BAC of .05 have a 38% increase in the risk of being in a crash as compared to a sober driver. There is a reason that it is already illegal for commercial truck and bus drivers to drive at a BAC of .04 or higher.

The science behind .05 BAC limits is also clear, well-documented, and irrefutable. More than 100 countries have established a BAC limit of .05 to reduce alcohol-related crashes, and the benefits of the lowering BAC limits have been documented.¹⁰ 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.¹¹ This is not surprising because similar benefits were realized when BAC limits were reduced from .10 to .08.

The power of lowering the BAC limit to .05 is that it causes a general deterrent effect. In other words, taking a strong stand against impaired driving discourages drinking drivers of all BACs from getting behind the wheel.

⁵ 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>

⁶ 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>

⁷ NTSB Safety Recommendation H-13-5

⁸ In 2017, Utah lowered its per se threshold to .05 BAC, effective December 30, 2018 (see “The Utah Experience”).

⁹ <https://www.nhtsa.gov/sites/nhtsa.gov/files/809844-theabcsofbac.pdf>

¹⁰ 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.

¹¹ 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>.

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.¹²

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. And even though Utah's alcohol-impaired crashes have gone up since then, this increase is consistent with other States during the pandemic.

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; Mothers Against Drunk Driving; and the Governor's Highway Safety Association 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.

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.

¹² 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.

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

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

February 27, 2024

S.B. No. 2384: RELATING TO THE USE OF INTOXICANTS WHILE
OPERATING A VEHICLE

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

The Office of the Public Defender respectfully opposes S.B. No. 2384.

This measure proposes to lower the threshold blood alcohol concentration (BAC) from .08 to .05 for the offense of Operating a Vehicle Under the Influence of an Intoxicant (OVUII). For reasons stated below, we oppose this measure.

1. Lowering the BAC threshold will criminalize the behavior of responsible drinkers. There are many responsible people in Hawai‘i who drink but do not drive impaired. Responsible people—who limit their alcohol consumption to one to two drinks—can drive safely.

The individuals who drive drunk and seriously injure or kill innocent people are not those with a BAC of .05. The high-level BAC drivers generally have alcohol use disorder or are uncaring individuals. A reduction of the BAC will not stop such people from drinking and driving.

Many drivers with a .05 BAC do not exhibit the kind of impaired skills that cause them to drive unsafely. Yet despite operating their vehicles in accordance with all other traffic laws and not putting themselves or others at risk, this group of law-abiding drivers will constitute a new class of criminals under this proposed law.

Lowering the threshold casts too wide a net.

2. Lowering the BAC threshold is not necessary to criminalize impaired driving. Hawai‘i already has a statute which criminalizes drivers whose BAC level is under .08. HRS § 291E-61(a)(1) provides, in pertinent part:

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

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

A person can be convicted of OVUII with evidence showing bad driving (e.g., weaving, unsafe lane change, reckless driving), signs of consuming alcohol (e.g., odor of alcohol, flushed face, slurred speech, unsteady feet, glassy eyes), and poor performance on the field sobriety tests.

Prosecutors already achieve convictions for OVUII under HRS § 291E-61(a)(1) without any BAC evidence.

3. Lowering the BAC threshold will overburden the police department. OVUII arrests involve multiple officers: the officer that conducts the stop, the officer that conducts the field sobriety tests, the arresting officer, and the officer that conducts the breathalyzer. All those officers investigating a driver with .05 BAC level (who is not a danger to the community) will not be patrolling for dangerous drivers with a .15 BAC.

Police officers can only investigate a finite number of drivers.

4. Lowering the BAC threshold will overburden the legal system. There have always been high OVUII caseloads in the District Court. This proposed law will cause ballooning caseloads. The Legislature will need to dedicate significant additional funding to build more courtrooms and hire more judges, prosecutors, and public defenders. If not, OVUII cases will be dismissed due to court congestion, jeopardizing successful prosecution of drivers with higher-BAC levels that are actually a danger to the community.¹

The judicial system can only adjudicate a finite number of defendants.

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

The data from Utah does not support the effectiveness of reducing the threshold BAC. The often-cited report from the National Highway Traffic Safety Administration (NHTSA), entitled "Evaluation of Utah's .05 BAC Per Se Law" is

¹ OVUII cases would be dismissed due to violation of a defendant's constitutional right to speedy trial and/or a violation of Rule 48 of the Hawai'i Rules of Penal Procedure.

misleading.² The report purports to show that traffic fatalities were reduced because of the change in Utah’s OVUII law from .08 BAC to .05 BAC. The report compares data from 2016 (the last full year before the law was passed) and 2019 (the first full year the law was in effect). This report cherry-picks data because it ignores the following years (2020 and 2021), which show an increase in Utah fatalities.

The U.S. Department of Transportation reports the annual fatality rate per 100 Million Vehicle Miles Traveled (VMT) for Utah³ as follows:

Year	Utah Fatality Rate per 100 Million VMT
2012	.82
2013	.81
2014	.93
2015	.94
2016	.89
2017	.87
2018	.81
2019	.75
2020	.91
2021	.98

Thus, the data does not support claims that Utah’s .05 BAC law reduced traffic fatalities.

In conclusion, to minimize the devastating effects of drunk driving, Hawai‘i should focus on higher-BAC drunk drivers that are the actual cause of traffic fatalities.

Thank you for the opportunity to comment on S.B. No. 2384.

² See NHTSA, “Evaluation of Utah’s .05 BAC Per Se Law,” Traffic Tech, February 2022, available at <https://rosap.ntl.bts.gov/view/dot/60427> (last visited, February 23, 2024).

³ See U.S. Department of Transportation, “State Highway Safety Report (2018) – Utah,” available at https://www.fhwa.dot.gov/tpm/reporting/state/safety_2018.cfm?state=Utah (last visited, February 23, 2024); U.S. Department of Transportation, “State Highway Safety Report (2021) – Utah,” available at <https://www.fhwa.dot.gov/tpm/reporting/state/safety.cfm?state=Utah> (last visited, February 23, 2024).



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DIRECTOR
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Deputy Directors
Nā Hope Luna Ho'okele
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**STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
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February 27, 2024
9:32 a.m.
State Capitol, Room 016

**S.B. 2384
RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE**

Senate Committee on Judiciary

The Hawaii Department of Transportation (HDOT) **supports S.B. 2384**, which lowers the blood alcohol concentration (BAC) threshold for driving while under the influence of alcohol from 0.08 to 0.05.

Laboratory and driving simulator studies have found that most adults, even experienced drinkers who typically reach BACs of .15 or greater, are significantly impaired at .05 BAC, with critical driving-related skills such as divided attention, braking, tracking, perception, and reaction time impacted.¹ According to the Fatality Analysis Reporting System and Hawaii preliminary state data from 2020-2022, 10 drivers who were involved in a fatal crash and were tested had a BAC between .05 and .079. As a result of those crashes, 11 lives were lost.

Year	Driver with Alcohol .05-.079 - # of crashes	Driver with Alcohol .05-.079 - # of fatalities
2020	1	1
2021	3	3
2022	6	7
Totals	10	11

Lowering the per se limit from .08 to .05 is a proven countermeasure that has reduced alcohol-impaired driving fatalities in other countries. As stated in the National Transportation Safety Board's *Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving*, "a study of per se BAC reductions in several European countries (Albalade 2008, 20-39) found that the change from a 0.08 to a 0.05 per se BAC limit reduced traffic fatalities by 8-12 percent among people aged 18-49. Finally, in Australia, fatal crashes decreased significantly in two states (by 18 percent in Queensland and by

¹ Fell, James C. and Robert B. Voas. "The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States." *Addiction* (2014): 869-874.

8 percent in New South Wales after those states lowered their per se BAC limits from 0.08 to 0.05 (Henstridge, Homel, and Mackay 1997).² Most other industrialized nations around the world have already lowered their illegal per se limits; Australia, Austria, Belgium, Finland, France, Germany, Greece, Ireland, Italy, New Zealand, Scotland, Spain, and Switzerland are just a few of the countries with a .05 illegal BAC limit, while Japan, Norway, Poland, Sweden, and Taiwan have set their limits at .03 or .02.

According to a meta-analysis of studies on lowering BAC in general, researchers found a 11.1 percent decline in fatal alcohol-related crashes from lowering the BAC to .05 or lower. They estimate that 1,790 lives would be saved each year if all states adopted a .05 BAC limit.³

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

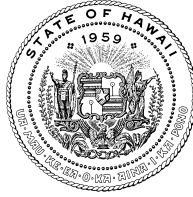
The HDOT is primarily concerned about improving highway safety and protecting the lives of our community members and visitors. Changing the illegal per se limit is a start to change behaviors so that people plan ahead and arrange for alternatives to driving while impaired, such as using rideshare or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

The HDOT urges your support with S.B. 2384.

Thank you for the opportunity to provide testimony.

² National Transportation Safety Board. 2013. *Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving*. Safety Report NTSB/SR-13/01. Washington, DC: NTSB.

³ James C. Fell, M.S., Michael Scherer, Ph.D. "Estimation of the Potential Effectiveness of Lowering the Blood Alcohol Concentration (BAC) Limit for Driving from .08 to .05 grams per deciliter in the United States." *Alcohol Clin Exp Res*. (2017): 2128-2139.



EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

Senate Committee on Judiciary

Tuesday, February 27, 2024

9:32 a.m.

State Capitol, Conference Room 016 and Videoconference

In Strong Support

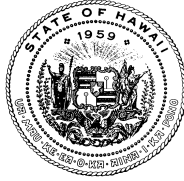
S.B. No. 2384, Relating to the Use of Intoxicants While Operating a Vehicle

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

The Office of the Governor strongly supports S.B. No. 2384, Relating to the Use of Intoxicants While Operating a Vehicle. This bill will lower the threshold blood alcohol concentration for the offenses of operating a vehicle under the influence of an intoxicant and habitually operating a vehicle under the influence of an intoxicant.

The Office of the Governor believes lowering the blood alcohol content in Hawaii will force a change in attitudes and culture toward drinking and driving. In addition, decreasing 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 everyone. This law would improve the overall health and safety of all people in Hawaii. When this law passes, it will reduce drunken driving fatalities and make Hawaii roads safer for drivers, bicyclists and pedestrians and other vulnerable users of our roadways.

Thank you for the opportunity to provide testimony on this measure.



STATE OF HAWAII
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WRITTEN
TESTIMONY ONLY

**Testimony in SUPPORT of SB2384
RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE**

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

February 27, 2024, 9:32 AM and Room Number: 016

1 **Fiscal Implications:** None

2 **Department Position:** The Department supports this measure.

3 **Department Testimony:** The Alcohol and Drug Abuse Division (ADAD) provides the
4 following testimony on behalf of the Department.

5 The bill will lower the blood alcohol concentration (BAC) threshold for driving while under the
6 influence from 0.08% to 0.05% for offenders who operate a vehicle under the influence of an
7 intoxicant.

8 The Department defers to the Judiciary on the implementation of Chapter 291E, HRS.

9 More alcohol-impaired driving prevention work to change practices and attitudes to driving after
10 drinking is needed because the percentage of deaths involving alcohol still remains high.

11 According to Fatality Analysis Reporting System (FARS) data, 31.5% of driving deaths in
12 Hawaii between 2016 – 2020 involved alcohol; higher than the national average of 27%, placing
13 Hawaii in the 2nd worst quartile of states. States in the top two quartiles have a value lower than
14 28.8% while states in the worst quartile have a value higher than 32.8%. Per the Behavioral Risk
15 Factor Surveillance System (BRFSS) survey, 2.1% of Hawaii drivers said that they drove after
16 drinking too much, again higher than the national average of 1.7%. The Centers for Disease

1 Control also estimates that 400 people between 2008 – 2018 were killed in crashes involving
2 alcohol impaired drivers in Hawaii.

3 Alcohol impairment impacts a driver’s thinking, reasoning, and muscle coordination. The
4 National Highway Traffic Safety Administration (NHTSA) notes that drivers are generally
5 impaired at a 0.05% BAC with the following typical effects: exaggerated behavior, may have
6 loss of small-muscle control (e.g., focusing your eyes), impaired judgment, usually good feeling,
7 lowered alertness, and release of inhibition.

8 NHTSA also notes that predictable effects on driving include reduced coordination, reduced
9 ability to track moving objects, difficulty steering, and reduced response to emergency driving
10 situations.

11 Lowering the BAC to 0.05% is an evidence-based practice adopted by over one hundred
12 countries, including nearly all European countries, Australia, New Zealand, Canada, Japan, and
13 most other industrialized Asian countries. For the last decade the National Transportation Safety
14 Board (NTSB) has recommended that all fifty states adopt a BAC of 0.05% and estimated it
15 could save approximately 1,800 lives annually. The CDC also identified lowering BAC from
16 0.08% to 0.05% as a general deterrent to reduce alcohol-impaired drivers, including those at
17 highest risk. And the Substance Abuse and Mental Health Services Administration (SAMSHA)
18 also encourages lowering the BAC to decrease drunk driving incidents.

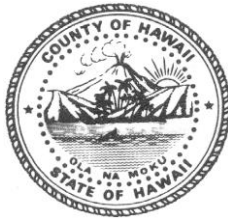
19 As rates of alcohol use and related harms remain high, communities can benefit from guidance
20 on the most effective options to prevent and reduce alcohol misuse. Lowering the BAC to 0.05%
21 is one of them.

22 **Offered Amendments:** None.

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

KELDEN B.A. WALTJEN
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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 2384

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

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

Tuesday, February 27, 2023 at 9:32 a.m.
Via Videoconference
State Capitol Conference Room 016
415 South Beretania Street

Honorable Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee on Judiciary: The County of Hawai‘i, Office of the Prosecuting Attorney submits the following testimony in support of Senate Bill No. 2384.

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

According to the National Highway Transportation Safety Administration (“NHTSA”), “[e]very day, about 37 people in the United States die in drunk-driving crashes — that’s one person every 39 minutes. In 2021, 13,384 people died in alcohol-impaired driving traffic deaths — a 14% increase from 2020. These deaths were all preventable.¹”

There is strong scientific evidence to consider lowering BAC to .05. According to nationally recognized traffic safety researcher James C. Fell, Principal Research Scientist, Department of Economics, Justice and Society, National Opinion Research Center (“NORC”) at the University of Chicago, “[t]he risk of being in a crash begins to rise substantially at .05 blood alcohol concentration and higher when compared to drivers with zero blood alcohol concentration.²” Fell further reasoned, that “[a] recent meta-analysis of international studies on

¹ <https://www.nhtsa.gov/risky-driving/drunk-driving>.

² United Nations Economic and Social Commission for Asia and the Pacific, December 2019, “*Strategies to Tackle the Issue of Impaired Driving for Road Safety in the Asia-Pacific Region: Implementation Framework*,” report prepared by James C. Fell, Principal Research Scientist, Department of Economics, Justice and Society, National Opinion Research Center (“NORC”) at the University of Chicago, available at,

lowering the blood alcohol concentration limit shows that when countries lower the blood alcohol concentration limit to .05 blood alcohol concentration or lower, there is an 11 per cent decline in fatal alcohol-related crashes associated with that countermeasure.³”

In 2013, the National Traffic Safety Board recommended that all fifty states adopt a BAC cutoff of .05 in an effort to reduce traffic fatalities associated with drinking and driving. This is not a new trend or idea as most industrialized countries around the world already have far stricter BAC limits when compared to the United States. According to the World Health Organization’s Global Status Report on Road Safety in 2018, 89 countries had already implemented a .05 BAC threshold. Following that trend, in 2019, Utah became the first state to lower its BAC limit to .05. According to a February 2022 report by 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.

A .05 BAC limit will serve as a general deterrent to all those who choose to drink and drive. This deterrent factor will contribute to fewer drivers driving drunk resulting in a decrease in the number of alcohol-related fatal traffic collisions. Given the growing concerns surrounding the number of alcohol-related fatalities across our State, the time has come to conform with the international trends and follow the Utah example in hopes of reducing the number of alcohol-related traffic collisions on our roads and consequently saving lives.

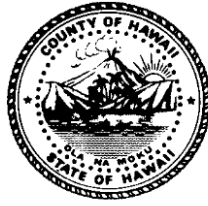
The County of Hawai‘i, Office of the Prosecuting Attorney supports Senate Bill No. 2384 and agrees that lowering the threshold BAC for the offense of operating a vehicle while under the influence of an intoxicant from .08 to .05 grams will be an effective public health strategy to address Hawai‘i’s current epidemic of impaired driving, reduce the number of traffic fatalities across the State, and make Hawai‘i’s roads safer.

The County of Hawai‘i, Office of the Prosecuting Attorney remains committed to pursuing justice with integrity and commitment. For the foregoing reasons, the County of Hawai‘i, Office of the Prosecuting Attorney supports the passage of Senate Bill No. 2384. Thank you for the opportunity to testify on this matter.

<https://www.unescap.org/sites/default/files/Strategies%20to%20Tackle%20the%20Issue%20of%20Impaired%20Driving%20for%20Road%20Safety.pdf>.

³ *Id.*

Mitchell D. Roth
Mayor



Benjamin T. Moszkowicz
Police Chief

Reed K. Mahuna
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

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February 25, 2024

Senator Karl Rhoads
Chairperson and Committee Members
Committee on Judiciary
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Senator Rhoads:

RE: SENATE BILL 2384; RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE
HEARING DATE: FEBRUARY 27, 2024
TIME: 9:32 A.M.

The Hawai'i Police Department **supports** Senate Bill 2384, with its purpose to adopt a Blood Alcohol Concentration (BAC) cutoff of 0.05% as opposed to the current limit of 0.08% BAC.

Impairment from alcohol at any level limits a driver's ability to operate a vehicle with the same level of control and safety as when there is no impairment. Indications of impairment include a decline in visual functions and the ability to perform two tasks or more at the same time, reduced coordination and ability to track moving objects, difficulty steering and keeping within designated traffic lanes of travel, and a diminished reactionary response to emergency driving situations. These functional abilities are critical to being able to safely operate a vehicle; and without them, the likelihood of being involved in a serious traffic crash increases dramatically.


Over the last several years, the Hawai'i Police Department has conducted many "wet labs," during which participants are provided varying amounts of alcoholic beverages, while in a controlled environment, and law enforcement officers learn to identify the visual and physical cues associated with alcohol impairment and how to properly administer the field sobriety and breath tests. Certain impaired behaviors, such as the loss of basic motor skills, lack of coordination, difficulty paying attention, and greater levels of risk-taking, becomes evident as the participants' BAC begin to increase. As an example, "wet lab" participants with a BAC just under 0.05% will commonly indicate they would not drive because they have consumed alcohol; however, as their BAC levels increase between 0.05% and 0.08%, they later indicate they would in fact operate a vehicle: a clear indication of diminished mental capacity and a heightened level of risky behavior.

In Hawai'i County, in the last three years, at least 34 drivers, who had a BAC between 0.01% and 0.079%, were involved in Operating a Vehicle Under the Influence of an Intoxicant investigations that were associated with traffic accidents. Also in Hawai'i County, since 2016, 177 individuals have been killed in traffic crashes and alcohol impairment was a factor in many of them. Incidents like these are completely avoidable and passage of this bill would assist law enforcement officers as they continue their efforts to keep our roadways safe.

SENATOR KARL RHOADS
COMMITTEE ON JUDICIARY
CHAIRPERSON AND COMMITTEE MEMBERS
RE: SENATE BILL 2384, RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A
VEHICLE
FEBRUARY 25, 2024
Page 2

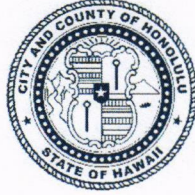
It is for these reasons, we urge this committee to **approve** this legislation. Thank you for allowing the Hawai'i Police Department to provide comments relating to Senate Bill 2384.

Sincerely,


BENJAMIN T. MOSZKOWICZ
POLICE CHIEF

POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
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RICK BLANGIARDI
MAYOR
MEIA

ARTHUR J. LOGAN
CHIEF
KAHU MĀKA'I

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS
HOPE LUNA NUI MĀKA'I

OUR REFERENCE **ST-TK**

February 27, 2024

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

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 2384, Relating to the Use of Intoxicants While Operating a Vehicle

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

The HPD supports Senate Bill No. 2384, Relating to the Use of Intoxicants While Operating a Vehicle.

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

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

The Honorable Karl Rhoads, Chair
and Members
February 27, 2024
Page 2

The HPD urges you to support Senate Bill No. 2384, Relating to the Use of Intoxicants While Operating a Vehicle.


Thank you for the opportunity to testify.

Sincerely,



Stason Tanaka, Major
Traffic Division

APPROVED:



Arthur J. Logan
Chief of Police

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

THE HONORABLE KARL RHOADS, CHAIR, SENATE COMMITTEE ON
JUDICIARY, THIRTY-SECOND STATE LEGISLATURE
Regular Session of 2024
State of Hawai'i

February 27, 2024

**RE: SB 2384 RELATING TO THE USE OF INTOXICANTS WHILE
OPERATING A VEHICLE.**

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

The Office of the Prosecuting Attorney, County of Kaua'i SUPPORTS SB 2384, lowering the threshold per se maximum Blood Alcohol Concentration ("BAC") for the offense of Operating a Vehicle Under the Influence of an Intoxicant.

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

This amendment reflects the growing global consensus that unsafe intoxication occurs at BAC levels much lower than Hawaii's current per se limit. The National Transportation Safety Board recommends this BAC reduction for all states and has concluded that BAC levels as low as 0.01 have been associated with driving-related performance impairment and BAC levels as low as 0.05 have been associated with significantly increased risk of fatal crashes. The State of Utah has already implemented this lower BAC level, along with a number of other nations around the world, including Argentina,

Australia, Austria, Belgium, Finland, France, Germany, Greece, Hong Kong, Israel, Italy, South Africa, Spain, Switzerland, Thailand, Taiwan, and Turkey.

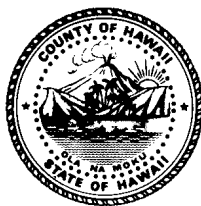
The National Highway Traffic Safety Administration (“NHTSA”) completed a study of the effects of Utah’s .05 law and found that traffic deaths in Utah decreased, and more drivers said they arranged for sober rides home, when the State lowered its impaired driving legal limit to .05%.

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

Thank you very much for the opportunity to testify.

/s/ Rebecca V. Like
Prosecuting Attorney
County of Kaua‘i

Jennifer Kagiwada
Council Member District 2 South Hilo



Office: (808) 961-8272
jennifer.kagiwada@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai'i 96720

DATE: February 25, 2024
TO: Senate Committee on Judiciary
FROM: Jennifer Kagiwada, Council Member
Council District 2
SUBJECT: SB 2384

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Committee,

I am writing to you in strong support of SB 2384. Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai'i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai'i involve alcohol.

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 everyone. Hawai'i, along with 6 other states that introduced similar legislation, 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 2384**.

Mahalo for your time and consideration,

A handwritten signature in black ink, appearing to read "Jenn Kagiwada".

Jenn Kagiwada

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



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

TESTIMONY
ON
SB 2384 RELATING TO
THE USE OF INTOXICANTS
WHILE OPERATING A VEHICLE

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

FROM: Department of the Prosecuting Attorney, County of Maui

DATE: February 26, 2024

SUBJECT: **SUPPORT OF SB 2384, THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE**

Thank you for the opportunity to testify in **SUPPORT** of SB 2384. This bill amends the per se blood alcohol concentration (“BAC”) for Operating a Vehicle Under the Influence of an Intoxicant (“OVUII”) and Habitual OVUII from .08 grams of alcohol to .05 grams of alcohol per one hundred milliliters or cubic centimeters of a person’s blood or two hundred ten liters of a person’s breath.

We support this bill because it would save lives throughout the State. We say this based not only on our Department’s collective experience prosecuting multiple OVUII cases every week for decades, but on statistics and other research provided by, *inter alia*, the State Department of Transportation, the National Transportation Safety Board and the National Highway Traffic Safety Administration. That research indicates that a person with a BAC between .05 grams and .079 grams would have a risk of being in a single vehicle fatal crash at least seven times higher than that of a driver with no alcohol in their system. Moreover, between 2015 and 2019 there were over 5,000 drivers arrested for OVUII in Hawaii that had a BAC test result between .000 and .079, with five fatal crashes between 2018 and 2019 that involved drivers with a BAC between .05 and .079.

A lower BAC threshold also encourages drivers to avoid driving while intoxicated. After

the State of Utah adopted the .05 BAC threshold on December 30, 2018 there was a 14.6% reduction in the number of drivers testing positive for alcohol consumption and a 19.8% reduction in the fatal crash rate between 2016 and 2019. Further, more than 22% of those polled for the study indicated that they had changed their behaviors once the law went into effect. The most common change was ensuring a sober ride was available when drinking away from home. That's a key effect of this measure: people can choose to save lives **before** they're standing in front of a judge or getting behind the wheel of a car.

When we look to enact laws that will have a significant impact on the safety of our community, we do so hoping that the law will change people's behavior -- that it will encourage them to not engage in unlawful and dangerous conduct that has the potential to harm others. Every time an impaired person gets behind the wheel of a car while impaired, they put lives at risk. This law will change the way people make the decisions that lead them to engage in such dangerous conduct.

For these reasons, the Department of the Prosecuting Attorney, County of Maui supports SB 2384. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries.

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

**DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU**

STEVEN S. ALM
PROSECUTING ATTORNEY
LOIO HO'OPI'I

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THOMAS J. BRADY
FIRST DEPUTY PROSECUTING ATTORNEY
HOPE MUA LOIO HO'OPI'I



**THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-Second State Legislature
Regular Session of 2024
State of Hawai'i**

February 27, 2024

RE: S.B. 2384; RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) **strongly supports** S.B. 2384.

S.B. 2384 lowers the allowable level of blood-alcohol content (“BAC”) from 0.08 to 0.05, as measured in grams of alcohol per 210 liters of breath or per 100 milliliters (or cubic centimeters) of blood. The Department believes this change would deter potential offenders and provide reasonable time for testing drunk-driving suspects.

Under the current law, police generally test someone’s BAC by breath or blood test within three hours of arrest for operating a vehicle under the influence of an intoxicant (“OVUII”). But a person continues metabolizing alcohol during that whole time. So someone who drove with a BAC over 0.08 could produce results three hours later below 0.08.

Most industrialized countries have adopted a 0.05 BAC threshold with documented benefits. A 2017 study estimated that similar laws enacted across the United States could save at least 1,700 lives every year.

Reducing impaired driving is critical for public safety. The Department of the Prosecuting Attorney for the City and County of Honolulu strongly supports the passage of S.B. 2384. Thank you for the opportunity to testify.

February 27, 2024

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

From: Alice Liu, Program Director; Mothers Against Drunk Driving (MADD) Hawaii

Re: Senate Bill 2384 – RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

My name is Alice Liu and I am the Program Director for the Hawaii chapter of Mothers Against Drunk Driving.

Thank you for this opportunity to represent the members of Mothers Against Drunk Driving Hawaii in support of Senate Bill 2384. MADD thanks you Mr. Chairman for authoring this proposal.

Mothers Against Drunk Driving supports Senate Bill 2384 because the battle against drunk driving is far from over. In 2021, drunk driving deaths in the United States reached its highest level in 15 years with over 13,000 fatalities. Here in Hawaii, according to the National Highway Traffic Safety Administration, there were 28 people killed in drunk driving crashes in 2021. This is unacceptable!

The science behind .05 BAC limits is clear, well-documented, and irrefutable. More than 100 countries across the world have some type of .05 or lower BAC law. Utah enacted .05 legislation in 2018 and remains the only state in the nation. Studies suggest over 1,700 lives could be saved each year if all states enacted a .05 BAC law. According to the National Safety Council, the crash risk of someone driving at a .05 BAC level increases by 40 percent.

As I noted a moment before, the Utah study did not find ANY evidence of the economic impacts that had been predicted by opponents with the change from .08 to .05. So why oppose this legislation? .05 BAC saves lives, changes behavior and will help us work towards a future of no more victims of drunk driving.

The goal of a .05 BAC is not to stop people aged 21 and over from consuming alcohol, but to deter people from driving after drinking. The public supports .05, according to the AAA Foundation. Sixty-three percent of people surveyed already think .05 BAC should be the illegal level.

MADD urges the committee to please advance Senate Bill 2384.

Thank you.

Alice Liu, Program Director;
Mothers Against Drunk Driving (MADD) Hawaii



Testimony of the Oahu Metropolitan Planning Organization

Senate Committee on Judiciary

02/27/2024 9:32AM

CR 016 and Videoconference

Measure SB 2384

RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) supports Measure SB 2384.

The Oahu Metropolitan Planning Organization supports S.B. 2384, which would lower the blood alcohol concentration threshold for driving while under the influence of alcohol from 0.08 to 0.05, as it supports a major goal of our long-range plan, which is to increase the safety of the transportation system.

Data produced by the Fatality Analysis Reporting System (FARS) indicates that between 2016-2020, nearly one-third of all traffic deaths in Hawaii involved alcohol; an alarming statistic exceeding the national average. The National Highway Traffic Administration (NHTSA) notes that a blood alcohol concentration (BAC) of 0.05 can cause feelings of uninhibition including exaggerated behaviors, loss of small-muscle control, and lowered alertness. These behaviors can cause diminished control in driving including reduced coordination, reduced ability to track moving objects, difficulty steering, and reduced response to emergency situations.

After Utah enacted laws lowering the BAC to 0.05, the number and rate of fatal crashes decreased. Enacting a similar law here could decrease the number and rate of crashes and create awareness. Lowering the BAC threshold for driving while under the influence from 0.08 to 0.05 could urge drivers to think twice before having “just one more drink” before getting behind the wheel.

The OahuMPO is the federally designated Metropolitan Planning Organization (MPO) on the island of Oahu responsible for carrying out a multimodal transportation planning process, including the development of a long-range (25-year horizon) metropolitan transportation plan, referred to as the Oahu Regional Transportation Plan (ORTP) that encourages and promotes a safe and efficient transportation system to serve the mobility needs of people and freight (including walkways, bicycles, and transit), fosters economic growth and development, and takes into consideration resiliency needs, while minimizing fuel consumption and air pollution ([23 CFR 450.300](#)).

Mahalo for the opportunity to provide testimony on this measure.



Date: February 23, 2024

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

Re: Strong Support of SB2384, Relating to the Use of Intoxicants While Operating a Vehicle.

Hearing: Tuesday, February 27th, 2024, at 9:32am, Conference Room 016

Position: Strong Support

Aloha, my name is Rick Collins, the Director of the Hawai'i Alcohol Policy Alliance (Alliance), a program of the Hawai'i Public Health Institute.ⁱ I am submitting testimony on behalf of the Alliance in STRONG SUPPORT of SB2384. SB2384 amends the definition of “under the influence” and defines the measurable amount of alcohol for impaired driving of a vehicle to a blood alcohol concentration (BAC) of 0.05 or more.

A 0.05 BAC level is popular with Hawai'i voters, supported by strong research evidence, and recommended by numerous national and international organizations. Lowering the BAC limit for impaired driving to **0.05 is the most effective legislation known by research science** to reduce alcohol-related traffic crashes and fatalities.

Evidence shows that a 0.05 BAC would create safer roads, reduce traffic fatalities and harms, and protect Hawai'i's residents, children, and families.

A 0.05 BAC limit works

With 85% of the world's population and over 100 countries currently under a 0.05 BAC limit, 0.05 is the international standard.ⁱⁱ A meta-analysis showed that when countries lowered their BAC to 0.05 or lower, there was, on average, an 11.1% decline in fatal alcohol-related crashes.ⁱⁱⁱ The US is an outlier nation with one of the highest BAC limits in the world, and, as a result has one of the highest DUI-related fatality rates in the world. Hawai'i ranks 7th highest in the nation for DUI-related traffic fatalities. A 0.05 would significantly reduce this ranking and make Hawai'i a public health leader in the nation on the issue.

A 0.05 BAC limit is the most effective legislation to reduce alcohol-impaired crashes and fatalities.



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 improvement was significantly better than the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.^{iv}

SUPPORT

Hawai'i voters support a 0.05 BAC law.

A December 2022 statewide poll by SMS research revealed that nearly two-thirds (62%) of Hawai'i voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.^v

Numerous national and international organizations recommend a 0.05 BAC.

This policy is the priority strategy 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.^{vi} 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.^{vii}

The world's largest alcohol brewer endorses a 0.05 BAC.

The ABInBev Foundation (formerly Anheuser-Busch) agrees with the World Health Organization that a 0.05 BAC limit is best practice at this time.^{viii} They recognize that this BAC level prevents drinking and driving and encourages people to seek alternative transportation options, including rideshare and designated driver options.

No negative impact on alcohol sales, tourism, and tax revenues

A Utah study shows that 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 impact would be different with a 0.05 BAC law in Hawai'i.^{ix}

A 0.05 BAC limit did not increase arrests

Furthermore, 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.^x

Lowering the BAC limit to 0.05 is intended to save lives. That means this action is about separating drinking from driving. This policy has been shown to prevent crashes, injuries, and deaths, therefore, creating safer streets for all people.



Hawai'i has the opportunity to prioritize the lives of all road users by setting a BAC of 0.05. We can improve the overall health and safety of all people in Hawai'i. Please considering **passing SB2384**.

Mahalo for your consideration of our testimony in strong support of this important measure.

Rick Collins

Director
Hawai'i Alcohol Policy Alliance

If you have any questions, please feel free to contact me at rick@hiphi.org or (808) 591-6508, x22.

ⁱ Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

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

ⁱⁱⁱ Fell JC, Scherer M. Estimation of the potential effectiveness of lowering the blood alcohol concentration (BAC) limit for driving from .08 to .05 grams per deciliter in the United States. *Alcohol Clin Exp Res.* 2017;41(12):2128–2139.

^{iv} 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.

^v Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.

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

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

^{viii} 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>

^{ix} 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.

^x Ibid.



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February 27, 2024

TO: Senator Karl Rhoads, Chair, Committee on Judiciary; Vice Chair Mike Gabbard; and Members of the Committee

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

RE: SB 2384 Relating to the Use of Intoxicants While Operating a Vehicle- **SUPPORT**

I am JoAnn Hamaji-Oto, Territory Operations Director for Smart Start LLC, Hawaii Corporate Office. Smart Start is the current vendor contracted by the Hawaii Department of Transportation to install and service alcohol ignition interlocks in the state of Hawaii. I am offering written testimony in strong support of SB 2384, Relating to the Use of Intoxicants While Operating a Vehicle.

Currently, the only way to stop a drunk driver from reoffending is to install an ignition interlock on the vehicle that a person operates during a license revocation period. Unlike other alcohol monitoring technologies or programs, an ignition interlock is the only technology and the single most effective tool available to physically separate drinking from driving and to enhance public safety. A consequence for trying to drive drunk on an interlock is not incarceration, but rather a parked vehicle that will not start until the driver sobers up.

Since the implementation of Hawaii's Ignition Interlock law in 2011, we have prevented more than 100,000 drunk driving attempts in the state of Hawaii. The interlock did what it was supposed to do, it directly prevented drunk driving and the injuries and deaths it causes.

By lowering the blood alcohol concentration (BAC), SB 2384 will also make the interlock program available to those who violate the laws pertaining to Operating a Vehicle Under the Influence (OVUI) at lower levels which we believe will have an overall net effect of promoting safe driving.

Lowering the BAC to 0.05 presents a crucial step in preventing the tragic crashes that drunk driving causes:

- Research has shown drivers are significantly impaired at a 0.05 BAC, increasing the risk of a crash.

- Reducing the BAC to 0.05 is linked to fewer instances of impaired driving and its' consequences.
- Lowering the BAC from 0.08 to 0.05 is a general deterrent to impaired driving and affects all would-be-drinking drivers.

This measure has the potential to significantly reduce the risk of alcohol-related crashes, injuries and deaths, ultimately saving lives. We support SB 2384 and believe it represents an important step toward keeping Hawaii's roads safe.

Thank you for the opportunity to provide testimony in support of this important bill.



February 22, 2024

The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice Chair
Senate Committee on Judiciary
Hawaii State Legislature
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhoads and Vice Chair Gabbard:

As representatives of leading public health and safety organizations working to pass roadway and auto safety laws that prevent unnecessary deaths and injuries and contain crash costs, we urge you to support Senate Bill (SB) 2384. This bill would lower the legal limit of alcohol-impaired driving to .05 percent blood alcohol concentration (BAC), deter drunk driving and save lives.

Drunk driving is a deadly and costly threat to Hawaii families. In 2021, there were 94 fatalities on state roads, and 30 percent of those (24) involved drunk driving.ⁱ In addition, Hawaii incurred \$580 million in economic harm due to motor vehicle crashes according to a 2019 analysis.ⁱⁱ Drunk driving is a serious problem that requires urgent action. Advancing .05 percent BAC legislation will reduce dangerous drinking and driving across all levels of impairment, including high BAC, to prevent deaths and injuries.

Nationwide about 30 percent of traffic fatalities involve a drunk driver. In addition to the physical and emotional impact, these crashes impose a financial burden including on businesses. Drunk driving crashes cost employers \$8 billion each year with 81 percent of those costs coming in crashes while off the job.ⁱⁱⁱ We must implement solutions that are strongly supported by research and the public health and safety community.^{iv} If all states adopted a .05 percent BAC or lower law, fatal alcohol crashes would decline 11 percent and 1,790 lives would be saved each year.^v

Research shows significant impairment at .05 percent BAC.^{vi} Drivers have reduced coordination, decreased ability to track moving objects, difficulty steering and diminished response to emergency situations.^{vii} The risk of being killed in a single-vehicle crash with BACs of .05 to .079 percent is up to 21 times higher than for drivers without measurable alcohol.^{viii}

Opponents may claim that lowering the BAC will decrease alcohol sales. Reducing BAC limits does not discourage alcohol consumption.^{ix} It does deter driving after drinking. Further, studies show that when states lowered their BAC limits from .10 to .08 percent, there were no adverse impacts on the criminal justice system or increase in arrests. Similarly, when Utah reduced its BAC limit from .08 to .05 percent, alcohol sales and tourism went up while DUI arrests went down.^x Per capita DUI arrests declined seven percent since the last full fiscal year before the .05 percent BAC limit went into effect.^{xi}

Lowering the limit of BAC is a research-driven countermeasure successfully employed around the world but underused in the United States. More than 100 countries have .05 percent BAC or lower limits. In these countries average alcohol consumption is equal or higher to that in the United States, but they have less deaths caused by drunk driving.^{xii}

The data are clear, the lifesaving benefits are certain, and the justification for action is compelling. We urge you to seriously address and prevent drunk driving by enacting SB 2384. Every death caused by an alcohol-related crash on Hawaii roads forever changes the lives of families and communities. Thank you for your consideration.

Sincerely,

Catherine Chase, President
Advocates for Highway and Auto Safety

Natalie A. Draisin, Director, North American Office
& United Nations Representative
FIA Foundation

Janette Fennell, Founder and President
Kids and Car Safety

Marcus Kowal and Mishel Eder, Co-founders
Liam's Life Foundation
Parents of Liam Mikael Kowal

Alice Liu, Hawaii Program Director
Mothers Against Drunk Driving (MADD)

Lorraine Martin, President and CEO
National Safety Council

David A. Sleet, Ph.D.
Professor Emeritus
College of Health San Diego State University

Honorable T. Bella Dinh-Zarr, Former Vice Chair
National Transportation Safety Board
Co-founder, .05 Saves Lives Coalition

Thomas M. Louizou, Former Regional Administrator
National Highway Traffic Safety Administration
Co-founder, .05 Saves Lives Coalition

Andrew McGuire, Executive Director
Trauma Foundation

Additional organizations that are not signers but recommend or support .05 percent BAC policy:

American Medical Association (AMA)
American Public Health Association (APHA)
Association for the Advancement of Automotive
Medicine (AAAM)
Governors Highway Safety Association
National Academies of Sciences, Engineering and
Medicine (NASEM)
National Road Safety Foundation

National Transportation Safety Board (NTSB)
Remove Intoxicated Drivers (RID)
Safe States Alliance
Society for Public Health Education
Transportation Alternatives
Vision Zero Network
World Health Organization (WHO)

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- ⁱ State Traffic Safety Information for Hawaii (2021), NHSTA, available at <https://cdan.dot.gov/stsi.htm>.
- ⁱⁱ The Economic and Societal Impact of Motor Vehicle Crashes, 2019, NHTSA, Feb. 2023, DOT HS 813 403, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>.
- ⁱⁱⁱ Cost of Motor Vehicle Crashes to Employers 2019; Network of Employers for Traffic Safety, available at <https://trafficsafety.org/road-safety-resources/public-resources/cost-of-motor-vehicle-crashes-to-employers-2019/>.
- ^{iv} Fell, Jim C., Voas, Robert B, *The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States*, PIRE. June 2014. NTSB Safety Compass, *Drink or Drive Pick One*: <https://safetycompass.wordpress.com/2019/04/29/drink-or-drive-pick-one/>.
- ^v NORC: Fell JC & Scherer M, 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, 2017. Available at: <https://bit.ly/2E5pJlq>.
- ^{vi} NTSB, .05 BAC Safety Briefing Facts, February 2017, available at <https://portal.ct.gov/-/media/DOT/documents/dvisionzero/NTSB-05-SafetyBriefingMarch2019.pdf>.
- ^{vii} MADD, What is .08? Available at: <http://www.madd.org/drunken-driving/about/understanding-08.html>.
- ^{viii} Fell, Jim C., Voas, Robert B, *The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States*, PIRE. June 2014.
- ^{ix} NTSB, .05 BAC Safety Briefing Facts, February 2017.
- ^x Leaver, Jennifer, The State of Utah's Travel and Tourism Industry 2019, Kem C. Gardner Policy Institute University of Utah, September 2020. Utah Department of Alcoholic Beverage Control, Annual Reports 2018, 2019 and 2020, available [here](#). 17th Annual DUI Report to the Utah Legislature, Utah Commission on Criminal and Juvenile Justice, 2019. Available at: <https://le.utah.gov/interim/2019/pdf/00004834.pdf>.
- ^{xi} 20th annual DUI Report to the Utah Legislature, Utah Commission on Criminal and Juvenile Justice, 2022. Available at: <https://justice.utah.gov/wp-content/uploads/2022-DUI-Annual-Report-Final.pdf>.
- ^{xii} NTSB, .05 BAC Safety Briefing Facts, February 2017.

SB-2384

Submitted on: 2/26/2024 7:51:23 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Aaron Hoff	Testifying for Keala Foundation	Support	Remotely Via Zoom

Comments:

My name is Aaron Hoff,

I am a Kaua'i resident in the Lawa'i area and I'm also the Founder of the Keala Foundation program. I am writing in strong support of SB 2384. I created the Keala Foundation program to help create safer, drug-free communities. I'm a recovering addict of 26 years and I've personally seen the devastation that alcoholism and addiction brings. I also lost my nephew a couple years ago to driving under the influence of alcohol here on Kaua'i. We as a community need to be proactive and take this problem seriously. I believe that by passing this bill will help create safer roadways and in the end help save lives.

Thank you for your time

SB-2384

Submitted on: 2/20/2024 2:59:30 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Benjamin Kopf	Testifying for Mahalo Aleworks	Oppose	Written Testimony Only

Comments:

We strongly support safe alcohol consumption, but oppose this bill based on its theoretical issues and lack of potential reduction in drunk driving accidents and deaths. It will likely increase drunk driving tickets, but at what practical use. The lowered bac limit risks the responsible man, (or more likely woman due to weight) who has a pau Hana with friends after work or a glass of wine with dinner getting in serious trouble, while those irresponsible people that are heavily intoxicated and driving drunk are likely well past the current legal limit of 0.08 anyway. It seems unlikely and unrealistic that lowering the limit to 0.05 is going to stop drunk drivers, if they're already driving drunk past the current limit of 0.08, and also risks overburdening the limited police resources and court system for people who are probably not the target consumer causing drunk driving accidents. Resources should be spent on safe consumption education and programs for people with alcohol addiction issues.

SB-2384

Submitted on: 2/20/2024 3:02:27 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Jayne Kerns	Testifying for Big Island Brewhaus	Oppose	Written Testimony Only

Comments:

Aloha,

This is a bill that shows up repeatedly asking to lower blood alcohol levels from .08 to .05

While it is safe to say that we are all in support of reducing drinking and driving, limits should be reasonable and on par with the nation. To this point, Utah is the only state in the nation where the per se BAC limit is not 0.08%; it is 0.05%.

Please keep Hawaii's BAC in line with the national limit of 0.08%.

Thank you, Jayne Kerns

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



SB2384 Relating To The Use Of Intoxicants While Operating A Vehicle
Senate Committee On Judiciary
Tuesday, February 27, 2024 at 9:32 AM Conf room 016

Position: **Oppose**

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

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

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

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

Mahalo for considering our testimony in opposition of SB2384.



SB2384 Lower Blood Alcohol Concentration for Driving

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

Tuesday, Feb 27, 2024: 9:32: Room 016 Videoconference

Hawaii Substance Abuse Coalition Supports SB2384:

ALOHA CHAIR, VICE CHAIR, AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment and prevention agencies and recovery-oriented services.

HSAC provides research data from the National Institute of Health that supports lowering the BAC limit to .005.¹

It is fairly well-known that a **0.05 BAC limit has the science behind it** to support such a measure. In summary, here are some of the key reasons:

Driving is impaired at 0.05 BAC. Research conducted over the past 30 years clearly indicates that most drivers are impaired at 0.05 BAC and higher with regard to driving performance. Regardless of age, gender, ethnicity, and drinking experience, laboratory, driving simulator, and test track experiments indicate impairment for most participants at 0.05 BAC.

In case–control experimental research, the **risk of being in a crash begins to rise substantially at 0.05 BAC** and higher when compared with drivers with 0.00 BAC.³

Lowering their BAC limit for driving to 0.05 g/dL has reduced alcohol-related traffic fatalities in several countries, most notably Australia. A recent meta-analysis of international studies on lowering the BAC limit found that when countries lowered their BAC limit to 0.05 BAC or lower, there was an 11.1%

¹ National Institute of Health, National Library of Medicine: PubMed Central: Fell JC. Another Major Reason to Lower the Blood Alcohol Concentration Limit for Driving. Am J Public Health. 2019 May;109(5):670-671. doi: 10.2105/AJPH.2019.304987. PMID: 30969815; PMCID: PMC6459663.
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6459663/#:~:text=The%20risk%20of%20a%20crash,with%20drivers%20with%200.00%20BAC.&text=Evaluation%20studies%20show%20that%20when,dL%2C%20decreases%20in%20crashes%20occur.>

decline in fatal alcohol-related crashes associated with that countermeasure according to the meta-analysis.⁴

A 0.05 BAC is not typically just one or two drinks. For the average 170-pound man, it would take at least four alcoholic drinks in two hours on an empty stomach to exceed a 0.05 BAC. The average 137-pound woman would have to drink three glasses of wine on an empty stomach in two hours to reach or exceed a 0.05 BAC.

Surveys show that the public supports levels below 0.08 BAC. A survey conducted by the AAA Foundation for Traffic Safety indicated that **63%** of a representative sample of drivers in the United States are in favor of lowering the illegal BAC from 0.08 g/dL to 0.05 g/dL.⁵

Close to 100 countries around the world have set BAC limits at 0.05 BAC or lower. All states and territories in Australia have a 0.05 BAC limit, and their per-capita alcohol consumption is higher than that in the United States. Most of Europe, including Spain, France, Austria, Italy, and Germany have established their limit at 0.05 g/dL, while Sweden, Norway, Japan, and Russia have enacted their BAC limit at 0.02 g/dL.

The percentage of US traffic fatalities involving an **alcohol-impaired driver has been around 30% for more than 20 years.** If states lowered their BAC limit from 0.08 g/dL to 0.05 g/dL, studies show that hundreds of lives could be saved. A 0.05 BAC limit has the potential to serve as a general deterrent to all those who drink and drive.

FURTHER EVIDENCE FOR 0.05

There is a growing body of research on alcohol harm to others documenting the [prevalence of a wide range of harms to others attributable to alcohol. These harms to communities include noise, vandalism, property damage, spousal abuse, child neglect, and work-related problems.](#) This enhances the position in the essay on alcohol's harm to others. See Greenfield et al.⁶ and Karriker-Jaffe et al.⁷ for more detailed evidence.

We appreciate the opportunity to provide testimony and are available for questions.

SB-2384

Submitted on: 2/21/2024 9:13:14 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Russell Hamilton	Testifying for Lokahi Treatment Centers	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Judiciary,

My name is Russell Hamilton from Lokahi Treatment Centers and I am submitting testimony in STRONG SUPPORT of SB 2384.

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai'i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai'i involve alcohol.

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 everyone. Hawai'i, along with 6 other states that introduced similar legislation, 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 2384.

Mahalo for your time and consideration.

Russell Hamilton

Lokahi Treatment Centers

Clinical Supervisor



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

Re: **Strong Support of SB 2384**, Relating to the Use of Intoxicants While Operating a Vehicle

Hrg: Tuesday, February 27, 2024 at 9:32 am, Conference Room 016

Position: Support

I am submitting testimony in STRONG SUPPORT of SB 2384. SB 2384 establishes and defines the per se level for impairment as having a blood alcohol concentration (BAC) between 0.05 BAC and 0.079 BAC.

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

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

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

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

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.

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

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

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

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

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

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

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

Utah study shows a 0.05 BAC limit did not increase arrests

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

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

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/

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

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

⁷ Ibid.

Hawai'i 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 2384**.

Mahalo for your time and consideration.

Michael Sparks

President SparksInitiatives

Kihei, HI

SB-2384

Submitted on: 2/23/2024 11:42:44 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

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

Comments:

Aloha members of the Committee,

We oppose this bill. It is safe to say we all want safe roadways for everyone. This bill is does not create them. .08 BAL is the national average and there is no data to prove conclusively that lowering the limit below this will make an impactful and safe change.

The national average of .08 proves a functional limit for society and should be a standard nation wide.



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

Re: Strong Support of SB2384, Relating to the Use of Intoxicants While Operating a Vehicle

Hrg: Tuesday, February 27, 2024, at 9:32am, Conference Room 016

Position: Strong Support

On behalf of the Maui Coalition for Drug-Free Youth, a community coalition dedicated to preventing and reducing the harms of underage alcohol use throughout Maui County, we are submitting testimony in STRONG SUPPORT of SB2384. SB2384 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 for 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 months following the passage of Utah's law that lowered the BAC limit to 0.05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.ⁱ

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

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

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

To prevent alcohol-impaired driving and its related consequences, the National Highway Transportation Safety Board (NTSB) recommends that all 50 states adopt a 0.05 BAC



law.ⁱⁱⁱ Drivers at 0.05 BAC are up to seven times more likely to be involved in a crash than those drivers at a 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.^{iv}

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

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

Utah's study shows that 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.^{vi}

Utah study shows a 0.05 BAC limit did not increase arrests

DUI arrest data from Utah's 0.05 BAC law shows no large spikes in overall arrests relative to the passage of the 0.05 BAC law.

In 2019, there was a slight increase in arrests for 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.^{vii}

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. On behalf of our coalition, we ask that you **pass SB2384**.

Mahalo nui for your time and consideration.

Kapua Chang
Chair
Maui Coalition for Drug-Free Youth

mcdfy.org -- 244 Papa Place, Kahului Maui, 96732

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

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



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

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

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

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

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

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

^{vii} Ibid.

26 February 2024

Aloha Chair, Vice Chair and Members of the committee,

I am here today to express my strong opposition to the proposed reduction of the DUI blood alcohol content (BAC) from 0.08 to 0.05. While I fully support efforts to enhance road safety and reduce incidents of impaired driving, I believe that this particular measure will not significantly reduce fatalities and will only burden law enforcement with offenders who do not pose a significant risk to public safety.

Firstly, it's important to acknowledge that the overwhelming majority of fatal accidents involving alcohol-impaired drivers occur with BAC levels well above 0.08. According to extensive research and data analysis, the National Highway Traffic Safety Administration (NHTSA) found that nearly 70% of alcohol-related fatalities involve drivers with BAC levels of 0.15 or higher and less than 16% of accidents occur between .01 and .07. This indicates that the primary focus should be on targeting those individuals who are substantially impaired by alcohol, rather than imposing stricter regulations on moderate drinkers who are less likely to cause accidents. Its pretty clear that we need to be imposing stricter penalties for repeat offenders, those involved in accidents and focus law enforcement efforts on catching those exceeding the current limit.

Secondly, this bill states that we will see not only a reduction in fatalities (which is contrary to the data above) but also reduced medical costs. There is no correlation between costs of healthcare and BAC levels. This bill states "*It takes at least four drinks for the average 170 pound male to exceed 0.05 BAC in two hours on an empty stomach (3 drinks for the average 137 pound female)*". This is grossly inaccurate; I've attached the data from alcohol.org and used the data points supplied in the bill. You can see that the results are DOUBLE the BAC suggested by the language of the bill. This means that even a night out with ANY drinking whatsoever would put you at risk of a DUI. "Come on Vacation leave on probation" comes to mind when I think of the impacts to tourism. Data attached.

Furthermore, reducing the legal BAC limit to 0.05 would divert law enforcement resources away from addressing more pressing issues on our roads. Police officers would be forced to dedicate valuable time and manpower to apprehending individuals whose BAC falls within this lower threshold, even though they may not exhibit any signs of impairment or pose a tangible risk to others. This could lead to a misallocation of resources and detract from efforts to combat more serious offenses such as reckless driving, speeding, and driving under the influence of drugs.

Additionally, it's essential to consider the potential unintended consequences of lowering the legal BAC limit. Such a change could inadvertently criminalize responsible behavior and unfairly punish individuals who consume alcohol in moderation. This may discourage social drinking and have adverse economic ramifications for businesses in the hospitality industry, without yielding commensurate benefits in terms of road safety.

While I share the goal of reducing impaired driving and preventing tragic accidents on our roads, I firmly believe that lowering the DUI blood alcohol content to 0.05 is not the most effective or efficient means of achieving this objective. Instead, we should focus our efforts on targeted enforcement, public education campaigns, and the implementation of proven strategies that address the root causes of alcohol-related fatalities. Thank you for considering my testimony.

Mahalo,


Garrett W. Marrero, CEO
Garrett@craftohana.com

Check Your Coverage Online

Blood Alcohol Content (BAC) Calculator

Blood Alcohol Content, or BAC, refers to the percentage of alcohol in a person's bloodstream, and can be measured within 30-70 minutes after drinking. Contrary to popular belief, nothing can lower BAC except time; coffee, cold showers, and chugging glasses of water will not help you sober up any faster. Curious what your BAC might be? Use our calculator to estimate, but don't forget that everyone metabolizes alcohol (beer, wine, liquor) differently. Our calculator can give you an approximate BAC level, but do not rely upon it to determine if you're fit to drive or work.

Start Here

RESET FIELDS

MALE

FEMALE

BODY WEIGHT IN POUNDS
170 lbs

Beer 12oz
- 5% ABV

Wine 5oz
- 12% ABV

Liquor 1.5oz
- 40% ABV

4

0

0

Time Since First Drink Hours: 2
Time Since First Drink Minutes: 0

Your BAC is Approximately:

0.09%

It will take ~ 6 Hours to get to 0% BAC.

At this point, your reaction time and depth perception are noticeably impaired. You are probably experiencing difficulties with self-control and moderate memory problems. It is illegal for you to operate a vehicle, so you need to find a sober ride if you need to get somewhere.

Worried about your drinking?
Text our team
Insurance Coverage for Treatment
Learn About Alcohol Hotlines

Dangers Of Blacking Out →

DISCLAIMER:

The BAC calculator is meant for educational purposes only. The BAC calculator and information generated from it is not intended to replace the medical advice of your doctor or health care provider and should not be relied upon; nor do the BAC calculator or information generated from it constitute legal advice. Please consult your healthcare provider for advice about a specific medical condition and legal counsel for any legal questions. There is no blood alcohol calculator that is 100% accurate

You are not alone. We can help you. Let's chat.



Blood Alcohol Content (BAC) Calculator

Blood Alcohol Content, or BAC, refers to the percentage of alcohol in a person's bloodstream, and can be measured within 30-70 minutes after drinking. Contrary to popular belief, nothing can lower BAC except time; coffee, cold showers, and chugging glasses of water will not help you sober up any faster. Curious what your BAC might be? Use our calculator to estimate, but don't forget that everyone metabolizes alcohol (beer, wine, liquor) differently. Our calculator can give you an approximate BAC level, but do not rely upon it to determine if you're fit to drive or work.

Start Here

RESET FIELDS

MALE

FEMALE

BODY WEIGHT IN POUNDS
137 lbs

Beer 12oz
- 5% ABV

Wine 5oz
- 12% ABV

Liquor 1.5oz
- 40% ABV

3

0

0

Time Since First Drink Hours: 2
Time Since First Drink Minutes: 0

Your BAC is Approximately:

0.1%

It will take ~ 7 Hours to get to 0% BAC.

You are likely slurring your words and may have blurred vision. You may have obvious problems with body control and balance, and you may be experiencing impairments in your mental capacity. You should not operate a vehicle under any circumstances.

Worried about your drinking?
Text our team
Insurance Coverage for Treatment
Learn About Alcohol Hotlines

Dangers Of Blacking Out →

DISCLAIMER:

The BAC calculator is meant for educational purposes only. The BAC calculator and information generated from it is not intended to replace the medical advice or your doctor or health care provider and should not be relied upon; nor do the BAC calculator or information generated from it constitute legal advice. Please consult your healthcare provider for advice about a specific medical condition and legal counsel for any legal questions. There is no blood alcohol calculator that is 100% accurate because of the numerous factors and complexities relating to alcohol consumption by of different individuals. In addition to the gender, body weight and amount of alcohol consumed...

You are not alone. We can help you. Let's chat.





US
ALCOHOL
POLICY
ALLIANCE

DATE: February 26, 2024

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

RE: Strong Support of SB2384 Relating to the Use of Intoxicants While Operating a Vehicle

HEARING: Tuesday, February 27, 2024, 9:32 a.m., Conference Room 016

Position: Strong Support

Good morning. My name is Dr. Alicia Sparks and I am the Chair of the U.S. Alcohol Policy Alliance (The Alliance). I am submitting testimony on behalf of The Alliance in **STRONG SUPPORT of SB2384 RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE**. This bill amends the definition of “under the influence” and defines the measurable amount of alcohol for impaired driving of a vehicle to a blood alcohol concentration (BAC) of 0.05 or more.

The U.S. Alcohol Policy Alliance is a nonprofit, nonpartisan organization translating alcohol policy research into public health practice to prevent and reduce alcohol-related harms. We are committed to ensuring local and statewide organizations engaging in alcohol policy initiatives have access to the science, resources, and technical assistance — including support for organizing efforts — required to engage in informed decisions and actions. Our vision is a nation free from alcohol-related disease, death, and injury.

The United States is an outlier nation with one of the highest BAC limits in the world and, as a result, has one of the highest DUI-related fatality rates in the world. Hawai’i ranks 7th highest in the nation for DUI-related traffic fatalities. A 0.05 BAC would significantly reduce this ranking and make Hawai’i a public health leader in the nation on the issue.

A 0.05 BAC level is something The Alliance recommends be adopted not only for Hawai'i but also nationwide. Strong research evidence points to the benefits of this lower level which numerous national and international organizations endorse. Lowering the BAC limit for impaired driving to **0.05 is the most effective legislation known by research science** to reduce alcohol-related traffic crashes and fatalities.

Evidence shows a 0.05 BAC would create safer roads, reduce traffic fatalities and harms, and protect Hawai'i's residents, children, and families.

A 0.05 percent BAC limit works

A 0.05 percent BAC is the international standard, with 85 percent of the world's population and over 100 countries currently under a 0.05 BAC limit. A meta-analysis showed that when countries lowered their BAC to 0.05 or lower, there was, on average, an 11.1 percent decline in fatal alcohol-related crashes.

A 0.05 percent BAC limit is the most effective way to reduce alcohol-impaired crashes and fatalities.

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8 percent 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 improvement was significantly better than the rest of the United States, which only saw a 5.6 percent reduction in fatal car crashes for the same period.

SUPPORT

From Hawai'i voters

A December 2022 statewide poll by SMS research revealed that nearly two-thirds (62 percent) of Hawai'i voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.

From national and international organizations

This policy is the priority strategy to reduce alcohol-impaired crashes, fatalities, and related consequences. To prevent alcohol-impaired driving, and its related consequences, the National Highway Transportation Safety Board (NHTSB) recommends that all 50 states adopt a 0.05 BAC law. Additionally, approximately 85 percent of the world's population has already adopted per se levels for alcohol-impaired driving at 0.05 BAC or lower.

From the world's largest alcohol brewer

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

drinking and driving and encourages people to seek alternative transportation options, including rideshare and designated driver options.

OTHER FACTS

No negative impact on alcohol sales, tourism, and tax revenues

A Utah study shows that alcohol sales and sales tax revenues from restaurants, rental cars, hotels, air travel, and resorts continued to trend upward following the implementation of the 0.05 BAC law in Utah. There's no indication that this impact would be different with a 0.05 BAC law in Hawai'i.

A 0.05 BAC limit did not increase arrests

DUI arrest data since Utah's passage of its 0.05 BAC law shows no large spikes in overall BAC arrests. 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 intended to save lives — it is meant to separate drinking from driving to prevent crashes, injuries, and deaths. It will create safer streets for all.

In reducing the BAC to 0.05 percent, Hawai'i has the opportunity to prioritize the lives of all road users. This bill can improve the overall health and safety of all people in Hawai'i and position the state as a role model, along with Utah, for the rest of the nation. Please consider passing **SB2384**.

Thank you for your consideration of our testimony.

Alicia Sparks, PhD, MPH
Chair, U.S. Alcohol Policy Alliance

If you have any questions, please feel free to contact me at alicia@alcoholpolicy.org or (707) 696-3947.

SB-2384

Submitted on: 2/26/2024 8:10:56 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Lindsey Fernandes	Testifying for Maika'i Cleaning Services LLC	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Judiciary,

I am writing in STRONG SUPPORT of SB2384. I am a Lihu'e, Kaua'i resident and have two minors who I raise and am advocating for safer roadways in our community so I can get home safety to my keikis. I have seen countless traffic fatalities due to impaired driving in my community over the years and it's time we put an end to this epidemic by reducing the threshold of the blood alcohol content from .08 to .05. This is about saving lives. Please pass this bill to help prevent further unnecessary injuries. Mahalo for your time and consideration.

Lindsey Fernandes

SB-2384

Submitted on: 2/21/2024 10:44:14 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Ann Hsu	Individual	Support	Remotely Via Zoom

Comments:

I support this .05 BAC legislation because it's nationally recommended to save lives and will certainly save lives if it's passed into law. I implore to support and pass SB2384 out of your committee. Mahalo for your time and consideration.

SB-2384

Submitted on: 2/26/2024 7:43:01 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Kawena Bagano	Individual	Support	Remotely Via Zoom

Comments:

Aloha Senate Committee on Judiciary,

My name is Kawena Bagano from Hanamā‘ulu, Kaua‘i and I am submitting testimony in STRONG SUPPORT of SB 2384.

I lost my grandfather to Driving Under the Influence, leaving my mother at age 9 without a father along with his wife and four other children. I’ve also seen the devastation it brought to my community over the years witnessing so many innocent lives lost due to driving intoxicated. The aftermath and emotional turmoil families are left with are innumerable and the numbers will continue to rise unless we put a stop to this by enforcing to lower the Blood Alcohol Concentration (BAC) to 0.05. It is proven to be effective in preventing car accidents and I've made it my life’s mission and goal to help save lives. I serve as a Program Specialist for a high-risk reduction program and I also serve as the Program Director for an early-intervention program under the Keala Foundation, helping to turn the tides of communities at risk in preventing substance use disorders as adults. I also serve on multiple boards including an Addiction Advisory Board for Native Hawaiians to help in harm-reduction through Native Hawaiian practices. I believe in the importance of prevention and seeing how over 100 other countries have reduced their legal BAC levels to 0.05 percent including Australia, France, Spain, Germany, as a general deterrent to impaired driving, we too should utilize the same strategy in prioritizing our people and creating safer roadways.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai‘i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai‘i involve alcohol.

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 everyone. Hawai‘i, along with 6 other states that introduced similar legislation, 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 2384

Na'u nō me ka ha'aha'a,

Kawena Bagano,

SB-2384

Submitted on: 2/22/2024 8:41:38 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Camlyn Pola	Individual	Support	In Person

Comments:

Position: STRONG SUPPORT

How many more people need to die? A lot of people still remember the horrific crash that took place on February 24, 1996. A car occupied by five teenagers crashed on the way back to Hilo after a party at Kolekole Beach Park. The two drivers who caused the accident were impaired by alcohol. Three of the people in that car died, along with an innocent motorist who tried to avoid the collision.

I remember it, too. I survived that crash, and I carry the trauma of that night with me every single day. I suffer from post traumatic stress disorder. If I'm a passenger in a motor vehicle, I feel terrified and unsafe. I'm constantly worried. I have anxiety attacks when a car drives too close or if there's any sudden movements. Can you imagine living like this? Never having a normal and relaxing cruise in a car ever again? It sucks. I learned to cope but it's not fair. I didn't ask for this traumatic experience. I didn't ask for two irresponsible drunk drivers to race and cause our accident. I didn't ask for my best friends to die. I didn't ask for my high school memories to be ruined. I didn't ask for injuries that I suffer from till this day. Imagine having children and you can't even run and play with them outside. It's very heart breaking.

In the years since then, I have dedicated much of my life to educating others about the dangers of drinking and driving. The tragedy that claimed the lives of my high school classmates was preventable, something no one should ever have to experience. Yet, alcohol-related traffic fatalities continue to claim the lives of thousands of people every year, robbing parents of their children, children of their parents, and leaving countless family and friends to forever mourn the loss of their loved ones.

That's why I, along with Governor Josh Green, M.D., and many of our lawmakers, support legislation to lower the legal blood alcohol concentration (BAC) for driving from 0.08 to 0.05 percent. And, we are not alone. A December 2022 statewide poll of Hawai'i voters showed that the majority (62 percent) support lowering the BAC to 0.05 percent (Hawai'i Alcohol Policies Study, SMS Research).

This is not a new idea. The State of Utah lowered the legal BAC to 0.05 percent in 2018. Since then, it's been a proven deterrent to drunk driving and Utah's number of alcohol-related traffic fatalities has decreased. Further, 0.05 percent BAC (and, in some cases, lower) has become the international standard. Here in Hawai'i, this is the fourth legislative session in a row that bills

have been introduced to change our BAC law. There are currently four bills being considered — they are HB1935, SB2384, SB2929, and SB3020.

Despite the introduction of these bills, I continue to sense a lack of urgency among our lawmakers to pass this legislation and that is beyond troubling. It costs nothing to change this law. There is no budget implication whatsoever. However, the cost of not changing it is more lives lost. Even one alcohol-related traffic death is too many. While just one life saved makes it all worth it.

Our community supports these bills, and we deserve to see the lawmakers we elected change this law. We deserve to be heard. We deserve to drive on roads made safer because our lawmakers lowered the BAC to 0.05 percent.

How many more people need to die for our lawmakers to take this seriously?

Camlyn Pola is vice chair of the East Hawaii Drug-Free Coalition

SB-2384

Submitted on: 2/25/2024 6:31:10 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Matson	Individual	Support	In Person

Comments:

Aloha Chair, Vice Chair, and Committee Members,

I really enjoy drinking. It is one of my only and favorite "vices". The reason why I love it so much is that it helps turn off my incredibly overactive and busy brain. Once I have a couple of drinks, the normally super responsible part of my brain is no longer thinking about my or other's immediate safety as a primary concern. This is really a nice feeling for me as I am almost always constantly worrying about and taking care of the needs of others. While it's a nice feeling to be a bit tipsy, it's only really a good feeling if I am at home or if I know I have a designated driver. I know that I should not be driving under the influence of probably even one drink and definitely not two or more drinks, but without a strict law to this effect my brain under the influence of alcohol will definitely push that limit. Even as a self professed lover of drinks, I am in strong support of this law as I know it will encourage me and others to be even more cautious and not take unnecessary risks.

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 everyone. Hawai'i, along with 6 other states that introduced similar legislation, has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety for all. I ask that you please pass SB 2384. And if you do, I will happily drink to that (in a safe place of course and without driving afterwards).

Mahalo for your time and consideration.

Shannon M.

Hawai'i Island Resident

SB-2384

Submitted on: 2/26/2024 8:40:44 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Cynthia Okazaki	Individual	Support	Remotely Via Zoom

Comments:

To: The Honorable Senator Karl Rhoads, Chair

The Honorable Senator Mike Gabbard, Vice Chair

Members of the Senate Committee on Judiciary

Re: Support of SB 2384, Relating to the Use of Intoxicants While Operating a Vehicle

Hrg: Tuesday, February 27, 2024, 9:32am, Conference Room 016

SB 2384 lowers the blood alcohol concentration threshold for driving while under the influence of alcohol from 0.08 to 0.05.

Lowering the BAC limit for impaired driving to 0.05 is an effective strategy to create safer roads that is popular with Hawaii voters, and is supported by research evidence.

A 0.05 BAC would create safer roads for all people:

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

- 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 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**.
- **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.
- **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.

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

I urge you to **pass SB 2384** out of Committee. Thank you for the opportunity to provide testimony.

Cynthia Okazaki

SB-2384

Submitted on: 2/26/2024 9:11:31 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Joanna Borreta	Individual	Support	Remotely Via Zoom

Comments:

My name is Joanna Borreta and I am writing this written testimony in STRONG SUPPORT of bill number # SB 2384

There are many reasons that I am in support of this bill. My main reason is that it will hold citizen to be responsible and obide by this new law. I fell that if tis law is passed we have a chance of decreasing the probability of drunk driving and citizens choosing to abide by these laws. It will hold us more accountable also I agree with this law because I have lost friends that were driving on their way home from work to his family but never made it home because of another person poor choices and was not acting responsible citizen. Now his children are left without a father and can no longer create memories with his children. Leaving his family broken.

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related accidents, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai'i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai'i involve alcohol.

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 everyone. Hawai'i, along with 6 other states that introduced similar legislation, 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 2384**

Mahalo,

Joanna Borreta

Erik K. Abe
55 South Kukui Street, #1606
Honolulu, Hawaii. 96813
Ph. (808) 537-3081 Cell: (808) 371-3745

TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY
TUESDAY, FEBRUARY 27, 2024; 9:32 A.M.
VIA VIDEOCONFERENCE

RE: SENATE BILL NO. 2384, RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

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

My name is Erik Abe, and I am the Public Affairs and Policy Director for the Hawaii Primary Care Association (HPCA). However, I am testifying today solely in my capacity as a concerned citizen, and my views expressed do not necessarily nor officially reflect those of the HPCA.

I **SUPPORT** the **INTENT** of Senate Bill No. 2384, RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE., and offer **PROPOSED AMENDMENTS** for your consideration.

As received by your Committee, this bill would reduce the threshold at which a person may be convicted of operating a vehicle under the influence of an intoxicant from .08 grams of alcohol per one hundred milliliters or cubic centimeters of blood to .05 grams.

By way of background, I was requested seven years ago by a friend, Mr. Ron Shimabuku, to assist his family draft legislation before the Hawaii State Legislature to strengthen Hawaii's laws applicable to driving under the influence of an intoxicant (OVUII). At that time, Mr. Shimabuku informed me that his hanai brother, Kaulana Werner, was killed by an intoxicated driver in Nanakuli, Island of Oahu, and that his family wanted to change the laws to prevent similar situations from occurring in the future to ease the suffering of families of victims.

During our examination of Hawaii's OVUII Law, we spoke with numerous police officers from across the State, all of whom requested to share their views "off the record". We learned that on any given night, between 30 and 40 drivers are detained on suspicion of driving under the influence. This comes out to between 11,000 and 15,000 detentions per year. However, because of the time it takes to test the blood alcohol level of drivers, as well as the reluctance of the City Prosecutor to prosecute these types of crimes, only 5,992 of the detained drivers were arrested that year.

At the point a police officer requests the suspect to submit to an alcohol level test, the suspect has the choice of either agreeing to or refusing to take the test. If the suspect chooses to take the test, the suspect is given the option of taking a breath test or a blood test. If the suspect chooses the blood test, it may take hours for the results to be determined because the suspect must be taken to an emergency room or another health facility to have the blood drawn and tested. The time it takes to have the blood drawn allows the suspect's body to metabolize the alcohol in it. As such, by the time the test results are found, the person's blood alcohol level may be considerably lower than it was at the time of the stop. And if the level is lower than .08, no violation would have taken place.

And even if the police officer obtains evidence that the suspect indeed had a blood level at or above .08, oftentimes, these cases are thrown out by the Office of the Prosecuting Attorney. For many of our front-line police officers, there is a perception that the Prosecutors look for any reason whatsoever to throw these types of cases out of court, either because of the complexity of obtaining a conviction, or the large amount of resources it takes to prosecute.

For front-line officers who risk their lives at night walking on busy streets to operate DUI checkpoints and confront sometimes agitated and impaired drivers, to have their work disregarded because the Prosecuting Attorney deems it wasteful to pursue these types of crimes is demoralizing to them and counter to the public policy that the OVUII Law was intended to serve.

In my opinion, the OVUII Law is fundamentally flawed because it rests on the premise that an individual is able to determine on his or her own whether he or she has reached a subjective level of intoxication (i.e., .08, .05, or any blood level). And every time someone dies from a drunk driver, it becomes evident to all that this public policy has failed.

This flaw, however, can be fixed if lawmakers mandate a "Zero Tolerance" policy. If a person wants the privilege of operating a vehicle in the State of Hawaii, the person must not have a measurable amount of alcohol in their blood while operating the vehicle at all times.

If the "Zero Tolerance" policy is applied to adults, law enforcement would only need to show that the offender had a measurable amount of alcohol in the person's blood. This would make enforcement much easier and serve as an even greater deterrent to operating a vehicle under the influence of an intoxicant. Also, if the individual refuses to take the test, the individual will face an even longer license revocation period with the Administrative Driver's License Revocation Office.

Testimony on Senate Bill No. 2384, Senate Draft 1
Tuesday, February 27, 2024; 9:32 a.m.
Page 3

The business community, and especially small businesses, will argue that the establishment of such a policy will have an enormous financial impact on their sales. As a whole, however, the establishment of a "Zero Tolerance" policy may cause other businesses to thrive -- taxi cabs, and Uber will find more people seeking their services; the visitor industry could use this as an opportunity to campaign for more Kamaaina to go to resort areas and party rather than risk driving impaired; these are just a few examples where change will force businesses to evolve to meet the newer demands of consumers.

Some will say that such an approach is too strict. But compare this approach to the laws of England, for example. There, a person needs only to show the intent to drive under the influence to be convicted of OVUII. A person walking from a pub with keys in hand was stopped by a police officer. The person was trying to get to his car to go home. The person was arrested and convicted, and the conviction was upheld by the courts.

Lastly, some will also say that if the law is too strict, people will merely ignore it and keep driving while intoxicated. That could be said for any law enacted because there will always be some who will refuse to obey the law. But if a "Zero Tolerance" policy gets the majority, or a few, or even a single intoxicated driver off the roads, then that would be one less potential victim who would otherwise die.

For these reasons, I respectfully request that the contents of this measure be deleted, and the substance of House Bill No. 1999, Regular Session of 2020, attached, a measure that would establish a "Zero Tolerance" policy for both minors and adults in the State of Hawaii, be inserted.

Thank you for the opportunity to testify. Should you have any questions, please do not hesitate to contact me.

attachment.

A BILL FOR AN ACT

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

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

1 SECTION 1. Section 291E-61, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

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

6 (1) ~~[While under the influence of alcohol in an amount~~
7 ~~sufficient to impair the person's normal mental~~
8 ~~faculties or ability to care for the person and guard~~
9 ~~against casualty;]~~ With a measurable amount of alcohol
10 in the person's breath or blood; provided that a law
11 enforcement officer may arrest a person under this
12 section when the officer has probable cause to believe
13 that the arrested person had been operating a vehicle
14 upon a public way, street, road, or highway, or on or
15 in the waters of the State, with a measurable amount
16 of alcohol in the person's breath or blood; or



- 1 (2) While under the influence of any drug that impairs the
- 2 person's ability to operate the vehicle in a careful
- 3 and prudent manner[~~+~~
- 4 ~~(3) With .08 or more grams of alcohol per two hundred ten~~
- 5 ~~liters of breath; or~~
- 6 ~~(4) With .08 or more grams of alcohol per one hundred~~
- 7 ~~milliliters or cubic centimeters of blood]."~~

8 SECTION 2. Section 291E-61.5, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) A person commits the offense of habitually operating
11 a vehicle under the influence of an intoxicant if:

- 12 (1) The person is a habitual operator of a vehicle while
- 13 under the influence of an intoxicant; and
- 14 (2) The person operates or assumes actual physical control
- 15 of a vehicle:

16 (A) [~~While under the influence of alcohol in an~~
17 ~~amount sufficient to impair the person's normal~~
18 ~~mental faculties or ability to care for the~~
19 ~~person and guard against casualty;] With a
20 measurable amount of alcohol in the person's
21 breath or blood; provided that a law enforcement~~



1 officer may arrest a person under this section
2 when the officer has probable cause to believe
3 that the arrested person had been operating a
4 vehicle upon a public way, street, road, or
5 highway, or on or in the waters of the State,
6 with a measurable amount of alcohol in the
7 person's breath or blood; or

8 (B) While under the influence of any drug that
9 impairs the person's ability to operate the
10 vehicle in a careful and prudent manner[+

11 ~~(C) With .08 or more grams of alcohol per two hundred~~
12 ~~ten liters of breath; or~~

13 ~~(D) With .08 or more grams of alcohol per one hundred~~
14 ~~milliliters or cubic centimeters of blood]."~~

15 SECTION 3. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



H.B. NO. 1999

1 SECTION 5. This Act shall take effect upon its approval.

2

INTRODUCED BY:

[Signature]
Ray A. Ald
[Signature]
[Signature]
[Signature]
[Signature]
Mark Hill
[Signature]
[Signature]

JAN 17 2020



Report Title:

OVUII; Zero Tolerance; Any Measurable Amount of Alcohol

Description:

Changes the standard for the offenses of operating a vehicle under the influence of an intoxicant and habitually operating a vehicle under the influence of an intoxicant from .08 grams of alcohol per 210 liters of breath or 100 milliliters or cubic centimeters of blood to any measurable amount of alcohol in the person's breath or blood. Allows law enforcement officers to arrest a person if there is probable cause to believe that the person was operating a vehicle with a measurable amount of alcohol in the person's breath or blood.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



SB-2384

Submitted on: 2/21/2024 7:01:19 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Ben Robinson	Individual	Oppose	Written Testimony Only

Comments:

No. OPPOSE. This doesn't really fix anything. Enforce existing laws on the .08 level instead.

SB-2384

Submitted on: 2/21/2024 10:08:37 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Krystal Baba	Individual	Support	Written Testimony Only

Comments:

I support this bill.

SB-2384

Submitted on: 2/21/2024 10:12:16 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Jane E Arnold	Individual	Oppose	Written Testimony Only

Comments:

Please oppose SB2384. Thank you.

Jane E Arnold

1763 Iwi Way, Apt D

Honolulu, HI 96816

SB-2384

Submitted on: 2/21/2024 12:44:25 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

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

Comments:

Aloha Senate Committee on Judiciary,

My name is Kristin Mills and I'm from the town of Pukalani (on Maui). I am a Health Educator, a mother of two, and a two-time survivor of auto crashes where I was hit by a drunk driver. Thank you so much for the opportunity to submit testimony in STRONG SUPPORT of SB2384, Relating to lowering the threshold blood alcohol concentration while operating a vehicle.

SB2384 lowers the limit of alcohol-impaired driving to .05 percent blood alcohol concentration (BAC), which deters drunk driving and saves lives. Lowering the BAC to 0.05 is a necessary step to reduce traffic deaths and related injuries. As a mother of a young driver, making the roads safer for my son, and other teens, is very important to me.

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

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

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

Our Hawaii community members deserve to not need to rely on "luck" in order to "arrive alive". By lowering the legal BAC level, we will increase everyone's chances of arriving safely rather than having their life forever changed.

I urge you to support SB2384 to reduce the death and injury toll of alcohol-impaired driving by simply reducing the BAC to .05.

Mahalo for the opportunity to submit testimony.

Sincerely,

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

Maui resident, parent, and health educator

SB-2384

Submitted on: 2/21/2024 10:27:10 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Malia Makino	Individual	Support	Written Testimony Only

Comments:

I support 100%

SB-2384

Submitted on: 2/22/2024 9:46:36 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

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

Comments:

As a retired Traffic Division commander for MPD, I strongly support this bill. Lowering the "measurable amount" of breath/blood alcohol level to .05 has proven successful in Utah and is saving lives. We need to stop impaired drivers from endangering everyone on the road with current BAC limits. Lowering the BAC to 0.05 percent will save lives and hopefully change the mindset to plan ahead if you're going to be drinking . NHTSA has been recommending this 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. For the past three years law makers have killed this bill and chosen to do nothing in hopes for a different result with regards to alcohol related driving fatalities. This year we need state elected officials to support this bill and save lives. Even one life lost to an alcohol-related traffic crash is too many. I have knocked on too many doors in my career to deliver the news a loved one is never coming home again as a result of someone's selfish decision to drive impaired. I hope for all those who have lost a loved one to impaired driving, that 2024 is the year our lawmakers make this vital commitment to say we are going to take the necessary steps to make our roadways safer and attack the problem of impaired driving. Please make the smart decision and let's push thru this legislation this year! Help us save lives and prevent senseless impaired driving fatalities.

SB-2384

Submitted on: 2/23/2024 11:08:56 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

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

Comments:

Aloha Senate Committee on Judiciary,

My name is Cleota Brown from District 43 and I am submitting testimony in **STRONG SUPPORT** of SB 2384.]

With 40% of the deaths in Hawaii involving alcohol, we must do all we can to enact legislation to reduce drunk driving, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

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 everyone. Hawai'i, along with 6 other states that introduced similar legislation, 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 2384.

Thank you for your consideration.

Cleota Brown

SB-2384

Submitted on: 2/24/2024 5:50:56 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Patti Cook	Individual	Support	Written Testimony Only

Comments:

I STRONGLY SUPPORT SB2384 to lower the BAC for driving - we have had at least 2 incidents that I am personally aware of - know the families - involving Waimea/North Hawai'i residents that resulted in serious injury/death that were attributable to drunk drivers.

Lowering the BAC will also help encourage people to either not drink and drive, or find alternatives - ie, a designated non-drinking driver, or perhaps uber.

Thank you for your consideration. Patti Cook 808-937-2833

SB-2384

Submitted on: 2/25/2024 1:39:50 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Sariah Mokuahi	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Sariah Mokuahi, I was born and raised on the island of Kaua'i and I am writing in support of SB2384. Lowering the BAC to .05 will promote safer roadways and responsible behavior in our communities. Many lives have been lost from drunk driving, SB2384 is a step in the right direction. Please be apart of the solution by supporting this bill.

Mahalo!

To: The Honorable Senator Karl Rhoads, Chair

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

Re: Strong Support of SB2384 RELATING TO THE USE OF INTOXICANTS WHILE
OPERATING A VEHICLE.

Hrg: Tuesday, February 27, 2024 at 9:30 AM, Conference Room 016

Position: Strong Support

I am writing to express my STRONG SUPPORT for SB2384, which seeks to amend the measurable amount of alcohol for impaired driving of a vehicle by lowering the blood alcohol concentration (BAC) from 0.08 to 0.05.

As a resident of Hilo, I believe that supporting safe driving practices is crucial for creating safer communities. Lowering the BAC limit to 0.05 can significantly reduce the number of crashes, injuries, and deaths on our roads, fostering an environment of increased safety for all. I have two cousins whose lives were taken by an impaired driving, ten years apart.

It is important to emphasize that lowering the BAC limit is not about restricting drinking; rather, it is about separating drinking from driving. This measure is a proactive step towards preventing accidents and ensuring the safety of our streets. By adopting this change, Hawai'i can join the ranks of 6 other states that have introduced similar legislation, presenting an opportunity to set a new BAC standard for our nation.

Statistics reveal that an estimated 40 percent of all traffic deaths in Hawai'i involve alcohol. Lowering the BAC limit to 0.05 aligns with the goal of the Hawai'i Alcohol Policy Alliance to create safer communities. Furthermore, a December 2022 statewide poll indicates that nearly 70% of Hawai'i voters support this change, reflecting widespread public endorsement for enhancing road safety.

Hawai'i has a history of leading the nation in public health policies, and adopting SB2384 provides an opportunity to continue this tradition. I urge the Senate Committee on Judiciary to consider the well-being of our communities and support the passage of SB2384. This legislation would undoubtedly contribute to the overall health and safety of the people of Hawai'i.

Sally Ancheta

Resident of Hilo, HI

SB-2384

Submitted on: 2/26/2024 7:57:50 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Gwendolyn Kalani	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am a Waimanalo resident and am writing in strong support of SB 2384. I lost my father when I was a young girl to impaired driving. There is nothing I can do that will bring him back. I believe that passing this bill will help not only save lives but also save the turmoil and pain that loss brings to families. I hope this will make people think before getting behind the wheel if they do decide to drink. This is about drinking responsibly and saving lives. Please, help our community and pass this bill.

Mahalo,

Gwendolyn Kalani

SB-2384

Submitted on: 2/26/2024 8:01:38 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Aaron	Individual	Support	Written Testimony Only

Comments:

I support SB 2384. I've personally witnessed lives lost right here in my hometown in Waimanalo from people driving drunk. We need to do something to help put a stop from more innocent lives being lost from impaired driving and I feel that passing this bill will help prevent further injury and deaths. This is preventable but we need more laws in place to help enforce more responsible drivers. Pass SB 2384.

Thanks for your time,

Aaron Akau

SB-2384

Submitted on: 2/26/2024 8:02:23 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Kinohi Naihe	Individual	Support	Written Testimony Only

Comments:

I support SB 2384.

Kinohi Naihe

SB-2384

Submitted on: 2/26/2024 8:06:09 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Pono Matthews	Individual	Support	Written Testimony Only

Comments:

I strongly support SB2384!

Pono Matthews, Kaua'i resident (Wailua district)

SB-2384

Submitted on: 2/26/2024 8:07:11 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Syrus Melandish	Individual	Support	Written Testimony Only

Comments:

I strongly support SB 2384.

Syrus Melandish, Kealia resident, Kaua'i

SB-2384

Submitted on: 2/26/2024 8:22:36 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Cameron Zulevic	Individual	Support	Written Testimony Only

Comments:

I support SB 2384.

Cameron Zulevic,

Kaua'i Resident, Wailua Homestead District

SB-2384

Submitted on: 2/26/2024 8:23:34 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Mahiai Naihe	Individual	Support	Written Testimony Only

Comments:

Aloha mai,

My name is Mahi Naihe, Kauai resident. I write in strong support of SB2384.

Mahalo,

Mahi Naihe

SB-2384

Submitted on: 2/26/2024 8:26:42 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Tasha Yamamoto	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Judiciary,

My name is Tashs Yamamoto, from ‘Ele‘ele, Kaua‘i and I am submitting testimony in STRONG SUPPORT of SB 2384. I lost my father from alcoholism and addiction and have seen the detrimental affects of what impairment can do, especially while driving. In our small community on Kauai, I’ve witnessed countless fatalities from individuals driving under the influence and feel that its time to put an end to this. Please pass this bill, it WILL help save lives. Thank you.

Tasha Yamamoto

SB-2384

Submitted on: 2/26/2024 8:30:00 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Theresa Paulette	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Chair, Vice Chair and Committee,

My name is Theresa Paulette and I am testifying in strong support of SB2384 which lowers the threshold blood alcohol concentration for offenses of operating a vehicle under the influence of an intoxicant. My only son was killed in a crash involving a man who had 6 DUI arrests. My 15-year-old son paid the ultimate price with his life and my family has been sadly changed forever. Lowering the BAC level from .08 to .05 will change social awareness and behaviors and ultimately save lives and injuries due to impaired driving. For drivers with BACs of .05-.079 the risk of being in a fatal crash (single vehicle) is at least 7 times higher than for drivers with no alcohol in their system. BAC of .02, about 2 alcoholic drinks, results in a decline in visual function and the ability to perform two tasks at the same time. BAC of .05, about 3 alcoholic drinks, results in reduced coordination, reduced ability to track moving objects, difficulty steering, and reduced response to emergency driving situations. (The number of drinks represents the approximate amount of alcohol that a 160-pound man would need to drink in one hour to reach the stated BAC.). A .05 BAC would not only save lives and injuries but also educate the driving public about the number of drinks to reach a .05 rather than the continued misinformation campaign that just 1 drink would put the average person at a .05. Why does Hawai'i and the US continue with a .08 BAC lagging behind the civilized world with over 100 countries at a .05 BAC or lower. Not passing a .05 BAC sends a message to the citizens of Hawaii that our Legislators don't value saving lives and injuries due to impaired driving. Thank you for the opportunity to testify in strong support of SB2384. Theresa Paulette

SB-2384

Submitted on: 2/26/2024 8:51:24 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Lorilani Keohokalole	Individual	Support	Written Testimony Only

Comments:

I support this Bill.

Mahalo

SB-2384

Submitted on: 2/26/2024 8:53:28 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Valarie Cabreira	Individual	Support	Written Testimony Only

Comments:

I strongly support SB2384.

Valarie Cabreira, Kauai resident

SB-2384

Submitted on: 2/26/2024 8:58:37 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Colleen Nicholas	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

SB-2384

Submitted on: 2/26/2024 9:08:57 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Kamalu Kepa	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Kamalu Kepa and I'm from Waimanalo O'ahu. I am writing to show strong support for sb2384. Born and raised on the islands, I've seen my shares of tragedies from car crashes, injuries, and even death of friends and some family. I believe that this is preventable. We can help save lives and this bill will help support that so please, pass SB2384. Mahalo nui.

Kamalu Kepa, Waimanalo Native

SB-2384

Submitted on: 2/26/2024 9:26:28 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Isaac Silva	Individual	Support	Written Testimony Only

Comments:

Aloha

My name is Isaac Silva and I am writing in Strong Support of SB2384. I believe this will help create safer roadways in our community and help save lives. Thank you for your time.

Isaac Silva, Kauai resident

From: [Claire Barnes](#)
To: [JDC Committee](#)
Subject: SB2384 HEARING JDC 02-27-24 Testimony Correction
Date: Monday, February 26, 2024 12:21:23 AM

You don't often get email from barnesc3@hawaii.edu. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My name is Claire Barnes. I support SB2384. I am testifying as an individual citizen. I will be testifying in-person & submitting written testimony.

My testimony was copied and pasted 2x and the first testimony needed to be erased as I made edits to the original. The testimony was submitted with two testimonies that were almost the same. I am hoping this mistake can be corrected by the JDC. I have included correct testimony below:

Aloha Chairman Rhoades, Vice Chair Gabbard and committee members,

Thank you for the opportunity to testify in support of SB2384 RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE. My name is Claire Barnes. I am a student at the University of Hawai'i at Manoa Thompson School of Social Work and Public Health studying Social Work.

Any alcohol in the system can impair a driver. "At a BAC of .15, drivers are at least 12 times more likely to crash than drivers with a BAC of zero" (National Highway Traffic Safety Administration, 2016). Driving impaired is dangerous as the driver with a BAC of 0.5 will have reduced coordination, reduced ability to track moving objects, and reduced response to emergency driving situations (National Highway Traffic Safety Administration, 2016). Those who drive intoxicated put other drivers, bicyclists, and pedestrians safety at risk.

By lowering the legal Blood Alcohol Content, it would deter people from driving impaired. In this day and age, when there are ride apps, such as Lyft and Uber, buses and taxis, no one should have to die from an intoxicated driver who could have used any of these forms of transportation rather than get behind the wheel of a car. Lowering the BAC to 0.05 is not about preventing drinking; it is about making people consider other modes of transportation rather than driving after drinking, which will prevent crashes, injuries, and deaths and create safer streets for everyone in the state of Hawai'i. I ask that you pass SB2384.

Mahalo for your time and consideration,

Claire Barnes

SB-2384

Submitted on: 2/26/2024 1:50:58 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Rochelle Cariaga	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Judiciary,

My name is Rochelle from Ewa Beach and I am submitting testimony in **STRONG SUPPORT** of SB 2384.

Lowering the Blood Alcohol Concentration (BAC) to 0.05 helps to prevent driving under the influence and any harm that may come from individuals who engage in driving under the influence. I have a friend who was a victim of a car accident caused by drunk driving. The drunk driver had entered the freeway using an off ramp and ran head on into their car. Unfortunately, she lost her life that day, and her fiance suffered many painful injuries. He, as well as her family and friends, have to live with a lifetime of sorrow and pain. Lowering the BAC will encourage individuals to make safer choices, such as carpooling with a designated driver, or using ride share programs.

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai'i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai'i involve alcohol.

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 everyone. Hawai'i, along with 6 other states that introduced similar legislation, 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 2384.

Mahalo for your time and consideration.

Rochelle Cariaga

SB-2384

Submitted on: 2/26/2024 2:25:16 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Chelsea Gonzales	Individual	Support	Written Testimony Only

Comments:

My name is Chelsea Gonzales and I am a resident in the Kakaako-Ala Moana neighborhood and I am submitting testimony in STRONG SUPPORT of SB 2384

I take great pride and feel fortunate to reside in close proximity to numerous fantastic restaurants and bars, all within walking distance. However, it becomes disconcerting when I realize the significant number of individuals who opt to drive in from the opposite side of the island without a clear plan or limit on their alcohol consumption before heading home. On nights when the atmosphere is particularly lively, I often choose to stay in to steer clear of potential encounters with drunk drivers, especially when navigating as a pedestrian.

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities. According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai‘i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai‘i involve alcohol. 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 everyone. Hawai‘i, along with 6 other states that introduced similar legislation, 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 2384

Mahalo for your time and consideration.

SB-2384

Submitted on: 2/26/2024 2:27:49 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Abby Poisson	Individual	Support	Written Testimony Only

Comments:

My name is Abby Poisson, and I am a resident of the Kaka‘ako neighborhood, and I am submitting testimony in strong support of SB 2384.

I love living in a neighborhood in which I can walk to and from so many different breweries, bars, and restaurants. However, rarely do I feel safe as a pedestrian at night as a result of knowing that individuals may be getting behind the wheel after drinking. As a resident of this area, I feel strongly that it is important to take into account the importance of equity for individuals who practice alternative modes of transportation, including pedestrians and bicyclists, who oftentimes go unseen by an impaired driver, especially at night. Knowing that individuals might think twice before getting behind the wheel after drinking is reassuring as a resident. I believe passing this bill is vital to ensuring an intentionally safe community.

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai‘i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai‘i involve alcohol.

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 everyone. Hawai‘i, along with 6 other states that introduced similar legislation, 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 2384.

Mahalo for your time and consideration.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

HEARING BEFORE THE SENATE COMMITTEE ON JUDICIARY
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 016
Tuesday, February 27, 2024 AT 9:32 A.M.

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

OPPOSE SB2384 RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE

The Maui Chamber of Commerce **OPPOSES SB2384.**

The Maui Chamber of Commerce fully supports efforts to enhance road safety and reduce incidents of impaired driving, we believe that this particular measure will not significantly reduce fatalities and will only burden law enforcement with offenders who do not pose a significant risk to public safety.

We note that the overwhelming majority of fatal accidents involving alcohol-impaired drivers occur with blood alcohol content (BAC) levels well above 0.08. According to extensive research and data analysis, the National Highway Traffic Safety Administration (NHTSA) found that nearly 70% of alcohol-related fatalities involve drivers with BAC levels of 0.15 or higher and less than 16% of accidents occur between .01 and .07. This indicates that the primary focus should be on targeting those individuals who are substantially impaired by alcohol, rather than imposing stricter regulations on moderate drinkers who are less likely to cause accidents. It's clear that we need to be imposing stricter penalties for repeat offenders, those involved in accidents and focus law enforcement efforts on catching those exceeding the current limit.

The Chamber would like the legislature to consider the potential unintended consequences of lowering the legal BAC limit. This change could inadvertently criminalize responsible behavior and unfairly punish individuals who consume alcohol in moderation. This may discourage social drinking and have adverse economic ramifications for businesses in the hospitality industry, without yielding commensurate benefits in terms of road safety.

For these reasons, we **OPPOSE SB2384.**

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

SB-2384

Submitted on: 2/26/2024 6:29:48 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Todd Boulanger	Individual	Comments	Written Testimony Only

Comments:

As a transportation safety and mobility planning professional, I wish to submit testimony recommending a small change to the text of this bill so as to avoid a minor oversight but one if not corrected will create a large problem for many in the future.

I expect that the original intent of the bill's advocates did NOT wish to group everything on Hawai'i's roadways with two, three and four wheels under this bill's changes in BAC. They well understand that the state's and nation's DUI problem is with motorized vehicles and not ALL vehicles, especially human powered vehicles like bicycles. But they may not be aware that the state's traffic code includes bicycles as a vehicle when they asked for this update to the existing state code.

I would strongly recommend adding language expressly **excluding bicycles** in this bill. Bicyclists with a BAC of 0.5 to 0.8 are NOT Hawai'i's chronic traffic safety problem affecting the safety of pedestrians, bicyclists and drivers or damage to property. Washington State, South Dakota (32-23-22) and other jurisdictions take due care in managing BUI (bicycling under the influence) by not lumping in cyclists with car drivers due to the much lower impact of a bike collision and to provide those with mobility options - especially in rural areas without transit and taxis - who have lost their ability to hold a driver's license (age, injury, disability or DUI etc.). Plus, we as a community should be making it easier to bicycle as a tool to address our climate crisis.

South Dakota's code revised their code with this text "Chapter not applicable to person riding animal or foot-pedal conveyance" to fix the problem we are now discussing to avoid.

Future legislation could also choose to manage intoxicated bicyclists in another way (e.g. Washington State RCW [46.61.790](#)) if so needed once data is collected to document a BUI trend and its pervasive impact.

For those interested in this topic: it is well covered by the legal text book: *Bicycling & The Law* by Bob Mionske (2007).

Mahalo nui,

Todd Boulanger, MURP

PS. Even the bill's report title includes the word "motorized" + "vehicle" but this is not reflected in the body of the text as currently shown.

Report Title:

Blood Alcohol Concentration; Driving Under the Influence; Motor Vehicles; Alcohol

SB-2384

Submitted on: 2/26/2024 6:39:29 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Ed werner	Individual	Support	Written Testimony Only

Comments:

I fully support this bill

SB-2384

Submitted on: 2/26/2024 6:43:03 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Elijah Werner	Individual	Support	Written Testimony Only

Comments:

I fully support this bill

SB-2384

Submitted on: 2/26/2024 7:13:01 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnny	Individual	Support	Written Testimony Only

Comments:

I fully support this bill

SB-2384

Submitted on: 2/26/2024 7:13:56 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Paulette Werner	Individual	Support	Written Testimony Only

Comments:

I fully support this bill

SB-2384

Submitted on: 2/26/2024 7:14:52 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
pua auwae	Individual	Support	Written Testimony Only

Comments:

I fully support this bill

SB-2384

Submitted on: 2/26/2024 11:29:38 PM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Julia Ringgold	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Judiciary,

My name is Julia Ringgold from Koloa, Kaua'i and I am submitting testimony in SUPPORT of SB 2384. I ask that you pass SB 2384.

Lowering the BAC limit to 0.05 sends a sobering message loud and clear Don't Drink and Drive!

As a family member of alcoholics and addicts, I know firsthand the cunning baffling and powerful disease of alcoholism.

With increased awareness of lowering the BAC, more people will resist the thought of drinking alcohol and driving, giving the public more ideas to prepare for a ride home.

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. Please vote to pass SB 2384.

SB-2384

Submitted on: 2/27/2024 12:40:24 AM

Testimony for JDC on 2/27/2024 9:32:00 AM

Submitted By	Organization	Testifier Position	Testify
Chanda Park	Individual	Support	Written Testimony Only

Comments:

My name is Chanda Park and I support lowering the BAC from .08 to .05. On 12/18/2020, my daughter, Azalia Park was struck by a drunk driver while walking in the crosswalk. The drunk driver fled the scene. My daughter was pronounced brain dead on 12/21/2020. Lowering the BAC is a step in the right direction in preventing more families from suffering tragic losses that are 100% preventable. No one should ever lose a child because of a person's irresponsible choice to drive impaired. Nothing will bring my daughter back and nothing will take away my pain and sadness of having to live life without her. Lowering the BAC will help prevent more killings of innocent people by intoxicated drivers.