

JAN 23 2015

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# A BILL FOR AN ACT

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RELATING TO OPERATING A VEHICLE UNDER THE INFLUENCE OF  
INTOXICANTS.

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

1       SECTION 1. The legislature finds that there is a need to  
2 amend the definition of "drug" for offenses regarding chapter  
3 291E, Hawaii Revised Statutes, use of intoxicants while  
4 operating a vehicle. In order to convict an offender of  
5 operating a vehicle under the influence of intoxicants (OVUII),  
6 the prosecution must prove beyond a reasonable doubt that:

7       (1) The person was operating a vehicle; and

8       (2) The person was under the influence of any drug that  
9       impaired the person's ability to operate the vehicle.

10       Unfortunately, if the drug used while operating a vehicle  
11 is not listed as a schedule I through IV drug, then proving this  
12 second prong becomes very problematic for the State because many  
13 drugs like kawa, seroquel, and some muscle relaxants can cause  
14 serious impairment and are not listed as a schedule drug.

15       The legislature further finds that the process of placing a  
16 drug or substance on the schedule is one that is not quick to



1 react to emerging drugs. Synthetic drugs can be manufactured  
2 very rapidly and can avoid law enforcement by changing the  
3 chemical composition of an existing drug to create synthetic  
4 drugs like "spice" and "bath salts," thereby taking advantage of  
5 the scheduling process. In order to quickly adapt and prosecute  
6 offenders using new emerging drugs, law enforcement should not  
7 be forced to rely too heavily on the schedules for certain  
8 violations.

9 The purpose of this Act is to amend the definition of  
10 "drug" for purposes of OVUII violations.

11 SECTION 2. Section 291E-1, Hawaii Revised Statutes, is  
12 amended by amending the definition of "drug" to read as follows:

13 "Drug" means any ~~[controlled]~~ substance, ~~[as defined and~~  
14 ~~enumerated in schedules I through IV of chapter 329, or its~~  
15 ~~metabolites.]~~ when taken into the human body, which can impair  
16 the ability of the person to operate a vehicle safely."

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

20 SECTION 4. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



# S.B. NO. 188

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

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INTRODUCED BY: Will Eyo



# S.B. NO. 188

**Report Title:**

Traffic Violation; Operating a Vehicle Under the Influence of Intoxicants

**Description:**

Amends the definition of "drug" for OVUII violations.

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

