

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

Senate Committee on Transportation and Culture and the Arts

Tuesday, April 1, 2025

3:01 p.m.

State Capitol, Conference Room 224 and Videoconference

In Support

Senate Concurrent Resolution 181 & Senate Resolution 151, Urging the Department of Transportation to Establish a Working Group on Lowering the Legal Limit of Blood Alcohol Concentration to 0.05 Grams of Alcohol per One Hundred Milliliters of Blood.

Chair Lee, Vice Chair Inouye, and Members of the Senate Committee on Transportation and Culture and the Arts:

The Office of the Governor strongly supports Senate Concurrent Resolution 181 and Senate Resolution 151 which urges the Department of Transportation to Establish a Working Group on Lowering the Legal Limit of Blood Alcohol Concentration (BAC) to 0.05 Grams of Alcohol per One Hundred Milliliters of Blood.

The Office of the Governor believes lowering the BAC in Hawaii will force a change in attitudes and behavior towards drinking and driving. The Governor has treated victims of accidents caused by drunk driving and understands the impact that these tragedies have on victims and their families. Decreasing the BAC limit to 0.05% for the state could prevent crashes, injuries, and deaths, creating safer communities for everyone.

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

JON N. IKENAGA
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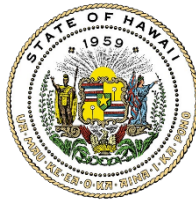
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March 31, 2025

**SCR 181/SR 151: URGING THE DEPARTMENT OF TRANSPORTATION
TO ESTABLISH A WORKING GROUP ON LOWERING THE LEGAL
LIMIT OF BLOOD ALCOHOL CONCENTRATION TO 0.05 GRAMS OF
ALCOHOL PER ONE HUNDRED MILLILITERS OF BLOOD**

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

The Office of the Public Defender **submits comments on SCR 181/SR 151**. This resolution urges the Department of Transportation to form a working group and submit a report to the Legislature by the 2026 session for the purpose of lowering the legal limit of blood alcohol concentration to 0.05 grams of alcohol per one hundred milliliters of blood.

The resolution proposes that members of the working group be comprised of a Honolulu Prosecuting Attorney, a Neighbor Island Prosecuting Attorney, a representative from the Hawaii Alcohol Policy Alliance, and a representative from the field of traffic safety and research with expertise in alcohol-impaired driving.

Each year, the Office of the Public Defender represents thousands of individuals charged with the criminal offense of Operating a Vehicle Under the Influence of an Intoxicant (OVUII) state-wide. Our Office is uniquely positioned to opine and provide information on OVUII cases in the criminal system and the details of how cases are charged, prosecuted, and defended throughout the state.

We respectfully request that his resolution be amended to include a member from the Office of the Public Defender in the working group. Including a member from our Office will ensure transparency and provide the Legislature with more comprehensive feedback and information than merely seeking input from prosecutorial agencies within the criminal legal system.

Thank you for the opportunity to comment on this measure.



SCR181 / SR151 Lower Blood Alcohol Concentration for Driving
COMMITTEE ON TRANSPORTATION AND CULTURE AND THE ARTS

Senator Chris Lee, Chair

Senator Lorraine R. Inouye, Vice Chair

Tuesday, Apr 1, 2025: 3:01: Room 244 Videoconference

Hawaii Substance Abuse Coalition Supports SCR181 and SR151:

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 supports a working group to evaluate lowering the BAC limit and provides research data from the National Institute of Health that supports 0.05.¹

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.

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.

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.

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.

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



Date: March 31, 2025

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

Re: Support of SR151/SCR181 with Amendments, Urging the Department of Transportation to Establish a Working Group on Lowering the Legal Limit of Blood Alcohol Concentration to 0.05 Grams of Alcohol per One Hundred Milliliters of Blood.

Hearing: Tuesday, April 1, 2025 at 3:01pm, Conference Room 224

Position: Support with Amendments

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 supportive testimony on behalf of the Alliance for SR151/SCR181. SR151/SCR181 urges the Department of Transportation (HDOT) to establish a working group on lowering the legal limit of blood alcohol concentration to 0.05 grams of alcohol per one hundred millimeters of blood.

Over the past few years, the legislature has introduced a measure that would reduce the blood alcohol concentration (BAC) for impaired driving from 0.08 to 0.05 BAC. However, the bill has not been successfully passed, with some legislators expressing that there isn't conclusive evidence to show that lowering the blood alcohol concentration (BAC) to 0.05 would be effective at preventing alcohol-related crashes and fatalities. This working group would allow transportation safety experts, the public health field, and experts within the judicial system to research and compile reports and studies related to the effects of lowering the BAC from 0.08 to 0.05 and make recommendations to the legislature on whether such change would likely reduce and prevent alcohol-related crashes and fatalities in Hawai'i.

Additionally, the Alliance recommends that the resolution be amended with the following language that includes additional members at the Director of Transportation's discretion.

The proposed amendment is as follows and would go below "(5) A representative from the field of traffic safety..."

Below is the recommended amendment to SR151/SCR181:

(6) At the discretion of the Director of Transportation and in alignment with the goals of the working group, the Director may appoint additional members with expertise in law



enforcement, public health, traffic safety, the judicial system, and/or other areas as it related to impaired driving."

The proposed working group would be able to provide the legislature with the requested information to make an informed decision as to whether a 0.05 BAC law in Hawai'i would reduce alcohol-related crashes and fatalities and whether it might save lives and taxpayer dollars as a result.

We appreciate the committee's commitment to creating safe roads in Hawai'i and for hearing this proposed resolution. Mahalo for your consideration of our testimony in support of SR151/SCR181. If you have any questions, please feel free to contact me at rick@hiphi.org or (808) 591-6508, x22.

Rick Collins

Director
Hawai'i Alcohol Policy Alliance

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.

SCR-181

Submitted on: 3/30/2025 8:07:18 PM

Testimony for TCA on 4/1/2025 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Elliot Miles	Individual	Oppose	Written Testimony Only

Comments:

I know you mean well, but this law will only punish good people. I mean the news reported that cops were arresting innocent people, so changing this law to a lower BAC is not the solution.

Instead, try this:

1) Force bars to count (they do this by default to know what to charge a customer who runs a tab) how many drinks a person buys and put a limit on it. And yes, the customer could go to a new bar and start the "count" all over, but it may help to control how much one drinks.

2) Make bars close earlier. Perhaps 10PM is the best time to close or 11. Maybe even 9PM. But this mandatory closing time is for bars only, not restaraunts that are predominantly food places that happen to sell alcohol.

SCR-181

Submitted on: 3/31/2025 9:04:57 AM

Testimony for TCA on 4/1/2025 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Colleen Fox	Individual	Support	Written Testimony Only

Comments:

Please pass this resolution to establish a working group on the National Institute of Health recommendations to lower the BAC limit to 0.05.

SCR-181

Submitted on: 3/31/2025 4:14:53 PM

Testimony for TCA on 4/1/2025 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Ferreira	Individual	Comments	Written Testimony Only

Comments:

This has not shown in other jurisdictions to be affective, It will clog the courts with many arrestees and is a money grab. The amount of alcohol needed to get you to the legal limit is so miniscule as to be a huge time waste for our already short police department. If cutting the legal limit almost in half how was the limit of .08 an improvement over the .10?