



Testimony of

National Transportation Safety Board

Before the

Senate Committee on Judiciary
Hawaii State Legislature

– On –

SB 2463

Relating to the Use of Intoxicants while Operating a Vehicle

–

Honolulu, HI • February 27, 2026

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 the probable cause and issue safety recommendations to prevent such events 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 Hawaii to lower its per se impairment threshold from .08 blood alcohol concentration (BAC) to .05.¹

Due to the lack of progress toward reducing the impact of impaired driving, in 2012, we held a forum, titled "Reaching Zero," that kicked off a year-long effort to assess impaired-driving countermeasures. The effort culminated with our 2013 report, *Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving*,² which identified the most effective, scientifically based actions that could save lives from being lost to alcohol-impaired driving. One of these actions was to lower the per se impaired driving limit from .08 to .05 or lower for all drivers. We recommended that all states, the District of Columbia, and the Commonwealth of Puerto Rico reduce the alcohol impairment per se threshold to .05 or lower.³

We view our testimony today as an opportunity to support this committee's important work to save lives. Too many people are dying on our roads every year because of alcohol impairment. These deaths are 100-percent preventable, and fewer people will die when states lower the legal per se BAC 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.

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 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>.

³ NTSB Safety Recommendation H-13-5 <https://data.nts.gov/carol-main-public/sr-details/H-13-005>.

The Persistent Problem: Impaired-Driving Crashes Still Kill Thousands

Progress in addressing impaired driving has stalled. In fact, over the past several years, the problem has gotten worse. In 2023, there were 12,429 alcohol-impaired driving fatalities in the United States—accounting for 30 percent of all traffic fatalities.^{4,5} Hawaii lost 39 lives to alcohol-impaired driving in 2023, which was 42% of the state’s total traffic fatalities – 11 percentage points higher than the national average. That makes Hawai’i first in the nation for the proportion of impaired-driving fatalities.

Impaired-driving crashes negatively impact people financially, too. The National Highway Traffic Safety Administration (NHTSA) last estimated the economic cost of all alcohol-involved crashes in the United States to be \$68.9 billion for 2019.⁶ So, although the ongoing tragedy of impaired driving *can* strike anybody, its economic burden *does* strike everybody.

Lowering the Per Se BAC Limit to .05

From 2006 to 2017,⁷ all states had a per se BAC threshold of .08 for noncommercial drivers aged 21 and over. But .08 BAC is not when impairment begins: drivers are impaired at .05 BAC. Individuals with a BAC of .05 experience lowered alertness, reduced coordination, impaired judgment, and difficulty tracking moving objects.⁸ 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-percent increased risk of being in a crash 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 or lower to reduce alcohol-related crashes, and the benefits of the lowering BAC limits have been documented. 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

⁴ The National Highway Traffic Safety Administration (NHTSA) reports drivers as alcohol impaired at .08 BAC or greater. However, in 2023, an additional 2,118 people were killed in alcohol-related crashes where a driver had a BAC of .01 to .07.

⁵ National Center for Statistics and Analysis. 2025, May. *Alcohol-Impaired Driving: 2023 Data*. Traffic Safety Facts. Report No. DOT HS 813 713. Washington, DC: NHTSA.

⁶ Blincoe, L., Miller, T., Wang, J.S., Swedler, D., Coughlin, T., Lawrence, B., Guo, F., Klauer, S., and Dingus, T. 2022, December. *The Economic and Societal Impact of Motor Vehicle Crashes, 2019*. Report No. DOT HS 813 403. Washington, DC: NHTSA. Available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>.

⁷ In 2017, Utah lowered its per se threshold to .05 BAC, effective December 30, 2018.

⁸ The ABCs of BAC: A Guide to Understanding Blood Alcohol Concentration and Alcohol Impairment. 2016, July. Washington, DC: NHTSA. Available at <https://www.nhtsa.gov/sites/nhtsa.gov/files/809844-theabcsofbac.pdf>.

lives annually in the United States.⁹ This is not surprising, as similar benefits were realized when BAC limits were reduced from .10 to .08.

We can also learn from Utah's example. Utah lowered the state's legal BAC limit for noncommercial drivers from .08 to .05, effective December 30, 2018. In February 2022, NHTSA published a report, *Evaluation of Utah's .05 BAC Per Se Law*, comparing the state's crash data before and after the law went into effect.¹⁰ The report found crash and fatality rates were reduced in Utah compared to the rest of the country. When vehicle miles traveled are 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 crash and fatality rates as Utah. Further, the study found that there was no impact on alcohol sales, tax revenues, or tourism in Utah. In fact, alcohol sales in Utah have consistently increased year-over-year since 2020.¹¹

During the COVID-19 pandemic, the United States experienced a significant increase in traffic fatalities, including impaired-driving fatalities. Utah was not immune to this, which also saw a similar effect. However, as traffic fatalities have leveled out, Utah saw a 30-percent decline in alcohol-impaired driving traffic fatalities in 2023 compared to 2022. There were also significant decreases in the total number of alcohol-related crashes and the alcohol-related fatal crash rate in 2023.¹²

Lowering the BAC limit to .05 causes a general deterrent effect—lowering the limit prevents drinking drivers of all BACs from getting behind the wheel. A 2019 Utah survey found that 22 percent of drinkers reported changing their behavior following the .05 law. The most frequent change was making sure alternate transportation was available when drinking away from home.¹³ This is where the power of lowering the BAC limit lies—drivers make better decisions when considering drinking and driving.

⁹Fell, J.C. and 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.

¹⁰ 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: NHTSA.

¹¹ Utah Department of Alcohol Beverage Services. *2024 Year in Retail*. <https://abs.utah.gov/wp-content/uploads/89th-DABS-Year-in-Retail-2024.pdf>

¹² Utah Department of Public Safety. (2024). *Report on Utah's 0.05 BAC Law*. <https://wtsc.wa.gov/wp-content/uploads/2024/08/JUNE-2024-Report-on-Utahs-0.05-BAC-Law.docx.pdf>

¹³ Utah DPS, *Report on Utah's 0.05 BAC Law*.

Support for .05

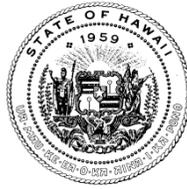
National and international traffic safety and public health organizations, including the American Medical Association; the World Health Organization; the World Medical Association; the Association for the Advancement of Automotive Medicine; the National Academies of Science, Engineering, and Medicine; the American Public Health Association; the Insurance Institute for Highway Safety, Advocates for Highway and Auto Safety; and Mothers Against Drunk Driving have advocated setting BAC limits at .05 or lower.

Conclusion

Progress toward eliminating alcohol-impaired driving fatalities has stagnated and more can—and should—be done to prevent these tragedies. The evidence is clear: per se BAC limits of .05 or lower can save (and *have saved*) lives.

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 Hawaii can be a leader in implementing policies that will prevent impaired driving and save lives.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



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DIRECTOR
KA LUNA HO'ŌKELE

Deputy Directors
Nā Hope Luna Ho'okele
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DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
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Friday, February 27, 2026
10:30 AM
State Capitol, 016

SB2463,SD1
RELATING TO USE OF INTOXICANTS WHILE OPERATING A VEHICLE

Senate Committee on Judiciary

The Department of Transportation (DOT) strongly supports S.B. 2463, S.D. 1, which lowers the blood alcohol content (BAC) threshold for driving while under the influence of an intoxicant from 0.08 to 0.05 grams of alcohol per 100 milliliters of blood or 0.05 grams of alcohol per 210 liters of breath.

This proposed legislation aligns with proven countermeasures that have significantly reduced alcohol-impaired driving fatalities in numerous countries worldwide. Laboratory and driving simulator studies have consistently shown that most adults, including experienced drinkers, are significantly impaired at 0.05 BAC. Critical driving-related skills such as divided attention, braking, tracking, perception, and reaction time are notably affected at this level.

Lowering the per se limit to 0.05 is supported by compelling evidence. A meta-analysis of studies on BAC reduction found an 11.1 percent decline in fatal alcohol-related crashes when limits were lowered to 0.05 or below. Researchers estimate that if all states adopted a 0.05 BAC limit, approximately 1,790 lives could be saved annually.

It's important to note that this change does not prohibit drinking; rather, it aims to separate the acts of drinking and driving to enhance road safety for all users. DOT's primary concern is improving highway safety and protecting the lives of our community members and visitors. By lowering the illegal BAC limit, we anticipate a shift in behavior, encouraging people to plan ahead and arrange alternative transportation options when consuming alcohol.

Numerous industrialized nations have already adopted lower BAC limits, with many setting the threshold at 0.05 or even lower. Countries such as Australia, France, Germany, and Italy have seen positive results from implementing a 0.05 BAC limit, while others like Japan and Sweden have even stricter limits at 0.03 or 0.02.

Contrary to common misconceptions, reaching a 0.05 BAC typically requires more than

just a couple of drinks after work. For an average 170-pound male, it would take at least four drinks within two hours on an empty stomach to exceed this limit, and three drinks for a 137-pound female. This legislation, therefore, targets impairment levels that significantly affect driving ability without unduly restricting responsible alcohol consumption.

Impaired driving continues to be a significant threat to public safety on our roads. According to the Fatality Analysis Reporting System, Hawaii's fatal crash data revealed an average of 34 impaired driving-related fatalities annually from 2020-2024, representing approximately 33% of all traffic deaths.

The DOT believes that this change will serve as a catalyst for behavioral change, prompting individuals to make more responsible choices and utilize alternatives such as rideshare services, public transportation, or designated drivers when planning to consume alcohol.

Thank you for the opportunity to testify in strong support of this bill.



EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

Senate Committee on Judiciary

Friday, February 27, 2026

3:00 p.m.

State Capitol, Conference Room 016 and Videoconference

In Support

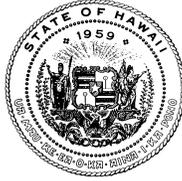
Senate Bill No. 2463 SD1, Relating to the Use of Intoxicants While Operating a Vehicle

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

The Office of the Governor strongly supports Senate Bill No. 2463 SD1. This bill will lower the threshold blood alcohol concentration, also known as BAC, 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 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 will prevent crashes, injuries, and deaths, creating safer communities for everyone.

Mahalo for the opportunity to provide testimony on this measure.



STATE OF HAWAII
DEPARTMENT OF HEALTH
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WRITTEN
TESTIMONY ONLY

**Testimony in SUPPORT of SB2463 SD1
RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE**

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

February 27, 2026, 10:30 am and Room Number: 016

1 **Fiscal Implications:** None.

2 **Department Position:** The Department of Health (“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 of an intoxicant.

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

9 According to the Fatality Analysis Reporting System (FARS), 34.3 percent of driving deaths in
10 Hawaii between 2019-2023 involved alcohol: **an increase from 32.3 percent from the 2018-**
11 **2022 period, and higher than the national average of 26.1 percent, placing Hawaii in the**
12 **worst quartile of states.** In 2023, Hawaii led the nation in percentage of alcohol-impaired
13 driving fatalities among total traffic fatalities at 42 percent as well as the percentage of alcohol
14 impaired drivers involved in fatal crashes at 31 percent.

15 Alcohol impairment impacts a driver’s thinking, reasoning, and muscle coordination. The
16 National Highway Traffic Safety Administration (NHTSA) notes that drivers are generally
17 impaired at 0.05% BAC with the following typical effects: exaggerated behavior, may have loss

1 of small-muscle control (e.g., focusing your eyes), impaired judgment, usually good feeling,
2 lowered alertness, and release of inhibition.

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

6 Lowering the BAC to 0.05% is an evidence-based practice adopted by over one hundred
7 countries, including nearly all European countries, Australia, New Zealand, Canada, Japan, and
8 most other industrialized Asian countries. For the last decade the National Transportation Safety
9 Board (NTSB) has recommended that all fifty states adopt a BAC of 0.05% and estimated it
10 could save at least 1,700 lives annually. The CDC also identified lowering BAC from 0.08% to
11 0.05% as a general deterrent to reduce alcohol-impaired drivers, including those at highest risk.
12 And the Substance Abuse and Mental Health Services Administration (SAMSHA) also
13 encourages lowering the BAC to decrease drunk driving incidents.

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

17 The Department also supports the language in Section 9 that ensures that the 0.05% limit is not
18 repealed when amendments to HRS 291E from prior Acts are enacted on June 30, 2028.

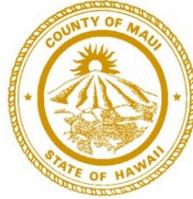
19 **Offered Amendments:** None.

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

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



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TESTIMONY ON
S.B. 2463 SD1
RELATING TO THE USE OF
INTOXICANTS WHILE OPERATING A VEHICLE

February 25, 2026

The Honorable Karl Rhoads
Chair
The Honorable Mike Gabbard
Vice Chair
and Members of the Committee on Judiciary

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

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in support of S.B. 2463 SD1, Relating to the Use of Intoxicants While Operating a Vehicle**. This bill makes our communities safer by reducing 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 enact laws that 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 S.B. 2463 SD1**. 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.

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

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LATE

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RYAN T. NISHIBUN
INTERIM DEPUTY CHIEFS
NĀ HOPE LUNA NUI MĀKA'I KŪIKAWA

OUR REFERENCE HS-AC

February 27, 2026

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

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 2463, S.D. 1, Relating to the Use of Intoxicants While Operating a Vehicle

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

The HPD supports Senate Bill No. 2463, S.D. 1, Relating to the Use of Intoxicants While Operating a Vehicle.

The HPD supports the proposal of lowering the blood alcohol concentration (BAC) in a person's breath or blood from 0.08 to 0.05 for the offense of Operating a Vehicle Under the Influence of an Intoxicant.

In recent years, alcohol-impaired driving has been a factor in approximately 16 percent of all traffic-related fatalities and critical collisions on O'ahu's roadways. Impaired driving is a serious problem that needs to be addressed.

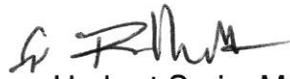
Research shows that critical driving skills are impaired at 0.05 BAC (0.05 or more grams of alcohol per one hundred milliliters or cubic centimeters of blood or 0.05 grams of alcohol per two hundred ten liters of breath). This level of impairment significantly increases the risk of senseless and preventable crashes that can take the life of an innocent commuter. Anything that could stop these tragedies and keep impaired drivers off of our roads should be considered.

The Honorable Karl Rhoads, Chair
and Members
February 27, 2026
Page 2

The HPD urges you to support Senate Bill No. 2463, S.D. 1, Relating to the Use of Intoxicants While Operating a Vehicle.

Thank you for the opportunity to testify.

Sincerely,



Herbert Soria, Major
Traffic Division

APPROVED:



Rade K. Vanic
Interim Chief of Police

**DEPARTMENT OF THE PROSECUTING ATTORNEY
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**THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-Third State Legislature
Regular Session of 2026
State of Hawai'i**

February 26, 2026

RE: S.B. 2463 S.D. 1; RELATING TO USE OF INTOXICANTS WHILE OPERATING A VEHICLE

Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney for the City and County of Honolulu submits the following testimony in **support** of S.B. 2463 S.D. 1.

S.B. 2463 S.D. 1 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. In 2022, the United States Department of Transportation studied the effect of Utah’s law, which became the first in the country to adopt the 0.05 standard.¹ It found measurable reduction in vehicle collisions, without a corresponding spike in DUI arrests.

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. 2463 S.D. 1.

Thank you for the opportunity to testify.

¹ A. Berning, *Evaluation of Utah’s .05 BAC Per Se Law*, UNITED STATES DEPARTMENT OF TRANSPORTATION (February 2022), available at <https://rosap.ntl.bts.gov/view/dot/60427>.

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 2463 SD1

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

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

Friday, February 27, 2026 at 10:30 a.m.
Via Videoconference
State Capitol Conference Room 016
415 South Beretania Street

Honorable Chair Rhoads, Vice-Chair Gabbard and Members of the Committee on Judiciary: The County of Hawai‘i, Office of the Prosecuting Attorney submits the following testimony **in strong support** of Senate Bill 2463 Senate Draft 1.

SB 2463 SD 1 was drafted with the intent to lower the blood alcohol content threshold for driving while under the influence of an intoxicant.

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

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 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. 2463 SD 1 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. 2463, Senate Draft 1. Thank you for the opportunity to testify on this matter.

Opinion Research Center (“NORC”) at the University of Chicago, available at, <https://www.unescap.org/sites/default/files/Strategies%20to%20Tackle%20the%20Issue%20of%20Impaired%20Driving%20for%20Road%20Safety.pdf>.

³ *Id.*



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

**HEARING BEFORE THE SENATE COMMITTEE ON JUDICIARY
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 016
FRIDAY, FEBRUARY 27, 2026 AT 10:30 A.M.**

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

**OPPOSE SB2463 SD1 RELATING TO THE USE OF INTOXICANTS
WHILE OPERATING A VEHICLE**

The Maui Chamber of Commerce is deeply concerned about the proposed lowering of the blood alcohol content (BAC) threshold for driving while under the influence of an intoxicant. This bill directly impacts local restaurants, bars, breweries, wineries, and distilleries, and by extension, the thousands of jobs and small businesses that rely on responsible, moderate alcohol consumption as a part of Hawai'i's tourism and community life.

Research and experience from other states suggest that the vast majority of fatal alcohol-related crashes involve drivers with BAC levels well above the current legal threshold, often those with significant impairment or prior offenses. Lowering the threshold to 0.05 risks criminalizing moderate, legal behavior—such as having a single drink with dinner—without clear evidence that it will meaningfully reduce serious accidents. Utah remains the only state with a similar law, and the outcomes there have been inconclusive, particularly given broader trends in declining DUI fatalities and the unique circumstances of recent years. Further, other states who do have a .05% BAC *only use that threshold for repeat offenders*.

The proposed change would potentially deter responsible adults from patronizing local establishments, especially those that serve alcohol as part of the dining or tourism experience. In Maui, where the hospitality industry is a cornerstone of the economy and already faces significant challenges, this could result in reduced on-premise traffic, lost revenue, and negative ripple effects for local employment and small business survival. These economic impacts are especially acute for small, locally owned operators who are least able to absorb further declines in customer volume.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

Senate Committee on Judiciary
February 27, 2026
Page 2.

The Maui Chamber of Commerce respectfully urges the Legislature to consider alternative, evidence-based strategies that more directly target the highest-risk drivers (like SB2392), such as enhanced penalties for high-BAC and repeat offenders, mandatory ignition interlocks, targeted sobriety checkpoints, and expanded public education and ride-share partnerships. We believe these approaches would more effectively improve road safety without unnecessarily penalizing moderate, responsible consumers or harming Maui's vital hospitality sector.

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.

February 16, 2026

Sen. Karl Rhoads, Chair
Sen. Mike Gabbard, Vice-Chair
Members of the Senate Committee on Judiciary

Re: Senate Bill 2463_SD1 Lowers the Blood Alcohol Content Threshold

AAA Hawai'i supports Senate Bill 2463_SD1, lowering the blood alcohol concentration (BAC) threshold for driving while under the influence of alcohol from .08 to .05 or more grams of alcohol to reduce impaired driving and fatal crashes.

Impaired driving remains one of the most significant contributors to traffic crashes, injuries, and fatalities, in the U.S. of all fatal crashes in 2023, the last year with complete data, 30% involved an alcohol-impaired driver with a blood alcohol concentration (BAC) level at or above 0.08, the legal limit in 49 states. The highest percentage was in Hawaii (42%), followed by Texas (40%) per the National Highway Traffic Safety Administration's 2023 estimates. One person dies in an alcohol-impaired driving crash every 39 minutes. These realities are spurring a re-examination of public policies, enforcement and adjudication strategies, and public awareness approaches.

Background

In 1910, New York became the first state to pass a law regulating impaired driving. More states enacted impaired driving laws in the 1930s, but drunk drivers in most states were only prosecuted if their BAC level was 0.15 or greater. Alcohol related traffic fatalities peaked at nearly 23,000 in 1982, prompting a federal response. President Clinton subsequently signed a transportation appropriations bill requiring all states to lower their BAC limit to 0.08, the recognized and scientifically based standard at the time, by October 2003 or risk losing federal highway funds. By 2004, every state had a BAC limit of 0.08 for noncommercial drivers and fatalities started to decrease.

Annual alcohol-related traffic deaths fell to 10,000 by 2010, flatlined thereafter for many years before starting to increase again. Nearly 12,500 people died in alcohol impaired collisions in 2023 involving drivers with 0.08 BAC or higher. Despite continuing public education campaigns, law enforcement, increased penalties, and other efforts to discourage driving after drinking, survey, observational, enforcement, and crash data show that too many people continue to drive impaired. Better, well founded, strategies are needed to push alcohol-impaired driving, crashes, injuries, and fatalities to substantially lower levels.

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BAC and Driving Performance

Overwhelming research of impaired driving fatalities indicate that the current 0.08 BAC limit in 49 U.S. states is too high, and safety can be greatly improved with a lower BAC limit in more states, beyond Utah, which lowered its BAC limit to 0.05 in 2019.

Almost all developed countries in the world now have a BAC limit of 0.05 or less. In Europe, studies have shown that when BAC limits were reduced from 0.08 to 0.05, alcohol-related fatal and injury crashes decreased between 5% and 10%. Studies suggest that if the BAC limit is lowered to 0.05 in the U.S., about 10-11% of alcohol-related driving fatalities could be eliminated, saving 1,000 to 1,800 lives per year.

There is an ever-growing body of research on the impact of alcohol on driving abilities. One study found a driver with a BAC of 0.02 to 0.05 has a three times greater risk of dying in a vehicle crash than drivers without alcohol in their system. This risk increased to at least six times with a BAC from 0.05 to 0.08. The bottom line is that the probability of a fatal crash rises significantly after 0.05 BAC.

According to the National Transportation Safety Board (NTSB), at 0.05 BAC, motorists experience reduced coordination, inability to track moving objects, steering difficulty, and longer response times to emergency driving situations. At 0.08, they suffer further losses in their ability to concentrate, control speed, and respond to changes in the driving environment. In the 2010s, as U.S. research showed increasing crash risks for drivers with a 0.05 to 0.08 BAC at seven times higher than without alcohol, federal motor carrier rules started to limit BAC for commercial drivers to 0.04, the current standard.

There is growing support for lowering the BAC limit for all drivers in the U.S. to 0.05. The NTSB initially endorsed the lower limit in 2013. Since then, MADD, the American Medical Association, the World Health Organization, the National Safety Council, and the Governors Highway Safety Association, among others, have joined NTSB in supporting the lower limit. AAA also supports lowering a .05 BAC limit.

Utah's Experience

Preliminary data from Utah's lower BAC limit has been encouraging. In 2022, NHTSA reported that Utah experienced a 19.8% drop in fatal crashes in 2019, the first year under the lower legal limit, and the number of people killed in traffic crashes decreased by 18.3%. This drop in crash and fatality rates was a significant improvement over the rest of the country, which only had a 5.6% fatal crash rate reduction and a 5.9% fatality rate reduction in 2019. This finding is backed by substantial research over many years in other countries showing that lowering the BAC limit results in a broad deterrent effect on driver behavior, reducing drinking drivers across the board, at all levels.

It is important to note that the alcohol and hospitality industries, among others, opposed the lower limit in Utah. But their concerns about increasing arrests, law enforcement costs, and the economic impacts of less alcohol consumption overall has not occurred, which is the same outcomes experienced in other countries that lowered their BAC limits.

A reduction in fatalities also occurred in the U.S. when most states move from a 0.10 to 0.08 BAC limit. During that time, the U.S. experienced a 10.4% reduction in alcohol-related fatalities without a change in alcohol consumption rates. Similarly, in 2019, the Utah Legislature reported per capita alcohol consumption and sales both increased after the new BAC limit was implemented. Lastly, compared to France, Spain, Germany, the United Kingdom, and many other developed counties in 2019, American

alcohol consumption per capita was lower overall, yet we experienced more alcohol-related traffic fatalities on a per capita basis than other developed countries with a lower BAC limit. Based on these other experiences, we do not anticipate a negative economic impact to the local economy from lowering the BAC.

AAA Hawaii was founded in 1915 in Honolulu and is a leader in motorist services and a strong advocate for traffic safety. With over 170,000 members in Hawaii and 60 million nationwide, service to and the safety of our members, other motorists, and all road users is our founding and continuing purpose. *In an ongoing effort to change the directory of impaired driving rates, AAA supports lowering the state "illegal per se" statutes to meet stricter scientific standards for impairment.* From seat belts to helmets, all road users need to stay ready for the dangers around them. We share Representative Garrett's effort to road safety and encourage a YES vote on 2463_SD1.

Respectfully Submitted,

A handwritten signature in black ink that reads "Marianne Kim". The signature is written in a cursive, flowing style.

Marianne Kim
Senior Public Policy Specialist
Kim.Marianne@ace.aaa.com



SB2463 SD1 Lower Blood Alcohol Concentration for Driving

COMMITTEE ON TRANSPORTATION

Sen. Karl Rhoads, Chair

Sen. Mike Gabbard, Vice Chair

Friday, Feb 27, 2026: 10:30: Room 016 Videoconference

Hawaii Substance Abuse Coalition Supports SB2463 SD1:

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

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



Testimony of the Oahu Metropolitan Planning Organization

Senate Committee on Judiciary

02/27/2025 10:30 AM

CR 016 and Videoconference

SB 2463 SD1

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 SB SD1 2463** which lowers the blood alcohol content threshold for driving while under the influence of an intoxicant.

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. This statistic puts Hawaii in the bottom quarter of all states with regard to impaired driving fatalities. 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), which encourages and promotes a safe, efficient, and resilient transportation system that serves the mobility needs of all people and freight (including walkways, bicycles, and transit), fosters economic growth and development, while minimizing fuel consumption and air pollution ([23 CFR 450.300](#)).

Mahalo for the opportunity to provide testimony on this measure.

MADD™ IMPAIRED DRIVING ENDS HERE.

February 25, 2026

Support SB 2463 creating a .05 BAC drunk driving law

Dear Chair Rhoads and Senate Judiciary Committee Members,

Mothers Against Drunk Driving (MADD) urges you to advance SB 2463 by Senator Rhoads to make a .05 blood alcohol concentration (BAC) the illegal level to operate a vehicle on Hawaii roadways. MADD thanks you for authoring this proposal. MADD is grateful to local MADD volunteers who have advocated for this legislation and will continue to until this becomes law. MADD is also grateful to local stakeholders who push for this lifesaving proposal. As an organization, MADD fully supports SB 2463 to create a .05 BAC law.

Hawaii has a drunk driving problem. According to the National Highway Traffic Safety Administration (NHTSA), 39 people were killed in drunk driving crashes representing 42% of all traffic crashes.

SB 2463 is about saving lives. For drivers with BACs of .05–.079, the risk of being in a single-vehicle fatal crash is at least 7 times higher than for drivers with no alcohol in their system.ⁱ Studies suggest over 1,700 lives could be saved each year if all states enacted a .05 BAC law.ⁱⁱ The goal of .05 BAC is to deter people from driving after they drink; not to arrest people, or stop people aged 21 and over from consuming alcohol. The science behind a .05 BAC limit is clear, well-documented, and irrefutable in reducing drunk driving crashes, death, and injury. SB 2463 is not a revolutionary proposal. More than 100 countries around the world already have some type of .05 or lower BAC law.ⁱⁱⁱ

In 1995, Hawaii became the 12th state to enact a .08 BAC law. The arguments made against lowering .08 BAC, 31 years ago are like the arguments against SB 2463. The concerns raised 31 years ago, never turned out to be true. The same can be said for any concerns relating to SB 2463.

MADD urges you to listen to the local volunteers and advocates promoting public safety and to advance SB 2463. Enclosed is more information on .05 BAC. Thank you in advance for your prompt consideration of this important request.

Sincerely,

Pat Rillera
Regional Executive Director
MADD California and Hawaii
714.838.6199, Ext. 6654 | Pat.Rillera@madd.org

Frank Harris
Director of State Government Affairs
MADD Government Affairs
202-688-1194 | Frank.Harris@madd.org

ⁱ Fell JC, Voas RB. The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States. *Addiction*. 2014 Jun;109(6):869-74. doi: 10.1111/add.12365. Epub 2013 Oct 25. PMID: 24898061; PMCID: PMC4448946. <https://pubmed.ncbi.nlm.nih.gov/24898061/>

ⁱⁱ 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. *Alcohol Clin Exp Res*. 2017 Dec;41(12):2128-2139. doi: 10.1111/acer.13501. Epub 2017 Oct 24. PMID: 29064571; PMCID: PMC5790204. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5790204/>

ⁱⁱⁱ “.05 BAC Safety Briefing Facts,” NTSB. <https://www.nts.gov/Advocacy/safety-topics/Documents/Point-05%20SafetyBriefingFacts%20March2023.pdf>

.05 BAC SAVES LIVES

Why does MADD support .05 BAC laws?

	Decades of research show that .05 BAC laws can save lives on the roads. (Albalade 2008; Thomas et al., 2022)
	A .05 BAC law has a broad deterrent effect because it helps prevent drinking drivers from getting behind the wheel in the first place. (Byrne et al., 2016)
	Alcohol, both alone and in combination with other drugs, continues to be the drug with the most detrimental impact on traffic safety. (NTSB 2022)
	A majority of Americans support .05 BAC laws. (AAA FTS 2022)

Safety impact of moving from .10 to .08

A comprehensive 2017 independent research study shows that from 1982 to 2014, in 50 states and DC, **lowering the per se iBAC limit from .10 to .08 resulted in a 10.4% reduction in alcohol-related fatalities, with no change in alcohol consumption.** This means that lowering the BAC to .08 in the US has **saved 1,736 lives annually.** A total of 24,868 lives were saved between 1983 and 2014 due to lowering the BAC to .08. (Fell and Scherer 2017)

.05 BAC Facts



Enacting .05 BAC laws in all states would result in an estimated 11% decline in fatal alcohol-related crashes and save at least 1,700 lives annually in the US. (Fell and Scherer 2017)



What .05 BAC law DOES NOT do:

There is no evidence that it reduces drinking.

In fact, per capita alcohol consumption in several countries with a .05 BAC law is the same or higher than in the US, but deaths are lower.



For drivers with BACs of .05–.079 g/dL, the risk of being in a single-vehicle fatal crash was at least 7 times higher than for drivers with no alcohol in their system. (Fell and Voas 2014)

WHY .05 BAC MATTERS

.05 BAC	VS	.08 BAC
<ol style="list-style-type: none">1 Reduced coordination2 Reduced ability to track moving objects3 Difficulty steering4 Reduced response to emergency driving situations (NHTSA)		<ol style="list-style-type: none">1 Reduced ability to concentrate2 Short-term memory loss3 Difficulty controlling speed4 Reduced information-processing capability5 Impaired perception (NHTSA)

Effects of the 2018 Utah .05 BAC law

- A 19.8% reduction in the fatal crash rate between 2016 and 2019.
- More than 1 in 5 drinkers changed behaviors, such as planning alternative transportation when drinking away from home.
- No decrease in alcohol sales, alcohol consumption, or tourism revenue.
- No marked increase in DUI arrests. (Thomas et al., 2022)



International experience with .05



Twenty years of international studies have shown that when a country lowers BAC limits from .08 to .05, **alcohol-related fatal and injury crashes decrease between 5% and 10%**. (Mann et al., 2001; Fell & Voas 2006)

Approximately 100 countries have some type of .05 or lower BAC laws **while their average alcohol consumption is the same or higher than the US, their proportion of alcohol-related deaths are lower**. (Global Status Report on Road Safety 2015 World Health Statistics 2015)



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Hawai'i Immunization Coalition

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Collective/Healthy Aging &
Community Living

Public Health Workforce Development

Date: February 25, 2026

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

RE: Strong Support for SB 2463 SD1, Relating to the Use of Intoxicants While
Operating a Vehicle

Hrg: February 27, 2026, 10:30am, Conference Room 016

Hawai'i Public Health Institute (HIPHI)¹ and the Hawai'i Alcohol Policy Alliance is in **strong support of SB 2463 SD1**, which lowers the blood alcohol content threshold for driving while under the influence of an intoxicant.

A 0.05 BAC level is 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.

Alcohol-impaired driving is a growing and urgent problem in Hawai'i.

In 2023, 42% of all Hawai'i traffic fatalities involved an alcohol-impaired driver compared to the national average of 30%.² While 2023 is the most current NHTSA traffic report on alcohol-impaired driving, traffic fatalities in Hawai'i continue to grow. The traffic deaths over the past three years grew by over 38%:

2023 - 93 deaths
2024 - 102 deaths
2025 - 129 deaths³

¹ Hawai'i Public Health Institute's mission is to advance health and wellness for the people and islands of Hawai'i. We do this through expanding our understanding of what creates health of people and place, fostering partnerships, and cultivating programs to improve policies, systems, and the environments where people live, learn, work, age, and play.

² US DOT. (2025). National Highway Traffic Safety Administration Traffic Safety Facts. 2023 Data. Retrieved from <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813726.pdf>

³ Hawai'i Department of Transportation (2025), HDOT media release retrieved from <https://hidot.hawaii.gov/highways/hawaii-drivers-welcomed-to-join-safe-roads-challenge-in-2026>



A recent report to the Legislature from the Hawai'i Department of Transportation Working Group outlines the potential impacts of adopting a 0.05 BAC law in Hawai'i, including the key findings below.

A 0.05 BAC law would reduce fatal and non-fatal traffic crashes.

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. The US is an outlier nation with one of the highest BAC limits in the world, resulting in one of the highest DUI-related fatality rates in the world.⁴

Additionally, Utah's 0.05 BAC law (the only state currently at a 0.05 BAC) shows promising results at reducing traffic fatalities. In a 2024 Utah report,⁵ alcohol-related fatalities accounted for 16% of all traffic fatalities between 2018-2022. In Hawai'i, that number for the same time period was 31%. Moreover, NHTSA's most recent *State Alcohol-Impaired Driving Estimates* report shows Utah to be ranked the lowest in the state alcohol-impaired-driving fatality rate per 100 million vehicle-miles traveled at 0.17, which is 50% compared to the national average of 0.38.⁶

A 0.05 law is fiscally responsible public health policy – it reduces strain on hospitals, families, and taxpayers.

Early research into the effects of Utah's 0.05 BAC law showed a 10.8% decrease in the number of crash injuries (including fatalities) during the first 12 months the law was in effect.⁷ A similar 10.8% decrease in Hawai'i crash injuries would result in 56 fewer crashes annually. In 2023, Hawai'i experienced 524 serious injury crashes, and each serious injury hospitalization costs an average of \$275,000 in medical care, lost productivity, and quality-of-life impacts. Based on evidence from other jurisdictions, preventing even 56 of these crashes each year would save Hawai'i tens of millions of dollars annually, while also preventing lifelong harm to individuals and families.⁸

⁴ 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.

⁵ Utah DPS. (2024, June 30). Report on Utah's 0.05 BAC law: Enforcement outcomes, arrests & alcohol-related crash data. Retrieved from

<https://wtsc.wa.gov/wp-content/uploads/2024/08/JUNE-2024-Report-on-Utahs-0.05-BACLaw.docx.pdf>

⁶ US DOT. (2025). National Highway Traffic Safety Administration Traffic Safety Facts. 2023 Data. Retrieved from <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813726.pdf>

⁷ Thomas, F.D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration. Retrieved from <https://rosap.nhtl.bts.gov/view/dot/60428>

⁸ Findings and Recommendations from the Hawaii Department of Transportation Working Group, "On lowering the legal limit of blood alcohol concentration to 0.05 grams of alcohol per one hundred milliliters of blood with the intent of prioritizing safety and saving lives on Hawaii's roads," as established by Senate Resolution 151 S.D. 1 Thirty-third Legislature, 2025 State of Hawaii. Report date: December 31, 2025



The evidence shows a 0.05 law separates *drinking from driving*, not drinking from dining, tourism, or local business.

Data from Utah cited in the Working Group report show that after the adoption of a 0.05 BAC law, alcohol sales increased by 28%, the number of restaurant and bar licenses grew, and tourism and hospitality revenues continued to rise, indicating that lower BAC standards can improve public safety without harming the economy.

The path forward is measured, funded, and informed by lessons learned elsewhere.

The Working Group emphasized that a 0.05 BAC law should be implemented responsibly through a measured phase-in period. It also recommended robust public education campaigns using existing federal NHTSA funds, along with the continued use of sobriety checkpoints. Finally, the Working Group stressed the importance of ongoing collaboration with the courts and public defenders to ensure the justice system is not overburdened.

A 0.05 BAC law is one of the most effective, evidence-based actions the Legislature can take right now to save lives, reduce serious injuries, and reverse Hawai'i's rising traffic death trend – without harming the economy or overburdening the justice system.

Attached is the Hawai'i Department of Transportation Working Group Report mentioned in this testimony.

Mahalo for your consideration of our testimony in strong support of this important measure. If you have any questions, please feel free to contact me at rick@hiphi.org or (808) 591-6508, x22.

Mahalo,

A handwritten signature in black ink that reads 'Rick Collins' followed by the initials 'CPS'.

Rick Collins

Project Director
Hawai'i Alcohol Policy Alliance

Report to the Hawaii Legislature

Findings and Recommendations

from the

Hawaii Department of Transportation Working Group

On lowering the legal limit of blood alcohol concentration
to 0.05 grams of alcohol per one hundred milliliters of blood
with the intent of prioritizing safety and saving lives on Hawaii's roads

As established by

Senate Resolution 151 S.D. 1
Thirty-third Legislature, 2025
State of Hawaii

Report date: December 31, 2025

Background

During the first year of the 2025-26 Hawaii legislative biennium, several bills were introduced in the House of Representatives and Senate proposing to lower the statutorily prohibited breath and blood alcohol concentration from .08 to .05 grams of alcohol per one hundred milliliters of blood. Ultimately, none survived the legislative process.

The Hawaii Senate offered Senate Resolution (SR) 151 on March 7, 2025. The resolution was amended by the Committee on Transportation and Culture and the Arts and adopted by the full Senate on April 3, 2025.

In its adopted form, SR 151 S.D. 1 urged the Hawaii Department of Transportation (HDOT) to establish a Working Group comprised of members of county, state, and federal government as well as community stakeholders, data experts, and business representatives to discuss six key data points regarding lowering the legal limit of blood alcohol concentration.

The HDOT invited representatives of each of the required organizations and businesses to participate in the Working Group. The following representatives participated and met in October and November to discuss SR 151 S.D. 1, collect and analyze data, and summarize their findings in this report.

Working Group Members

Kari Arincorayan	Hawaii Department of Transportation
Hayley Cheng	Office of the Public Defender
Rick Collins	Hawaii Alcohol Policy Alliance
Dr. James Fell	Traffic Safety Research Expert in Alcohol-Impaired Driving
Andy Huang	Hawaii Restaurant Association
Karen Kahikina	Hawaii Department of Transportation
Arkie Koehl	Mothers Against Drunk Driving
Tara Leystra	National Transportation Safety Board
Andrew H. Martin	Department of the Prosecuting Attorney – County of Maui
Benae McFarland	Department of the Prosecuting Attorney – City and County Honolulu
Julie Mejia	Hawaii Alcohol Policy Alliance
Benjamin Moszkowicz	Safer Roads Hawaii
Lee Nagano	Hawaii Department of Transportation
Salvador Petilos	Honolulu Liquor Commission
Kelden Waltjen	Office of the Prosecuting Attorney – County of Hawaii
Leah Walton	National Transportation Safety Board

Throughout this report, the term .05 Blood Alcohol Concentration (BAC) is used for consistency. It is worth noting that when reviewing research data and other references,

the scientifically accepted terminology for a '.05 BAC' is .05 grams of alcohol per deciliter of blood (g/dL).

Introduction

Between 1982 and 2000, several dozen states lowered their statutorily prohibited (legal limit) BAC from .10 to .08 grams of alcohol per one hundred milliliters of blood. By 2002, 28 states had lowered their legal limit to .08, and researchers found that this reduction resulted in an average of a 7 percent decrease in alcohol-related crashes.¹ By 2005, all 50 states, the District of Columbia and Puerto Rico had lowered their legal limit to .08.

On December 30, 2018, Utah became the first state in the country to further lower its legal limit for BAC to .05. Since then, legislation has been introduced in seven states (Michigan, Oregon, California, New York, Connecticut, Washington, and Hawaii) to lower those states' legal limit to .05. Thus far, none has been successful.

This Working Group report is designed to respond as specifically as possible to the request for information from the Hawaii Senate. Each section is meant to answer a specific request for data and analysis, except for sections 3 and 4, which have been combined due to their extremely similar nature. Where possible, specific data have been cited using footnotes, and hyperlinks to available reports have been included.

The report is organized into the following six sections:

Section 1: The number of alcohol-related fatalities and injuries per year in Hawaii

Section 2: The number of expected fatalities and injuries per year involving drivers with a BAC of .05 grams, based on real world results in other places

Sections 3 and 4: How alcohol and food revenues are affected in other jurisdictions that require drivers to have a BAC of .05 and how much revenue could be expected to be gained or lost by decreasing the legal BAC to .05 in Hawaii

Section 5: Mitigating steps to help bars and restaurants adapt to any potential loss of revenue or options that might be recommended to address any loss

Section 6: Any recommendations to increase public awareness and phase-in legislation to decrease the legal BAC for driving to .05

¹ Fell, J.C. & Voas, R.B. (2006, July 7). The effectiveness of reducing illegal blood alcohol concentration (BAC) limits for driving: Evidence for lowering the limit to .05 BAC. *Journal of Safety Research*. Retrieved from <https://www.sciencedirect.com/science/article/pii/S0022437506000478>

While the Working Group did its best to locate and analyze data specific to Utah and other states, in conducting its analysis, the group felt it was important to realize that several factors may have influenced the data reviewed for this report including:

- Since 2020, there has been a perceived decrease in proactive policing including less traffic enforcement and a lower number of impaired driver checkpoints.
- While alcohol sales continued to increase nationwide during and after the COVID-19 pandemic, alcohol industry outlets report total beverage alcohol sales are down 3 percent year-over-year for the first half of 2025.²
- There have been changes to traffic patterns and driver behaviors during and after the COVID-19 pandemic.

Section 1

The number of alcohol-related fatalities and injuries per year in Hawaii

Driving under the influence of alcohol continues to be a primary contributing factor in Hawaii's fatal crashes. According to Fatality Analysis Reporting System (FARS) data collected by the state and transmitted to the US Department of Transportation³, in 2023, 39 of the 93 traffic fatalities in Hawaii (42 percent) involved drivers who tested positive for having a BAC of .08 or above. It is worth noting there have been 126 traffic fatalities thus far in 2025. This marks a significant increase in the 102 fatalities in 2024 and 93 fatalities in 2023.

Because of the intricacies of criminal investigations, and the lag time in updating and aggregating forensic toxicology data, more current data is difficult to come by. As they are investigated so thoroughly, toxicological data is eventually available in nearly all fatal crashes. While the blood alcohol levels of deceased drivers are routinely tested during autopsy, not all surviving drivers are tested. Hawaii courts have ruled that drivers have a constitutional right to refuse breath or blood testing for the purposes of determining alcohol concentration. When law enforcement is unable to obtain a search warrant to compel a blood sample, drivers who refuse go untested. In addition, many surviving drivers in fatal crashes are seriously injured and taken to a hospital immediately after the crash. Police investigators do not have an opportunity to conduct

² Jacobsen, J. (2025, July 16). NielsenQ report find total beverage alcohol sales -3% for 2025 first half. Beverage Industry. Retrieved from <https://www.bevindustry.com/articles/97649-nielseniq-report-find-total-beverage-alcohol-sales-3-for-2025-first-half>

³ US DOT. (2025). National Highway Traffic Safety Administration Traffic Safety Facts. 2023 Data. Retrieved from <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813726.pdf>

a breath test on these drivers. While hospitals most likely get a BAC on these injured drivers, that BAC may not be shared with law enforcement.

Less is known about the prevalence of alcohol-impaired driving in serious injury crashes in Hawaii and across the nation. HDOT⁴ reports 524 serious injury crashes statewide in 2023. Presuming a similar ratio to fatal crashes, over 150 of these serious injury crashes may have involved alcohol-impaired drivers. According to the U.S. Center for Disease Control and Prevention (CDC)⁵, in 2023 the total average cost (including medical, work loss, and quality of life costs) from a transportation-related hospitalization was over two hundred seventy-five thousand dollars and no cents (\$275,000.00) per patient. While a serious injury crash may not result in the loss of life, the financial impact of these crashes easily reaches into the hundreds of millions of dollars.

Section 2

The number of expected fatalities and injuries per year involving drivers with a blood alcohol concentration of .05 grams of alcohol per one hundred milliliters of blood, based on real world results in other places

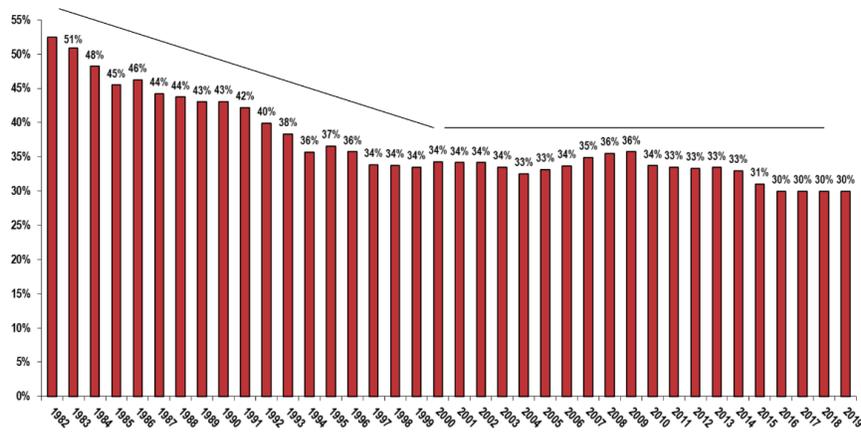
Dr. James Fell, an internationally recognized researcher in alcohol-impaired driving and a Working Group member, has published several studies on the effects of alcohol impairment on different BACs as well as the potential effectiveness of lowering the legal limit to .05.⁶ He found that despite significant improvements from 1982-2000 as legislatures across the country lowered their legal limits from .10 to .08, the proportion of all fatally injured drivers estimated to have a BAC at or above .05 has leveled off in the years since.

⁴ HDOT. (2024, November). Hawaii Strategic Highway Safety Plan 2025-2029. Retrieved from https://hidot.hawaii.gov/highways/files/2024/11/241113-Final-SHSP-with-Appendices-508-Compliant_reduced.pdf

⁵ Data obtained from the CDC Web-based Injury Statistics Query and Reporting System (WISQARS). Retrieved from <https://wisqars.cdc.gov/>

⁶ Fell, J. & Scherer, M. (2024, October). 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 Clinical & Experimental Research* 41(12) p.2128-2139. Retrieved from <https://pmc.ncbi.nlm.nih.gov/articles/PMC5790204/>

Proportion of All *Fatally* Injured Drivers Estimated to Have Impairing Alcohol (BAC ≥ .05), 1982-2019 [-35%]



While Utah is the only state in the United States to have lowered its BAC to .05, there is data from around the world from many countries who have lowered their BAC to .05 or lower. Based on a meta-analysis of qualifying international studies, Dr. Fell’s research found a 5 percent decrease in non-fatal alcohol-related crashes, and an 11.1 percent decline in fatal alcohol-related crashes from lowering the BAC to .05 or lower.

Early research into the effects of Utah’s .05 BAC law showed a 10.8 percent decrease in the number of crash injuries (including fatalities) and a 13.7 percent decrease in single-vehicle nighttime crashes per vehicle mile traveled (VMT) during the first 12 months the .05 law was in effect.⁷ The same report indicated that Utah experienced a 19.8 percent decrease in the number of fatal crashes per VMT between 2016 (the last year before the .05 law was passed) and 2019 (the first full year after implementation). The rest of the country showed a 5.6 percent reduction during that same period.

An updated report on Utah’s .05 BAC law was published by the Utah Department of Public Safety in 2024.⁸ In Utah, “Alcohol-related fatalities accounted for 16 percent of all traffic fatalities from 2018 to 2022.” In Hawaii that number was 31 percent.

⁷ Thomas, F.D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah’s .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration. Retrieved from <https://rosap.ntl.bts.gov/view/dot/60428>

⁸ Utah DPS. (2024, June 30). Report on Utah’s 0.05 BAC law: Enforcement outcomes, arrests & alcohol-related crash data. Retrieved from <https://wtsc.wa.gov/wp-content/uploads/2024/08/JUNE-2024-Report-on-Utahs-0.05-BAC-Law.docx.pdf>

The Utah report also showed that, “calendar years 2020, 2021, and 2022 have shown increases in alcohol-related fatal crashes and fatalities, with 2023 data showing a decrease” while “the alcohol-related fatal crash and fatality rate have stayed fairly consistent with the alcohol-related crash and fatality population rates.”

Based on Hawaii’s 2022 data, a decrease of 11.1 percent in the number of alcohol-impaired crash fatalities would mean four fewer fatalities, and a decrease of 19.8 percent would mean seven fewer fatalities.

A decrease of 10.8 percent in the number of crash injuries in Hawaii would mean 56 less critical injury crashes each year (based on Hawaii’s 2023 data).

Sections 3 and 4

How alcohol and food revenues are affected in other jurisdictions that require drivers to have a blood alcohol concentration of .05 grams of alcohol per one hundred milliliters of blood

How much revenue could be expected to be gained or lost by decreasing the legal blood alcohol concentration to .05 grams of alcohol per one hundred milliliters of blood in Hawaii

Mothers Against Drunk Driving (MADD) collected data from the latest 2024 Utah Department of Alcoholic Beverage Services report.⁹ An analysis of the data shows that alcohol sales in Utah increased 28 percent from 2018-2024 despite lowering the legal limit to .05. The number of manufacturing licenses increased 32 percent and the number of on-premises retail licenses issued to restaurants and bars increased 10 percent during that same period.

In Hawaii, alcohol sales are reported annually by the Department of Business, Economic Development & Tourism (DBEDT). The latest data available for state-wide alcohol sales come from the DBEDT 2024 State of Hawaii Data Book.¹⁰ When compared with Utah alcohol sales from 2018 through 2022, Hawaii alcohol sales had a smaller overall increase in both total sales and percentage increase over the four-year period.

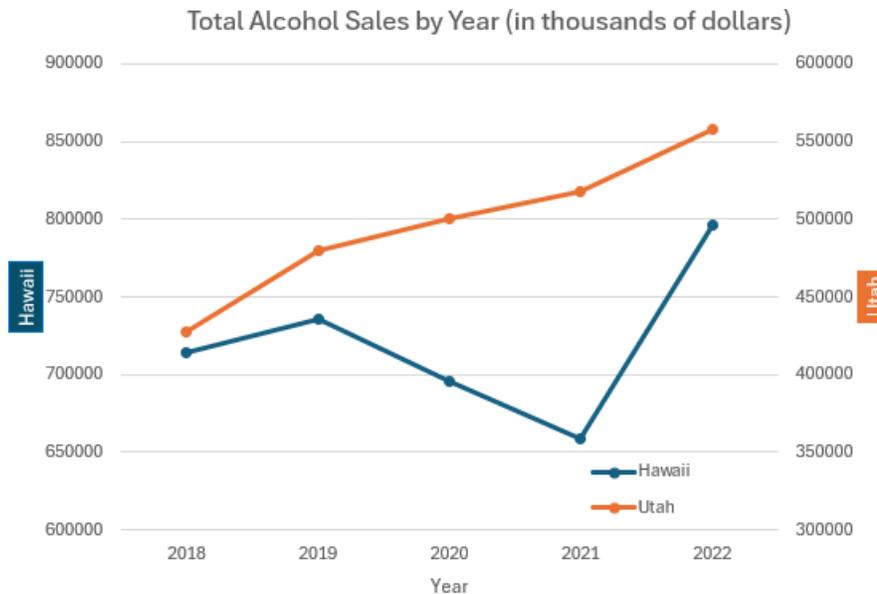
Total Alcohol Sales by Year (in thousands of dollars)

Fiscal Year	Hawaii	Utah
2018	713,642	427,606

⁹ Annual data for Utah DABS is available on their website: <https://abs.utah.gov/about-dabs/news/annual-reports/>

¹⁰ Annual data from Hawaii DBEDT is available on their website: <https://dbedt.hawaii.gov/economic/databook/>

2019	735,519	479,324
2020	696,069	500,212
2021	658,858	517,389
2022	796,123	557,451
<i>2018-2022 Change</i>	<i>+82,481</i>	<i>+129,845</i>
<i>Percentage Change</i>	<i>+11.6%</i>	<i>+30.4%</i>



It is worth noting that the numbers from both states are inclusive of sales from both on-premise (e.g., bars, restaurants) and off-premise (e.g., liquor stores, grocery stores) establishments. In its 2024 year in retail report, Utah Department of Alcoholic Beverage Services (DABS)¹¹ reported that for fiscal year 2023-24, 18 percent of alcohol sales were on-premise, while off-premise sales accounted for 82 percent.

Unfortunately, while the alcohol industry in Hawaii almost certainly has similar data for Hawaii sales, it is not publicly available. To effectively monitor any changes in consumer behavior, the Working Group recommends either developing a more robust reporting of alcohol sales based on on- and off-premise sales, or making such data publicly available if it is already being collected.

Based on the data it examined, the Working Group collectively felt that it lacked the actuarial expertise to properly predict any expected revenue increase or decrease.

Section 5

¹¹ The Utah DABS 89th Year in Retail 2024 report is available at <https://abs.utah.gov/wp-content/uploads/89th-DABS-Year-in-Retail-2024.pdf>

Mitigating steps to help bars and restaurants adapt to any potential loss of revenue or options that might be recommended to address any loss

A study by Sumpter et al.¹² looked at the evolution of a lower .05 BAC legal limit in Scotland, specifically focusing on how alcohol retailers were affected. The report contained several examples of how businesses in Scotland adapted their business models. The report found that, “Adaptations to businesses included improving the range of no/low-alcohol drinks and food offered. Changes such as these were seen as key to minimising [sic] economic impact.”

The Working Group suggested several policies and programs to help Hawaii businesses adapt to any potential loss of revenue. These include:

- Promoting no/low-alcohol beverage development. Restaurants and bars could benefit from the promotion of mocktail drinks highlighting the unique flavors of Hawaii.
- Helping pivot toward food-centric service. Businesses that serve food could effectively incentivize customers to choose a designated driver by offering promotions to patrons who choose to remain sober. They could also offer free or discounted appetizers or menu items to guests who show proof of having taken a taxi or rideshare.
- Supporting marketing and staff training. Bars and restaurants could communicate to customers they are important to the success of local businesses and economies. Focusing on a message that tells patrons, “We want you to get home safely so you can come back again and again.” HDOT grant-funded training should renew efforts to educate bar and restaurant workers (emphasizing not serving alcohol to intoxicated people) with responsible server training and responsible valet training.
- Expanding awareness of safe-ride options. One of the keys to promoting safe driving is urging people to choose ride-share or other safe-ride options before their decision making becomes impaired. Public-private partnerships can provide ride-share discounts (e.g., Uber, Lyft, SafeRide Hawaii, etc.) to reduce lost sales because of transportation concerns.

¹² Sumpter C, Mohan A, McKell J, Lewsey J, Emslie C, Fitzgerald N. How did a lower drink-drive limit affect bar trade and drinking practices? A qualitative study of how alcohol retailers experienced a change in policy. *Drug Alcohol Rev.* 2020 Feb;39(2):170-179. Retrieved from <https://pmc.ncbi.nlm.nih.gov/articles/PMC7027906>.

Section 6

Any recommendations to increase public awareness and phase-in legislation to decrease the legal blood alcohol concentration for driving to .05 grams of alcohol per one hundred milliliters of blood

On March 23, 2017, Governor Herbert signed Utah's .05 BAC legal limit bill, with an effective date of December 30, 2018. During this 21-month period, a variety of media and public information campaigns were used to communicate with the public about the coming change. Most used federal and state funds. The messaging was so effective that during research in 2018, people were very aware of the upcoming law, with several reporting changes to their drinking behavior based on a mistaken belief the law had already taken effect.¹³ Should legislation consider lowering the legal limit in Hawaii to .05 BAC, similar efforts, including a survey of Hawaii residents' attitudes towards lowering the BAC pre- and post-implementation, should be made.

The Working Group recommends at least a six-month period between the approval of any legislation and its effective date. This would allow government agencies, private sector businesses, and non-profit organizations to conduct a large-scale media push. Such a campaign should focus on raising public awareness and emphasizing the safety of all roadway users.

The National Transportation Safety Board (NTSB) has made recommendations to the National Highway Traffic Safety Administration (NHTSA) to allow states to use special NHTSA funds for states who pass a .05 BAC bill. All state and county law enforcement agencies, prosecutor's offices, and liquor control agencies have existing outreach programs. Using these programs to conduct further outreach about a change to the legal BAC limit could use NHTSA grant funding to help raise public awareness, resulting in little to no additional taxpayer burden.

The Working Group also recommends the continued implementation of sobriety checkpoints. These visible enforcement efforts by law enforcement to detect and deter impaired drivers help to reinforce roadway safety messaging for all drivers, not just those who choose to drink and drive.

Other Considerations

The Working Group felt it was important to highlight a common concern among its members that unless the proper factors are considered and addressed by the

¹³ Thomas et al., Evaluation of Utah's .05 BAC per se law (Report No. DOT HS 813 233). See footnote 7.

legislature, any increase in the number of impaired driving arrests could impact the ability of the judicial system to take on more prosecutions. This includes impacts to enforcement agencies, prosecution agencies, and a recommendation for an increase in funding for the public defender's office to ensure that drivers' rights are protected.

According to a 2022 study by the NTSB¹⁴ that looked at toxicological data from fatally injured drivers and people arrested for impaired driving, "about half of drivers tested positive for more than one category of drug." Should legislation be passed lowering Hawaii's legal limit to a .05 BAC, the Working Group feels it will be important to gauge the impact such a change may have on the enforcement, prosecution, and defense of drivers who are suspected of polysubstance-impaired driving.

While the Working Group is enthusiastic about the positive deterrent effects of a .05 BAC legal limit, it urges the legislature to continue to collaborate with stakeholders in working through the details of any legislation to ensure that Hawaii avoids any unintended consequences.

Conclusion / Mahalo

The Working Group would like to extend its appreciation to the Hawaii Senate for helping foster such a robust and productive conversation around such an important topic. It urges all stakeholders and policymakers to continue to monitor and evaluate the impacts of any legislation over time using information from law enforcement, coroner's offices, and FARS data

¹⁴NTSB. (2022, December 13). Alcohol, other drug, and multiple drug use among drivers. Safety Research Report SRR-22-02. Retrieved from <https://www.nts.gov/safety/safety-studies/Documents/SRR2202.pdf>

SB-2463-SD-1

Submitted on: 2/23/2026 8:14:11 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

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

Comments:

While we a

TESTIMONY OF LANIKAI BREWING COMPANY

In Opposition to S.B. 2463 (Relating to the Use of Intoxicants While Operating a Vehicle)

Hawai‘i State Legislature

Aloha Chair and Members of the Committee,

Lanikai Brewing Company respectfully submits testimony **in opposition to S.B. 2463 as currently drafted**, which would lower Hawai‘i’s per-se DUI blood alcohol concentration (BAC) standard from 0.08 to 0.05.

First, we want to be clear: we strongly support aggressive enforcement against impaired driving. Drunk driving is dangerous, unacceptable, and harmful to our community, our customers, and our employees. We support policies that target and remove dangerous drivers — particularly high-BAC offenders, repeat offenders, and drivers who demonstrate observable impairment.

However, we respectfully ask the Legislature to rely on clear and Hawaii-specific factual evidence before changing a long-standing legal standard that affects lawful hospitality activity across the state.

1. The Need to Focus Enforcement on Dangerous Drivers

National traffic safety research consistently shows that the greatest crash risk comes from drivers well above 0.08 BAC, not moderate drinkers. The practical enforcement challenge in impaired-driving policy is not identifying responsible social drinkers — it is identifying and stopping highly intoxicated drivers and repeat offenders.

Lowering the legal limit risks shifting limited law-enforcement and judicial resources away from the individuals who most endanger public safety. The public policy goal should be targeted deterrence: removing truly impaired drivers from the road.

Even under states that adopted 0.05, police officers still rely primarily on **observed impairment and field sobriety testing** rather than a number alone. ([Utah Highway Safety Office](#)) Hawai'i law already allows officers to arrest any driver whose normal mental faculties are impaired, regardless of BAC.

In other words — Hawai'i already has the legal authority to stop dangerous drivers.

2. The Evidence on 0.05 Is Limited and Not Hawai'i-Specific

Supporters often cite Utah, the only U.S. state with a 0.05 per-se limit. A federal study did find a reduction in fatal crash rates following adoption of the law. ([NHTSA](#))

However, the same research demonstrates why caution is appropriate:

- Utah is demographically, culturally, and geographically unique
- Utah historically already had one of the lowest impaired-driving fatality rates in the nation ([NHTSA](#))
- Multiple safety initiatives and public awareness campaigns occurred simultaneously with the law change

The Legislature therefore does **not yet have conclusive evidence that simply changing the numeric BAC threshold — by itself — produces the same effect in a tourism-dependent island state such as Hawai'i.**

Before criminalizing additional conduct by otherwise responsible adults, the State should first demonstrate:

- Hawai'i crash data involving drivers between 0.05–0.079 BAC
- The proportion of fatalities caused by high-BAC or repeat offenders
- Whether existing enforcement tools are being fully utilized

Public policy should be data-driven, not assumed.

3. Unintended Consequences for Local Businesses and Workers

Hawai'i's restaurant and small manufacturing sectors — including local breweries — are small, locally owned employers. We do not promote excessive consumption. We promote moderation, designated drivers, and responsible service.

A 0.05 per-se limit effectively criminalizes behavior that may not involve observable impairment for many adults and may discourage normal, responsible dining behavior rather than targeting dangerous conduct.

Unlike mainland states, Hawai'i residents and visitors often rely on short-distance driving between communities where alternatives such as mass transit are limited. Policies that unintentionally penalize lawful social behavior without demonstrated safety benefit risk economic harm without measurable safety gains.

4. A Better Policy Approach

Lanikai Brewing Company urges the Legislature to instead pursue **evidence-based impaired-driving reduction strategies**, including:

- Increased enforcement against drivers above 0.08
- Targeting repeat DUI offenders
- High-visibility enforcement patrols
- Ignition-interlock expansion for convicted offenders
- Public education and designated-driver programs

These approaches directly address the drivers statistically most associated with fatal crashes while avoiding unintended impacts on responsible adults.

Conclusion

We share the Legislature's goal of safer roads. We simply ask that Hawai'i adopt policies grounded in clear, Hawai'i-specific evidence and targeted toward dangerous behavior.

Lanikai Brewing Company respectfully urges the Committee to **defer or reject S.B. 2463** unless and until data demonstrates that lowering the per-se BAC to 0.05 will materially improve safety beyond focused enforcement of the existing 0.08 standard.

Mahalo for the opportunity to testify.



info@beerlabhi.com
www.beerlabhi.com

SB 2463 SD1- Lowering of Blood Alcohol level while driving

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

Strongly Oppose

We do not need to lower the Blood Alcohol level (BAC) for operating a motor vehicle. The only state that has this lower limit of 0.05 is Utah. We are not Utah and there is no evidence that this lowered limit does anything to reduce accidents or deaths.

We are a state that runs on tourism and has different values than Utah. I hope that you do not pass a bill that further hurts tourism and further hurts the struggling economy of Hawaii.

Thank you,

Nicolas Wong
Founder/Owner
Beer Lab HI
nicolas@beerlabhi.com
808 5427015



February 24, 2026

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

Re: Testimony in Opposition of SB2463

Aloha Chair, Vice Chair, and Members of the Committee

I want to be very clear at the outset: we are adamantly opposed to irresponsible alcohol consumption and to driving under the influence in any form. Impaired driving puts lives at risk, and anyone who chooses to get behind the wheel while intoxicated should face serious consequences.

For that reason, we are opposed to SB2463 and instead support stronger enforcement of existing DUI laws and stricter penalties for repeat offenders, highly intoxicated drivers, and those who cause harm, as contemplated under measures like SB2392. Focusing on the most dangerous behavior is the right path forward.

However, lowering the BAC threshold from 0.08 to 0.05—while simultaneously increasing penalties—is a poor policy choice. Pulling both levers at once makes it impossible to fairly evaluate what is actually working, while expanding criminal liability to individuals who are not the source of our most serious traffic safety problems.

The data are clear: the overwhelming majority of fatal alcohol-related crashes involve drivers with BAC levels well above 0.08, often 0.15 or higher. National data consistently show that only a small fraction of alcohol-related crashes occur at BAC levels below the current legal limit. This tells us that the most dangerous drivers are already well outside the law, and they are unlikely to be deterred by lowering the threshold. If our goal is to save lives, policy should target high-risk and repeat offenders—not moderate, lawful consumption.

Lowering the BAC limit to 0.05 would dramatically expand the number of otherwise responsible adults who could face DUI charges, often after a single drink depending on body type, food consumption, and timing. Prior versions of this proposal have also included inaccurate and misleading claims about alcohol absorption and impairment, overstating how quickly someone reaches 0.05 BAC. The practical effect is that any amount of social drinking could place someone at legal risk, even absent unsafe driving behavior.

For Hawai'i, this has serious economic implications. Tourism is the backbone of our economy, whether we like it or not. Policies that create fear and uncertainty around lawful, moderate alcohol consumption risk discouraging visitors from dining out, supporting local establishments, or choosing Hawai'i as a

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605 Lipoa Parkway, Kihei, HI 96753
808.213.3002

destination at all. “Come on vacation, leave on probation” is not the message our State should be sending—especially as we continue to recover from COVID and the devastating fires on Maui.

Local restaurants, breweries, wineries, distilleries, bars, and hospitality workers will bear the brunt of this policy. These are small, locally owned businesses that are already operating on thin margins. Reduced on-premise dining and visitor spending means fewer jobs, lower tax revenues, and additional strain on communities that are already hurting.

From an enforcement standpoint, a 0.05 standard also risks misallocating limited law-enforcement and judicial resources. Officers would be pushed toward borderline cases rather than focusing on reckless driving, high-BAC offenders, drug-impaired driving, and other behaviors that pose a far greater risk to public safety. Expanding the net does not necessarily make our roads safer—it often just makes the system less effective.

In closing, while we fully share the goal of reducing impaired driving and saving lives, lowering the BAC threshold to 0.05 is not a targeted or evidence-based solution for Hawai'i. We should focus on what works: tougher penalties for the most dangerous drivers, strong enforcement of existing laws, ignition interlocks, education, and prevention strategies that directly address high-risk behavior—without unnecessarily harming local businesses, workers, and our tourism-based economy.

Mahalo for your time and consideration!

Sincerely,

A handwritten signature in black ink, appearing to read 'Garrett W. Marrero', with a long, sweeping horizontal stroke extending to the right.

Garrett W. Marrero
CEO/Founder



February 27, 2026

To: Chair Karl Rhoads and Members of the Senate Committee on Judiciary

From: Kona Brewing Hawaii
Nathalie Carisey; President

RE: SB2463 SD1; Relating to the Use of Intoxicants While Operating a Vehicle; **Comments**
February 27, 2026; Conference Room 16

Kona Brewing Hawaii respectfully provides the following **comments on SB2463 SD1**, which lowers the blood alcohol content threshold for driving while under the influence of an intoxicant.

While we strongly support policies that promote roadway safety and discourage impaired driving, this measure raises some potential concerns. The proposed change creates uncertainty for responsible consumers with a new standard that is not demonstrably unsafe. This could lead to residents and visitors being discouraged from dining out, hurting an industry that is already facing substantial challenges and rising costs. We urge the committee to make a decision based on proven data and studies to avoid what could be significant negative consequences to the food and beverage industry.

Kona Brewing Hawaii continues to run our flagship brewery in a state-of-the-art, 30,000 square-foot facility. We produce 65,000 barrels of malt beverages annually, all of which are sold in Hawaii. For over 30 years, Kona Brewing has proudly invested in the future of Hawaii, and therefore feels passionate about promoting the growth of the craft beer industry while advocating for environmental responsibility, community wellness, and sustainability.

Mahalo for the opportunity to provide testimony.



808.878.1266
mauiwine.com

HC 1 Box 953
Kula, HI 96790-9304

TO: Senate Committee on Judiciary
Chair Senator Rhoads
Vice Chair Mike Gabbard

RE: Testimony in Opposition to SB2463 SD1

Thank you for the opportunity to submit Testimony on SB2463.

My name is Paula Hegele and I am the president of Maui Wine, Ltd. in Ulupalakua, Maui.

As long-time community member, wine business owner and a mother of 3 sons raised on Maui, the issues around impaired driving is very personal and important to me. I am adamantly against irresponsible alcohol consumption and driving under the influence due to any intoxicant.

However, I do not believe that lowering the BAC limit to 0.05 is the answer to reducing the occurrence of drunk driving. This does not address the existing issues of repeat offenders, and impaired drivers with high BAC levels. This group will not be deterred from driving because the BAC level is lowered.

With the goal of saving lives, our policies should target repeat offenders and violators of the current BAC with stricter penalties. This will improve the safety of our roads and communities. Legislation should focus its efforts on identifying high-risk behavior, chronic offenders, prevention education, greater ignition interlock use and enforcement.

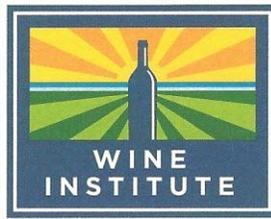
Yes, changing the BAC to 0.05 will increase the number of DUI's that are issued, but it will not be targeting the serious offenders that are endangering our communities.

Sincerely,

Paula J. Hegele

Paula J. Hegele
President





THE SENATE
THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2026

COMMITTEE ON JUDICIARY
February 27, 2026

Testimony in Opposition to SB 2463 SD1

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

Thank you for the opportunity to provide testimony on SB 2463 SD1 RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE. Wine Institute, a public policy association representing more than 1,000 California wineries and associate members, is opposed to this legislation and respectfully offers the following comments for your consideration.

SB 2463 SD1 would significantly reduce the legal threshold of alcohol concentration in breath or blood for the criminal offense of operating a vehicle while under the influence of an intoxicant from .08 to .05 of alcohol per one hundred milliliters or cubic centimeters of blood or breath. The current legal threshold of .08 BAC (Blood Alcohol Concentration) was established as a safe level of consumption based on science and is the current standard in 49 states.

Alcohol-related fatalities are unacceptable and an unnecessary tragedy. As well-intentioned as this legislation is, it would cast too wide of a net that would result in the criminalization of moderate drinking by responsible adults and divert much needed, limited resources away from targeting high BAC drivers and repeat offenders who are the cause of most alcohol impaired fatalities.

However, bill proponents often point to a February 2022 National Highway Safety Administration (NHTSA) report claiming that the implementation of .05 BAC by the state of Utah, the only state to adopt this standard, is responsible for improving its road safety in 2019, the first full year after its implementation. **The results from Utah demonstrate that lowering BAC has not helped.** While Utah experienced reduced alcohol-related traffic deaths in 2019, the report failed to acknowledge that 8 other states including Hawaii, that have a .08 BAC standard, did as well. The report also excluded 2020 NHTSA data showing that alcohol-related traffic deaths in Utah dramatically increased by **52.6% during the second full year under Utah's .05 BAC standard.** That increase was almost quadruple the national rate of 14.3%.

NHTSA's statistics continue to show that the number of DUI-related traffic deaths in Utah have continued to rise since the first full year after the .05 BAC standard went into effect. The Utah Department of Public Safety's Annual DUI Report (2025) shows significant increases in alcohol-related fatalities, with the total number of alcohol-related deaths in 2024 being 107% higher than in 2019.

One life lost as a result of drunk driving is one too many. To minimize the devastating effects of drunk driving, it is critical to concentrate on keeping people with high BAC levels and repeat offenders off the road. [NHTSA 2023 data](#) shows that the vast majority of alcohol-related fatalities involve higher blood alcohol concentration levels. According to their 2023 data of alcohol-impaired drivers involved in fatal traffic crashes in Hawaii, 58% had a .15 or higher BAC. Additionally, 4.3% of the drivers having BACs between .01 and .08 were involved in fatal traffic crashes.

It also is imperative to focus on other significant causes of impaired driving including the alarming trends in drugged driving. Wine Institute supports a comprehensive approach that combines prevention measures that include strict enforcement of existing laws, with treatment and education, to reduce impaired driving in lieu of reducing the BAC and respectfully urges your consideration of our views on SB 2463 SD1.

SB-2463-SD-1

Submitted on: 2/24/2026 11:49:38 AM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Josh Townsend	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Inouye, Vice Chair Elefante, and members of the committee,

My name is Josh Townsend, and I am writing in strong support of SB2463, which lowers the legal blood alcohol concentration limit for drivers from 0.08 to 0.05.

In 2018, my life was permanently changed by impaired driving. I was hit by a drunk driver. My friend was killed on impact, and I was airlifted by Life Flight due to the severity of my injuries. I spent months in extensive physical therapy just learning how to function again. That crash did not just take a life—it shattered families, futures, and any sense of normalcy we once had.

After my recovery, I went on to serve as a police officer for seven years. In that role, I saw firsthand the devastating consequences of impaired driving at all BAC levels. Time and time again, I encountered drivers who were below 0.08 yet clearly showed numerous signs of impairment—slowed reaction times, poor judgment, coordination issues, and delayed decision-making. Those drivers were just as capable of causing serious injury or death.

The idea that impairment suddenly begins at 0.08 is misleading and dangerous. Lowering the BAC limit to 0.05 reflects what science, experience, and survivors already know: impairment starts earlier, and prevention saves lives.

SB2463 is not about punishment—it is about prevention, accountability, and protecting our communities. If this law can prevent even one family from experiencing the loss that mine did, then it is worth it.

I urge you to support SB2463 and take this important step toward making Hawai'i's roads safer for everyone.

Mahalo for your time and consideration.

Sincerely,

Josh Townsend

SB-2463-SD-1

Submitted on: 2/24/2026 2:52:20 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

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

Comments:

I am in strong support of this bill.

Support for Establishing a 0.05% BAC Standard in Hawai‘i

According to the National Highway Traffic Safety Administration (NHTSA), approximately 37 people in the United States lose their lives every day in drunk-driving crashes — the equivalent of one death every 39 minutes. In 2022 alone, 13,524 people died in alcohol-impaired driving crashes. These deaths were preventable.

Research demonstrates that drivers experience significant impairment at a blood alcohol concentration (BAC) of 0.05 percent, resulting in a heightened risk of crashes. Studies show that when a driver’s BAC falls between 0.05 and 0.08 percent, the risk of being killed in a single-vehicle crash is at least seven times higher than for a driver who has not consumed alcohol.

Lowering the legal BAC limit to 0.05 percent is associated with fewer instances of impaired driving and reduced crash-related harms. A 0.05 BAC standard serves as a general deterrent that influences decision-making across all drivers who may otherwise choose to drink before driving.

Importantly, evidence from other jurisdictions demonstrates that lowering the BAC limit does not negatively impact alcohol sales. Since implementing its 0.05 BAC law in 2018, Utah has experienced a 28% increase in alcohol sales, indicating that public safety improvements can coexist with economic stability.

Globally, more than 100 countries have adopted legal BAC limits of 0.05 percent or lower. All Australian states enforce a 0.05 percent BAC standard, while countries including France, Austria, Italy, Spain, and Germany have adopted the same threshold. Sweden, Norway, Japan, and Russia have implemented even lower limits at 0.02 percent BAC. In many of these countries, traffic fatalities involving drivers above the legal BAC limit are below 25 percent, with several reporting single-digit percentages.

Establishing a 0.05 percent BAC limit in Hawai‘i represents an evidence-based, prevention-focused strategy to reduce impaired driving, save lives, and strengthen community safety. The goal is simple: prevent tragedy before it occurs and protect residents and visitors alike from the consequences of alcohol-impaired driving.

SB-2463-SD-1

Submitted on: 2/24/2026 4:38:41 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kimberly Oshiro	Individual	Support	Written Testimony Only

Comments:

I support

SB-2463-SD-1

Submitted on: 2/24/2026 6:11:04 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Councilmember Tamara Paltin	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Rhoads, Vice Chair Gabbard and members,

My name is Tamara Paltin and I am testifying in STRONG SUPPORT of SB2463 SD1 to lower the allowed Blood Alcohol Content level from .08 to .05 while driving under the influence of alcohol. Unfortunately, nearly every person in Hawaii knows someone negatively affected by drunk driving. We need to send a much stronger message, do more to prevent needless death and injury that occur when drivers get behind the wheel after consuming alcohol. Too often I find myself following vehicles weaving from side to side until they hit rumble strips. I would prefer a zero tolerance approach but if the best we can do is get the limit to .05, I wil take it, it's been decades since we have known better than to allow drinking and driving, there are many more options nowadays for people to gert home after consuming alcohol, public transportation, uber/lyft, taxi's calling a friend, etc Please this has the potential to save lives, please vote in support of SB2463.

Mahalo for your service to our communities and the opportunity to testify on this legislation,

Tamara Paltin - Councilmember West Maui

SB-2463-SD-1

Submitted on: 2/24/2026 9:50:45 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ronya Honda Takemoto	Individual	Support	Written Testimony Only

Comments:

I am in support of SB 2463 which would lower BAC. As a community we should all work to end impaired drivers to help keep the roads safer.

SB-2463-SD-1

Submitted on: 2/24/2026 10:23:30 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support

2463 SB RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

February 25, 2026

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

Re: Strong Support of SB 2463 SD 1, Relating to the Use of Intoxicants While Operating a Vehicle.

Hrg: Friday, February 27th , 2025 at 10:30am, Conference Room 16

Position: Support

My name is Katie Folio, from Kula, Maui, Hawai'i, and I am submitting testimony in STRONG SUPPORT of this measure to lower Hawai'i's legal blood alcohol concentration (BAC) for driving from 0.08 to 0.05 percent.

As a public health professional and former Coalition Coordinator for the Coalition for a Tobacco-Free Hawai'i, I have seen firsthand how strong, evidence-based policy can prevent injury and death. Hawai'i has been a leader in tobacco control because we followed the science. We must take the same approach to alcohol-impaired driving.

Lowering the BAC to 0.05 is an evidence-based strategy shown to reduce alcohol-related crashes and fatalities. More than 100 countries already use a 0.05 standard. Utah implemented a 0.05 law in 2018 and experienced reductions in fatal crashes without negative impacts to tourism or alcohol sales. The evidence is clear: this policy saves lives without harming the economy.

Here on Maui, we have experienced far too many preventable tragedies due to impaired driving. As a mother of two young children, I think often about the day they will begin driving. Every day we delay implementing stronger protections is another day we accept preventable risk on our roads. Lowering the BAC limit sends a clear, consistent message: if you are driving, do not drink.

Alcohol remains one of the leading causes of preventable death in the United States. We have an opportunity to reduce that toll here in Hawai'i through a proven, commonsense measure. Polling consistently shows that a majority of Hawai'i voters support lowering the BAC limit to 0.05.

There is no compelling public health reason to maintain the status quo when a safer standard is available. I respectfully urge you to pass this measure and take a meaningful step toward protecting our families and communities.

Mahalo for the opportunity to testify.

Katie Folio
Kula, Maui, Hawai'i

SB-2463-SD-1

Submitted on: 2/25/2026 11:17:54 AM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacelyn Auna	Individual	Support	Written Testimony Only

Comments:

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

My name is Jacelyn Auna, and I am from Keaukaha, in Hilo, on the Island of Hawai'i, and I am submitting testimony in STRONG SUPPORT of SB2463 which lowers the legal blood alcohol concentration (BAC) for drivers from 0.08 to 0.05.

No one is safe from impaired driving, and this bill, I hope will help improve the efforts in enhancing public safety by preventing drivers under the influence of intoxication. SB2463 will help how we can enforce laws on impaired driving, and we know that the leading cause of traffic fatalities, are DUI related.

Take into consideration that by passing this bill we can enhance efforts in keeping our families, communities, and our state from the negative outcomes of intoxicated drivers. Lowering the BAC level will save lives!

SB-2463-SD-1

Submitted on: 2/25/2026 11:31:27 AM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Matson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

Please pass this bill. A change of this nature does nothing to bring back the lives that have been lost due to drunk driving, but it can potentially help save a life in the future. Therefore, it is worthy of your time and consideration.

Mahalo,

Shannon M.

Hawai'i Island Resident

SB-2463-SD-1

Submitted on: 2/25/2026 5:41:00 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jay Fincher	Individual	Support	Written Testimony Only

Comments:

I support SB2463 to reduce the legal limit to .05 for DUI OFFENDERS.

SB-2463-SD-1

Submitted on: 2/25/2026 5:47:14 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Louise Fincher	Individual	Support	Written Testimony Only

Comments:

I support this bill. I am a nurse on the Big Island and have seen to many injuries and deaths related to impaired drivers. If people drink at all this may make them think twice about getting behind the wheel. Many people work on one side of the island and live on another causing long commutes with exhaustion at the end of the day and work week having just one or two drinks and being exhausted greats a double threat. We have lost too many locals due to this. This bill will not change the amount of liquor consumed at the hotels and effect sales. It will saves lives. Strongly support SB2463.

Aloha Chair Rhoads, Vice Chair Gabbard, and Honorable Members of the Judiciary Committee,

Thank you for the opportunity to submit testimony in **strong support** of SB2463 SD1 to lower the legal blood alcohol concentration (BAC) limit from .08 to .05. This evidence-based policy is a meaningful step toward safer roads, fewer preventable injuries, and stronger protections for families across our state. Impaired driving remains a serious and preventable public health issue. According to the National Highway Traffic Safety Administration, thousands of lives are lost each year in alcohol-impaired driving crashes nationwide. Even at lower levels of alcohol consumption, research consistently shows that critical driving skills—such as reaction time, coordination, judgment, and visual tracking—are significantly impaired. At .05 BAC, drivers already experience reduced ability to respond to sudden changes in traffic conditions, increasing the risk of crashes.

Lowering the legal limit to .05 aligns with international best practices. More than 100 countries have adopted a .05 BAC standard or lower, recognizing that impairment begins well before .08. In 2018, Utah became the first U.S. state to lower its BAC limit to .05. Evaluations following implementation showed a reduction in fatal crashes, without adverse effects on tourism or the hospitality industry. This demonstrates that such policies are both effective and practical.

Importantly, a .05 standard is not about criminalizing responsible adults; it is about setting a clearer, safer boundary that reflects modern science. Public health policy works best when it establishes reasonable guardrails that protect the broader community. Lowering the BAC limit sends a strong, consistent message: if you plan to drive, limit your drinking—or choose not to drink at all.

For families who have lost loved ones to impaired driving, even one preventable crash is too many. For first responders and healthcare providers who witness the trauma of alcohol-related crashes, this policy represents an opportunity to reduce strain on emergency systems and improve community well-being. And for our keiki and kūpuna who share our roads, it offers added protection.

Lowering the BAC limit to .05 is a data-driven, public health-centered strategy that prioritizes safety without placing undue burden on responsible adults. It reflects a commitment to protecting lives, strengthening communities, and preventing harm before it occurs. I respectfully urge you to support SB2463 SD1.

Mahalo for your leadership and your dedication to creating safer roads & communities for all of Hawai'i.

Hilo Resident,

Sally Ancheta

SB-2463-SD-1

Submitted on: 2/25/2026 8:13:53 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Nichole Bland	Individual	Oppose	Written Testimony Only

Comments:

This is a waste of resources. DUI fatalities could be curbed more effectively with better late night transportation options. Traffic statistics for this change are very weak, and why are we tryna copy the Mormons in Utah? Please focus on other more important issues that your constituents care about. No one asked for this bill. We have asked for: marijuana legalization, housing reform, contract transparency, and a more efficient government.

SB-2463-SD-1

Submitted on: 2/26/2026 6:55:21 AM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sean J deMello	Individual	Oppose	Written Testimony Only

Comments:

I am opposing this bill because it will make it easier to criminalize more of the public for no reason.

data shows majority of the accidents are caused by someone already breaking existing laws.

cell phone use is way more dangerous.

SB-2463-SD-1

Submitted on: 2/26/2026 7:15:21 AM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cynthia Okazaki	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads and members of the Senate Committee on Judiciary,

My name is Cynthia Okazaki. I am submitting testimony in **STRONG SUPPORT** of SB2463 SD1, Relating to the use of intoxicants while operating a vehicle.

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.

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

According to the [National Highway Traffic Safety Commission](#) (NHTSA), about 37 people in the United States die in drunk-driving crashes every day — that's one person every 39 minutes. In 2022, 13,524 people died in alcohol-impaired driving traffic deaths. These deaths were all preventable.

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. You, along with 6 other states that introduced similar legislation, have 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 2463 SD1.

Mahalo for your time and consideration.

Cynthia Okazaki

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

My name is Camlyn Pola, and I am writing in strong support of SB2463, which lowers the legal blood alcohol concentration (BAC) limit from 0.08 to 0.05. This bill is not just a policy change — it is a lifesaving measure.

Thirty years ago, when I was a teenager, my life changed forever. Two impaired drivers chose to race on a highway. In a matter of seconds, three of my friends were killed. My cousin and I survived — but survival is not the same as being whole.

For decades, I have carried the weight of that night. I live with PTSD, depression, and anxiety. I struggled for years with survivor's guilt, constantly asking myself, "Why didn't I die? Why was I spared?" By the grace of God and support of my family, I learned how to move forward. But I have never truly been free from it.

I am now in my 40s. I still suffer severe pain in my left hip from the injuries I sustained. The right side of my face sags slightly — my cheekbone was fractured, and I underwent plastic surgery. The physical wounds healed. The emotional wounds did not.

Every time I drive, I am on edge. I cannot relax. I am always waiting for another car to come crashing into us. Trauma does not expire.

And yet, the two individuals who caused this devastation served only three years in prison. Three years for three lives. Our families received life sentences of grief, pain, and loss — while they were given the chance to move on with theirs. Where is the justice in that?

For 30 years, we have said we want safer roads. Yet impaired driving continues to take lives. The current laws are not enough. Lowering the BAC limit to 0.05 is a proven step toward reducing crashes and saving lives. This bill is about prevention. It is about protecting innocent families before they receive the knock on the door that changes everything.

How many more lives must be lost before we act? What will it take? If this law saves even one life — one daughter, one son, one friend — isn't that enough?

Hawai'i deserves better. Our keiki deserve better. Our families deserve to feel safe on the roads.

I am tired of testifying year after year and leaving disappointed. Please — make this the year you choose courage. Make this the year you choose prevention. Make this the year you choose to protect the people you serve. I urge you to support SB2463 and help make Hawai'i's roads safer for everyone.

With hope and determination,

Camlyn Pola

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

**My name is Chycen Pola, and I am writing
in strong support of SB2463, which lowers
the legal blood alcohol concentration
(BAC) limit for drivers from 0.08 to 0.05.
This bill is an important step in preventing
impaired driving crashes and saving lives
in our community.**

**My mom almost died in a driving accident
and I think you should change the laws to
prevent that from happening.
I urge you to support SB2463 and help
make Hawaii's roads safer for everyone.
Mahalo for your time and consideration.**

**Sincerely,
Chycen Pola**

SB-2463-SD-1

Submitted on: 2/26/2026 10:29:36 AM

Testimony for JDC on 2/27/2026 10:30:00 AM

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

Comments:

Dear Chair Rhoads and Vice Chair Gabbard,

I fully support SB2463 SD1 to reduce Hawaii's BAC to .05, joining over 100 civilized countries that have a BAC of .05 or lower. Utah is the only state in the US to date, but that's just the beginning. Focus on the 100+ countries instead.

.05 BAC is not punitive, it is to educate the public. A person will no longer try compute their BAC after drinking, they will know that a .05 BAC is reached after consuming a very limited number of drinks based on their gender, weight, and food consumption at that time. The safest plan is always not to drink and drive but to arrange alternative transportation ahead of time.

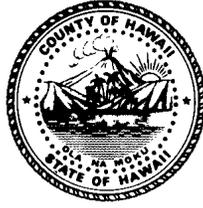
.05 BAC will not increase or change LE stopping a car and/or arresting a driver. LE always needs probable cause.

Hawaii has just had the highest number of traffic fatalities since 2007. Let's take every step available to reduce deaths and increase highway safety. Thank you for the opportunity to testify.

Mahalo,

Theresa Paulette

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: January 29, 2026
TO: Senate Committee on Judiciary
FROM: Jennifer Kagiwada, Council Member
Council District 2
SUBJECT: SB 2463

LATE

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

I am writing to you in **strong support of SB 2463**. According to the Hawai'i Police Department there were 883 arrests for DUI in 2025 on Hawai'i Island. In 2025, there were 21 traffic fatalities on Hawai'i Island. For more than a decade (2011–2022), at least 40% of traffic fatalities in Hawaii have involved drivers under the influence, a rate that frequently outpaces the national average.

Lowering the BAC limit to 0.05 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 2463**.

Mahalo for your time and consideration,

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

Jenn Kagiwada

LATE

SB-2463-SD-1

Submitted on: 2/26/2026 2:41:26 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Noel Anderson	Individual	Oppose	Written Testimony Only

Comments:

Aloha!

I respectfully submit testimony in opposition to SB 2463 and the proposal to lower Hawai‘i’s per-se intoxication limit to 0.05 BAC. From my perspective, this change risks shifting enforcement attention away from the drivers who present the greatest danger on our roads. The most severe impaired-driving crashes are consistently associated with high-BAC and repeat offenders — individuals who are unlikely to be meaningfully deterred by incremental adjustments to statutory thresholds. Expanding criminal liability to drivers at 0.05 may instead draw limited law-enforcement and judicial resources toward individuals whose impairment and crash risk are comparatively lower, while doing little to address the chronic high-risk population responsible for the majority of serious DUI incidents. I am also concerned about fairness and evidentiary reliability at this level, as individual biological variation and the practical margin of error inherent in breath-testing technology could expose otherwise responsible drivers to criminal penalties despite minimal observable impairment.

I am further concerned that lowering the limit may unintentionally criminalize ordinary, responsible social behavior and undermine public confidence in impaired-driving laws by shifting the focus from preventing clearly unsafe driving to discouraging nearly all alcohol consumption before driving. This issue carries particular weight in Hawai‘i, where our hospitality and tourism sectors are central to the local economy and where moderate social drinking is a common and culturally accepted activity among residents and visitors. In my view, the proposal may disproportionately impact lower-risk individuals — including lighter-weight persons and occasional social drinkers — while offering uncertain deterrent value for repeat high-BAC offenders who drive impaired regardless of legal limits. For these reasons, I believe policymakers should prioritize targeted strategies that more directly address high-risk impaired drivers, such as treatment, monitoring, and focused enforcement, rather than broadening criminal exposure through a reduced per-se BAC threshold. I respectfully urge reconsideration of SB 2463 in its current form.

Respectfully,



LATE

My name is Brittany Cass. I am a wife, a mother, a military spouse—and a survivor of a head-on drunk driving crash.

I stand in full, unwavering support of **SB2463**.

The crash that changed my life was not some unavoidable tragedy. It was not fate. It was not bad luck. It was the result of impairment. It was the result of someone believing they were “okay to drive.” It was the result of a culture that still treats drinking and driving as negotiable—as long as you’re “under .08.”

In a single moment, my life split in two: before and after. We cannot continue to accept preventable tragedy as normal.

Lowering the BAC threshold to .05 sends a clear message: driving is a privilege that requires full responsibility. Impairment of any level has consequences—real consequences that ripple through families and last a lifetime.

Research shows impairment begins well before .08. Reaction time slows. Judgment weakens. Risk increases. At .05, measurable impairment is already present. And when someone gets behind the wheel in that state, they are not just making a personal choice—they are gambling with every family sharing that road.

They gambled with mine. I am living proof of what happens when prevention comes too late. I survived—but survival is not the same as living. I live with the pain. The trauma. The fear that never fully leaves when I get into a car.

I live with the knowledge that my children were almost left without a mother. That my husband almost became a widower. That our family’s story almost ended because the law told someone it was “legal enough” to drive.

This is not the first time legislation to lower the BAC to .05 has been introduced. This issue continues to cycle through discussion, yet families continue to be shattered. At some point, we must ask ourselves: how many more stories like mine are we willing to tolerate before we act?

Lowering the BAC limit is not extreme. It is responsible. It is proactive. It is lifesaving.

Lowering the limit changes behavior. It makes people pause. It encourages planning ahead. It shifts the culture from “How much can I drink and still drive?” to “If I’m driving, I shouldn’t be drinking.” That cultural shift is everything.

SB2463 is not about punishment. It is about prevention. It is about protecting families like mine from ever living in the “after.” We cannot undo what happened to me. But we can prevent it from happening to someone else.

Brittany Cass
Founder, Bold Like Britt
501(c)(3) Nonprofit | EIN #883173750
brittany@boldlikebritt.com
909-519-2664

Brittany Cass
Founder, Bold Like Britt
501(c)(3) Nonprofit | EIN #883173750
brittany@boldlikebritt.com
909-519-2664

LATE

SB-2463-SD-1

Submitted on: 2/26/2026 5:24:35 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sebastian	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB2463 SD1.

LATE



Keep It Flowing LLC

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Aloha Chair, Vice Chair, and Members of the Committee,

My name is Ken Nishimura, and I strongly support lowering the legal Blood Alcohol Content (BAC) limit from .08 to .05 in the State of Hawai'i.

Through our **Drive with Aloha** mural and education programs, we have traveled statewide, working with victim survivors, families impacted by impaired driving, community leaders, and students from more than 20 schools across all counties. We have completed 20 Drive with Aloha mural programs on Hawai'i Island, Maui, O'ahu, and Kaua'i. In every county and district, one truth is consistent: impaired driving and preventable crashes remain a serious issue in our communities.

Our programs create space for honest dialogue. Students share stories of losing classmates, siblings, parents, and friends. Victim survivors speak about lives changed in seconds. First responders and community members consistently express that too many crashes are alcohol-related and preventable.

Lowering the BAC limit to .05 is about prevention, not punishment. Research shows impairment begins well before .08. Reducing the limit sends a clear message that driving requires full attention and responsibility — especially on our island roads, where our communities are closely connected.

Hawai'i prides itself on mālama and living with aloha. The Drive with Aloha movement reflects these values by promoting awareness, compassion, and responsible choices behind the wheel. From Hilo to Hanalei, we hear the same call for safer roads. Students want to travel safely to school events. Families want their loved ones to return home safely. Victim survivors want meaningful change so others do not endure the same loss. After 20 mural programs and engagement with thousands statewide, we can confidently say impaired driving is a statewide concern requiring a statewide solution.

Lowering the BAC limit to .05 is a commonsense, evidence-based step to reduce crashes, injuries, and fatalities. It aligns with our community values and supports a culture of shared responsibility. On behalf of the Drive with Aloha program, the students, families, and communities we have worked with, I respectfully urge your support for this measure. Mahalo for your commitment to keeping Hawai'i's roads safe.

Mahalo nui,

Ken Nishimura
Program Director

A handwritten signature in black ink, appearing to read "Ken Nishimura", written over a white background.

02/25/26

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