

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

Senate Committee on Transportation

Tuesday, February 03, 2026

3:00 p.m.

State Capitol, Conference Room 229 and Videoconference

In Support

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

Chair Inouye, Vice Chair Elefante, and Members of the Senate Committee on Transportation:

The Office of the Governor strongly supports Senate Bill No. 2463. 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.

JON N. IKENAGA
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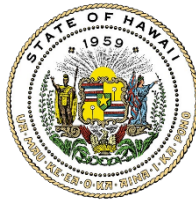
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February 3, 2026

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

**Chair Inouye, Vice-Chair Elefante, and Members of the Committee on
Transportation:**

The Office of the Public Defender respectfully **opposes** SB 2463.

This measure proposes to lower the threshold blood alcohol concentration (BAC) for the offense of Operating a Vehicle Under the Influence of an Intoxicant (OVUII). Specifically, the measure reduces the threshold from 0.08% blood alcohol content (BAC) to 0.05% BAC. It also proposes to lower the threshold BAC to 0.02% to presume that a defendant was not under the influence of alcohol at the time of the alleged violation. For reasons stated below, we oppose this measure.

First, the reduction of the threshold BAC is simply not necessary. There is nothing to prevent the police to arrest a person and the prosecutor to charge a person whose BAC level is under 0.08%. Hawaii already has a statute which criminalizes drivers whose BAC level is under 0.08 %. HRS § 291E-61(a) provides, in pertinent part:

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

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

Accordingly, the police can arrest, the prosecutor can charge, and the court can convict a person for OVUII by only presenting evidence of bad driving (e.g.,

weaving, unsafe lane change, reckless driving), indicia of consuming alcohol (e.g., red, watery, or glassy eyes; odor of alcohol, flushed face, slurred speech, unsteady on feet) and poor performance on the field sobriety tests. Indeed, prosecutors in the City and County of Honolulu are able to achieve convictions for OVUII under HRS § 291E-61(a) without the introduction of BAC evidence at trial.

Second, a reduction of the alcohol impairment level to 0.05% BAC, and a reduction to 0.02% BAC for the legal presumption simply casts too wide a net and will result in criminalizing the behavior of normally responsible drinkers without having an impact on reducing alcohol-related fatalities. There are many responsible drinkers who drink but do not drive impaired. A responsible drinker, who limits their alcohol consumption to one to two drinks, can drive safely.

Many drivers with a 0.05% BAC, much less a 0.02% BAC, do not exhibit the kind of impaired skills that cause them to drive unsafely. Yet despite operating their vehicles in accordance with all other traffic laws and not putting themselves or others at risk, this group of law-abiding drivers will constitute a new class of criminals under this proposed law.

The individuals who drive drunk and seriously injure or kill innocent people are not those with a BAC of 0.02% to 0.05%. The high-level BAC drivers are alcohol dependent and/or uncaring individuals. A reduction of the BAC will not stop such people from drinking and driving.

Third, this proposed law will result in a significantly higher workload for an already overburdened police department and legal system. Police officers busy arresting an individual with a BAC level as low as 0.02%, who is not a danger to the community, may not be able to stop and arrest a dangerous individual with a 0.10 or 0.15% BAC level. An OVUII arrest of an individual involves multiple officers who will be pulled off patrol to investigate, including the officer that conducts the stop, another officer that conducts the field sobriety tests, an arresting officer, and an officer that conducts the breathalyzer. All of these officers typically prepare reports and other paperwork related to the investigation and arrest. Pulling several officers off patrol to investigate and arrest an individual with a BAC level as low as 0.02% means less officers on patrol to stop and arrest highly-intoxicated drivers.

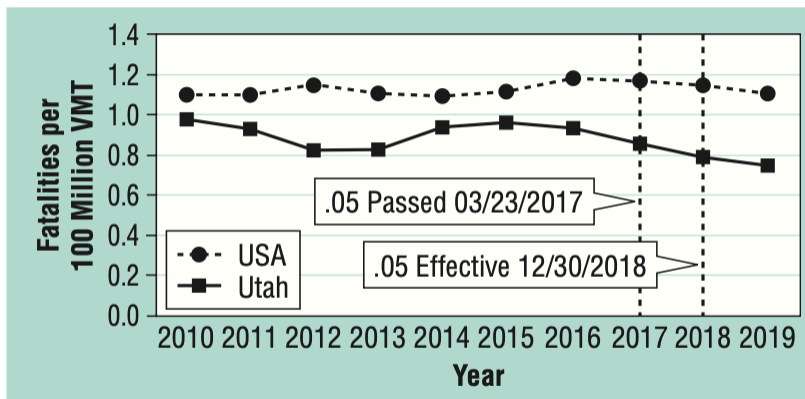
Fourth, another collateral consequence will be increased court congestion, which will lead to dismissals of cases with higher-BAC levels that are never able to go to trial. In order to deal with the increased cases, the Legislature will need to build additional courtrooms and hire more judges, prosecutors, and public defenders. As a result of this law, more OVUII cases would either be dismissed due to a violation

of Rule 48 of the Hawai‘i Rules of Penal Procedure and/or a constitutional speedy trial violation or be plea bargained down to reckless driving offense. Increasing the caseload by prosecuting individuals with a BAC level as low as 0.02% will only jeopardize the successful prosecution of individuals with higher-BAC levels. The judicial system can only process a finite number of cases.

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

Furthermore, the National Highway Traffic Safety Administration (NHTSA) report regarding the results of Utah’s 0.05% BAC law, which is often cited by proponents of this measure, is misleading.¹ The report purports to show that traffic fatalities were reduced because of the change in Utah’s OVUII law from 0.08% BAC to 0.05% BAC. The report compares data from 2016 (the last full year before the law was passed) and 2019 (the first full year the law was in effect). The data does show a decrease in the first full year. ***This, however, is a misleading comparison because their data also shows that the fatality rates have varied in Utah regardless of the law change.*** Figure 1 (see below) in the report shows that over the past 10 years the fatality rates have varied in Utah – with fatalities in 2012 and 2013 occurring at a similar rate to 2019:²

Figure 1. Fatalities per 100 Million VMT (FARS Data)



¹ NHTSA, “Evaluation of Utah’s .05 BAC Per Se Law,” Traffic Tech, February 2022, available at <https://rosap.nhtl.bts.gov/view/dot/60427> (last visited, February 19, 2023).

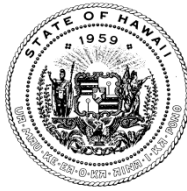
² Id.

In addition, fatality rates have declined nationwide similarly between 2016 and 2019 despite no enactment of the .05% BAC law nationally. Hence, the rates seen in Utah may be due to natural variation or some other unaccounted factors.

In conclusion, to minimize the devastating effects of drunk driving, Hawai'i should concentrate on keeping people with higher-BAC levels and repeat offenders off the road rather than reducing the OVUII threshold from 0.08% BAC to 0.05% BAC, and reducing the legal presumption of non-intoxication to 0.02% BAC.

For these reasons, the Office of the Public Defender **opposes** SB 2463.

Thank you for the opportunity to comment.



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF TRANSPORTATION | KA 'ŌIHAŌA ALAKAU
869 PUNCHBOWL STREET
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Tuesday, February 3, 2026

3:00 PM

State Capitol, 229

SB2463

RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE

Senate Committee on Transportation

The Department of Transportation (DOT) strongly supports Senate Bill 2463, 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.

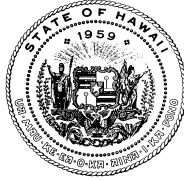
Numerous industrialized nations have already adopted lower BAC limits, with many setting the threshold at 0.05 or even lower. Countries such as Australia, France, Germany, and Italy have seen positive results from implementing a 0.05 BAC limit, while others like Japan and Sweden have even stricter limits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



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WRITTEN
TESTIMONY ONLY

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

SENATOR LORRAINE R. INOUE, CHAIR
SENATE COMMITTEE ON TRANSPORTATION

February 3, 2026, 3:00 pm and Room Number: 229

- 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 lead the nation in percentage of alcohol-impaired
- 13 driving fatalities among total traffic fatalities at 42 percent as well as 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.

KELDEN B.A. WALTJEN
PROSECUTING ATTORNEY

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 2463

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

COMMITTEE ON TRANSPORTATION
Senator Lorraine R. Inouye, Chair
Senator Brandon J.C. Elefante, Vice Chair

Tuesday, February 3, 2026 at 3:00 p.m.
Via Videoconference
State Capitol Conference Room 229
415 South Beretania Street

Honorable Chair Inouye, Vice-Chair Elefante and Members of the Committee on Transportation: The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony **in strong support** of Senate Bill 2463.

SB 2463 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 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. Thank you for the opportunity to testify on this matter.

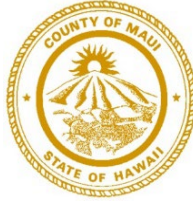
Opinion Research Center (“NORC”) at the University of Chicago, available at, <https://www.unescap.org/sites/default/files/Strategies%20to%20Tackle%20the%20Issue%20of%20Impaired%20Driving%20for%20Road%20Safety.pdf>.

³ *Id.*

RICHARD T. BISSEN, JR.
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TESTIMONY ON
S.B. 2463
RELATING TO THE USE OF
INTOXICANTS WHILE OPERATING A VEHICLE

February 2, 2026

The Honorable Lorraine R. Inouye
Chair
The Honorable Brandon J.C. Elefante
Vice Chair
and Members of the Committee on Transportation

Chair Inouye, Vice Chair Elefante, 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, 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.

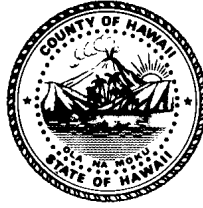
We support this bill because it would save lives throughout the State. We say this based not only on our Department's collective experience prosecuting multiple OVUII cases every week for decades, but on statistics and other research provided by, *inter alia*, the State Department of Transportation, 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**. 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.



HAWAI'I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai'i 96720

DATE: January 29, 2026

TO: Senate Committee on Transportation

FROM: Jennifer Kagiwada, Council Member
Council District 2

SUBJECT: SB 2463

Aloha Chair Inouye, Vice Chair Elefante, 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", written over a light blue horizontal line.

Jenn Kagiwada

SB-2463

Submitted on: 2/1/2026 1:59:06 PM

Testimony for TRS on 2/3/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Steve Haumschild	Testifying for Lanikai Brewing Company LLC DBA Lanikai Spirits	Oppose	In Person

Comments:

Aloha Chair Rhoades, Vice chair and members of the TRS committee

We are huge proponents of safe roads and reasonable regulation and restruction for driving. The NATIONAL standard for BAC is .08. By our state lowering the BAC to .05 there will be the following consequences:

-Visitors traveling to Hawaii in the toursim market will have no idea of the lower of the industry standard of .08 and this will criminalize those that have historically been within the legal limit nationally, by them simply not knowing.

-this will criminalize those locals who choose to have a glass of wine at dinner, at a brunch or with family who are responsibly consuming. It punishes those consuming responsibly whose BAC is impacted by body weight, water in their system and a variety of other unique characteristics of individuals

-that nearly all of the traffic violations and accidents are from those individuals that are well beyond the existing .08 BAC limit and reducing that to .05 does not move the needle to safety but just criminalizes those that are responsibly consuming

-that nearly all repeat offenders are over .08 and that it does nothing to actaully stop repeat offenders.

Respectfully, we are in OPPOSITION to this bill, but in support of responsible consupction designed to target actual offenders.



LATE

February 2, 2026

Committee on Transportation
Senator Inouye, Chair
Senator Elefante, 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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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 horizontal flourish extending to the right.

Garrett W. Marrero
CEO/Founder



LATE

HIPHI Board

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HIPHI Initiatives

Coalition for a
Tobacco-Free Hawai'i

Community-Based Research &
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Community Health
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Working Group

Hawai'i Drug & Alcohol-Free Coalitions

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: 01/31/26

To: Sen. Lorraine Inouye Chair
Sen. Brandon Elefante, Vice Chair
Members of the Senate Committee on Transportation

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

Hrg: February 3, 2026, 3:00pm, Conference Room 229

Hawai'i Public Health Institute (HIPHI)¹ is in **strong support of SB 2463**, 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 recent 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 VMT at 0.17, which is 50% compared to the national average of 0.38.⁶

A .05 law is fiscally responsible public health policy – it reduces strain on hospitals, families, and taxpayers.

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) during the first 12 months the law was in effect.⁷ A similar 10.8 percent 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 .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 .05 BAC law, alcohol sales increased by 28 percent, 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 .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 Group stressed the importance of ongoing collaboration with the courts and public defenders to ensure the justice system is not overburdened.

A .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 to this testimony 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, appearing to read "Rick Collins" followed by the initials "CPS".

Rick Collins

Project Director
Hawai'i Alcohol Policy Alliance

Dear Chair Inouye, Vice Chair Elefante, and Members of the Committee,

My name is Makena Young, and I represent Mothers Against Drunk Driving (MADD). I am submitting this testimony in strong support of SB2463, which seeks to lower the legal blood alcohol concentration (BAC) limit from .08 to .05. This legislation is a critical step toward reducing impaired driving and saving lives on Hawaii's roads.

First, I want to put Committee members at ease regarding the common notion that lowering the blood alcohol concentration (BAC) to .05 will hurt the hospitality and alcohol industries. It is a myth, both abroad and in Utah. In Utah, in fact, alcohol sales have increased 28% since the introduction of .05 BAC in 2018 (NHTSA).

As members of the Committee are well aware, one fatality due to drunk driving is one too many, and lowering the 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.

The United States is an outlier nation with one of the highest BAC limits in the world and, as a result, has one of the highest DUI-related fatality rates in the world. Hawaii specifically is facing a troubling rise in traffic deaths. From 2024 to 2025, traffic fatalities increased by approximately 20%, and alcohol continues to play a role in roughly 40% of these crashes. This ongoing pattern makes it clear that impaired driving remains one of the most significant threats on our roadways. Not only would a 0.05 BAC serve as a general deterrent to intoxicated driving and prevent future deaths, it would significantly reduce this high fatality rate and make Hawaii a public health leader in the nation on the issue.

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 2023, 12,429 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. Hawaii, along with the several 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 Hawaii. I ask that you pass SB2463.

Mahalo for your time and consideration.

SB-2463

Submitted on: 1/28/2026 8:24:13 PM

Testimony for TRS on 2/3/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brian Baker	Testifying for Hina Mauka	Support	Written Testimony Only

Comments:

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.



BIG ISLAND SUBSTANCE ABUSE COUNCIL

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lives by utilizing innovative resources and
harnessing the strengths within each person.

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Hilo Outpatient Treatment

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David Bishaw

Ross Wilson

January 29, 2026

TESTIMONY IN SUPPORT OF SB2463

Relating to Lowering Blood Alcohol Concentration for Driving Committee on Transportation

Tuesday, February 3, 2026 – 3:00 PM

Aloha Chair Inouye, Vice Chair Elefante, and distinguished members of the Committee.

My name is Dr. Hannah Preston-Pita, Chief Executive Officer of the Big Island Substance Abuse Council (BISAC). For over 60 years, BISAC has served Hawai'i Island as the primary provider of substance use disorder prevention, treatment, recovery, and behavioral health services. Our programs span detoxification, residential and outpatient treatment, prevention, and community-based recovery support. Through this work, we see firsthand the profound impact alcohol misuse has on individuals, families, and public safety.

BISAC strongly supports SB2463, which proposes lowering Hawai'i's legal blood alcohol concentration (BAC) limit for driving from 0.08 to 0.05.

Scientific evidence clearly demonstrates that driving impairment begins at 0.05 BAC. At this level, reaction time, judgment, coordination, and decision-making are significantly affected. Research also shows that crash risk rises substantially once drivers reach 0.05 BAC compared to sober drivers. This is not speculative — it is well-established science.

Lower BAC limits save lives. Countries that have adopted a 0.05 BAC standard, including Australia and many European nations, have documented meaningful reductions in alcohol-related traffic fatalities. A meta-analysis of international studies found an average 11% decline in fatal alcohol-related crashes after lowering BAC limits. This proven intervention can prevent unnecessary loss of life.

In the United States, alcohol-impaired driving has accounted for roughly 30% of traffic fatalities for more than two decades. Hawai'i is not immune to this reality. On an island where communities are close-knit, every traffic fatality ripples across families, schools, workplaces, and neighborhoods. Preventing even one impaired-driving tragedy is worth pursuing.





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Dr. Lissandra Baldan-Jenkins

David Bishaw

Ross Wilson

A 0.05 BAC limit does not criminalize social drinking. For an average adult, reaching 0.05 BAC typically requires multiple drinks in a short period of time. This policy simply encourages responsible decision-making and deters individuals from driving when impairment is known to occur.

As a provider of substance use prevention and treatment services, BISAC also recognizes that alcohol-related harm extends beyond roadways. Alcohol misuse contributes to domestic violence, child neglect, workplace incidents, and strain on emergency and healthcare systems. Policies that reduce alcohol-related harm benefit the entire community.

For these reasons, BISAC respectfully urges this Committee to support SB2463 and advance this life-saving measure.

Mahalo nui loa for the opportunity to provide testimony and for your commitment to public safety in Hawai'i.

Mahalo nui loa,

Hannah Preston-Pita Psy, D. Ed, D. CSAC
Chief Executive Officer





To: The Honorable Senator Lorraine Inouye, Chair
The Honorable Senator Brandon Elefante, Vice Chair
Members of the Senate Committee on Transportation

Re: **Strong Support of SB 2463**, RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

Hrg: Thursday, February 3, 2026 at 3:00 pm, Conference Room 229

Position: Strong Support

I am submitting testimony in STRONG SUPPORT of SB 2463. This bill Lowers the blood alcohol content threshold for driving while under the influence of an intoxicant. To 0.05 BAC.

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

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

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

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

¹ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

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

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

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

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

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

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

Utah study shows a 0.05 BAC limit had no negative impact alcohol sales, tourism, and tax revenues

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

Utah study shows a 0.05 BAC limit did not increase arrests

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

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

² Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.

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

⁴ Global Status Report on Road Safety 2018, World Health Organization, 2018. https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

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

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

⁷ Ibid.

Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you **pass SB2463**.

Mahalo for your time and consideration.

Michael Sparks

President SparksInitiatives

Kihei, HI



SB2463 Lower Blood Alcohol Concentration for Driving

COMMITTEE ON TRANSPORTATION

Sen. Lorrain Inouye, Chair

Sen. Brandon Elefante, Vice Chair

Tuesday, Feb 3, 2026: 3:00: Room 229 Videoconference

Hawaii Substance Abuse Coalition Supports SB2463:

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.



February 2, 2026

The Honorable Lorraine R. Inouye, Chair
The Honorable Brandon J.C. Elefante, Vice Chair
Senate Committee on Transportation
Hawaii State Legislature
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Inouye and Vice Chair Elefante:

As representatives of leading public health and safety organizations working to advance roadway and auto safety laws that prevent deaths and injuries and contain crash costs, we urge you to support the enactment of Senate Bill (SB) 2463 and House Bill (HB) 1827. This legislation will lower the *per se* limit of alcohol-impaired driving to .05 percent blood alcohol concentration (BAC), deter drunk driving and save lives.

Drunk driving is a deadly, growing and costly threat to Hawaii families. In 2024, there were an overall estimated 102¹ fatalities on Hawaii roads according to the National Highway Traffic Safety Administration (NHTSA) which is a 10 percent increase since 2015.² Additionally, forty-two (42) percent (39 people killed) of Hawaii traffic deaths in 2023 involved drunk driving which is the highest proportion of any state and much higher than the national average of 30 percent.³ Moreover, traffic fatalities involving drunk driving increased 30 percent in the state from 2014 to 2023.⁴

In addition to the physical and emotional impact, these crashes impose a tremendous financial burden. Traffic crashes cause \$580 million of economic damage to Hawaii annually which is equivalent to a “crash tax” of \$410 per resident, according to a 2019 analysis.⁵ When updated for inflation alone, in 2025, costs would equate to \$732 million to the state.⁶ Additionally, in 2019, drunk driving crashes cost employers across the country \$8 billion each year with 81 percent of those costs coming in crashes while off the job.⁷ When updated for inflation alone, the costs escalate to \$10.1 billion each year.⁸

The impact of drunk driving is clearly measurable at .05 percent BAC by research which shows significant impairment.⁹ Drivers have reduced coordination, decreased ability to track moving objects, difficulty steering and diminished response to emergency situations.¹⁰ The risk of being killed in a single-vehicle crash with BACs of .05 to .079 percent is up to 21 times higher than for drivers without measurable alcohol.¹¹

Drunk driving clearly is a serious problem that requires solutions which are strongly supported by research¹² and the public health and safety community. Advancing .05 percent BAC legislation will reduce dangerous drinking and driving across all levels of impairment, including high BAC, to prevent deaths and injuries. If all states adopted a .05 percent BAC or lower law, fatal alcohol crashes are estimated to decline 11 percent, and 1,790 lives would be saved each year.¹³ Lowering the limit of BAC is a countermeasure successfully employed around the world but underused in the United States. More than 100 countries have .05 percent BAC or lower limits. In these countries average alcohol consumption is equal or higher to that in the United States, but they have less deaths caused by drunk driving.¹⁴

Opponents may claim that lowering the BAC will impact the economy by decreasing alcohol sales, but reducing BAC limits does not discourage alcohol consumption.¹⁵ It does discourage driving after drinking. When Utah reduced its BAC limit from .08 to .05 percent, alcohol sales and tourism went up while drunk driving arrests went down.¹⁶

The data are clear, the lifesaving benefits are certain and the justification for action is compelling. We urge you to take this critical step to seriously address and prevent drunk driving by advancing SB 2463/HB 1827. Every death caused by an alcohol-related crash on Hawaii roads forever changes the lives of families and communities and can be prevented. Thank you for your consideration.

Sincerely,

Catherine Chase, President
Advocates for Highway and Auto Safety

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

Janette Fennell, Founder and President
Kids and Car Safety

Patricia Rillera, Regional Executive Director, Hawaii
Mothers Against Drunk Driving (MADD)

Lorraine Martin, CEO
National Safety Council

Stephen Hargarten, MD, MPH, Founding President
Society for the Advancement of Violence and Injury
Research (SAVIR)

David A. Sleet, Ph.D, Former Associate Dir for Science
Division of Injury Prevention, CDC
Co-founder, .05 Saves Lives Coalition

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

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

Andrew McGuire, Executive Director
Trauma Foundation

Marilena Amoni, Former Associate Administrator
National Highway Traffic Safety Administration
Co-founder, .05 Saves Lives Coalition

Karen Sisson, Board Member
SAFE Coalition

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

American Medical Association (AMA)
American Public Health Association (APHA)
Association for the Advancement of Automotive Medicine (AAAM)
Governors Highway Safety Association (GHSA)
National Academies of Sciences, Engineering and Medicine (NASEM)
National Road Safety Foundation
National Transportation Safety Board (NTSB)
Remove Intoxicated Drivers (RID)
Safe States Alliance
Society for Public Health Education
Transportation Alternatives
Vision Zero Network
World Health Organization (WHO)

¹ Traffic Safety Facts: Crash Stats, Early Estimate of Motor Vehicle Traffic Fatalities in 2024, NHTSA, April 2025, DOT HS 813 710, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813710>.

² State Traffic Safety Information for Hawaii, NHTSA, available at <https://cdan.dot.gov/STSI/stsi.htm>.

³ State Traffic Safety Information for Hawaii, NHTSA, available at <https://cdan.dot.gov/STSI/stsi.htm>; Traffic Safety Facts: 2023 Data, Alcohol-Impaired Driving, NHTSA, May 2025, DOT HS 813 713, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813713>.

⁴ State Traffic Safety Information for Hawaii, NHTSA, available at <https://cdan.dot.gov/STSI/stsi.htm>.

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⁶ CPI Inflation Calculator, BLS, January 2019 to January 2025 dollars, available [here](https://www.bls.gov/inflation-calculator/).

⁷ Cost of Motor Vehicle Crashes to Employers 2019; Network of Employers for Traffic Safety, available at <https://trafficsafety.org/road-safety-resources/public-resources/cost-of-motor-vehicle-crashes-to-employers-2019/>.

⁸ CPI Inflation Calculator, BLS, January 2019 to January 2025 dollars, available [here](https://www.bls.gov/inflation-calculator/).

⁹ NTSB, .05 BAC Safety Briefing Facts, February 2017, available [here](https://www.ntsb.gov/publications/NTSB%20-%2005%20BAC%20Safety%20Briefing%20Facts.pdf).

¹⁰ MADD, *What is .08?* Available at: <http://www.madd.org/drunken-driving/about/understanding-08.html>.

¹¹ Fell, Jim C., Voas, Robert B, *The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States*, PIRE. June 2014.

¹² Fell, Jim C., Voas, Robert B, *The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States*, PIRE. June 2014.

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¹⁵ NTSB, .05 BAC Safety Briefing Facts, February 2017, available [here](https://www.ntsb.gov/publications/NTSB%20-%2005%20BAC%20Safety%20Briefing%20Facts.pdf).

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Testimony of the Oahu Metropolitan Planning Organization

Senate Committee on Transportation

02/03/2025 3:00 PM

CR 229 and Videoconference

Measure SB 2463

RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

Dear Chair Inouye, Vice Chair Elefante, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB 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.



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Thomas Kerns
President / Brewmaster
Big Island Brewhaus

SB 2463
Position: **Oppose**

My name is Thomas Kerns and I am the owner and brewmaster of Big Island Brewhaus. We are an independent craft brewery and restaurant producing 100% of our beer in Hawaii. We are united with other members of the Hawaii Craft Brewery Community in our pursuit to promote economic activity and growth for Hawaii's beer manufacturers and enhance opportunities in our communities.

Our brewery along with the other member breweries of the Hawaiian Craft Brewers Guild embrace the responsible consumption of alcohol.

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

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

We recommend looking closely at these ideas and solutions:

- Rather than lowering the BAC threshold, we should divert resources to target repeat offenders and high BAC drivers.
- National Highway Traffic Safety Administration data over 20 years show only 2.6% of drivers with a BAC between .05 and .08 have been involved in fatal accidents. 92% of drivers involved in fatal accidents had a BAC above .10
- According to the NHTSA, lowering the BAC from .10 to .08 in all states did not change the percentage of alcohol-related fatalities on the road.

- Staying tough on repeat offenders and high BAC drivers. Persistent drunk drivers and drunk drivers with BACs higher than .15 are still some of the most dangerous drivers on our roads, and policy measures that produce swift, certain, and escalated penalties are as necessary as ever.

The US beer industry prioritizes:

- Mandatory use of interlocks for all offenders convicted of alcohol-impaired driving offenses as an evidence-based countermeasure to reduce drunk driving. Research has shown that alcohol ignition interlocks are one of the most proven and effective tools to prevent impaired driving, reduce recidivism, and reduce alcohol-related crashes.

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

Sincerely,

Thomas Kerns

President / Brewmaster
Big Island Brewhaus



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

LATE

**HEARING BEFORE THE SENATE COMMITTEE ON TRANSPORTATION
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 229
Tuesday, February 3, 2026 AT 3:00 P.M.**

To The Honorable Senator Lorraine R. Inouye, Chair
The Honorable Senator Brandon J.C. Elefante, Vice Chair
Members of the Committee on Transportation

**OPPOSE SB2463 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 Transportation
February 3, 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.

**Testimony in Opposition to S.B. 2463
Relating to the Use of Intoxicants While Operating a Vehicle**



Chair, Vice Chair, and Members of the Committee:

I respectfully submit testimony **in opposition** to this measure.

While the goal of improving roadway safety is shared by all, this bill lowers the legal blood alcohol content threshold to a level that creates serious and unintended risks for Hawaii's business community, workforce, and economy—without clear evidence that it will meaningfully improve public safety.

Lowering the threshold to **0.05** effectively criminalizes behavior that has long been considered lawful and responsible, including the consumption of a single drink with a meal. This shift places an unreasonable burden on businesses—particularly restaurants, bars, hotels, event venues, and tourism operators—by creating fear, confusion, and reduced consumer participation.

Impact on Local Businesses and the Economy

Hawaii's economy depends heavily on hospitality and tourism. This bill risks:

- Discouraging customers from dining out or attending events
- Reducing alcohol sales that are essential to restaurant viability
- Creating staffing challenges as employees fear driving home after lawful, off-duty consumption
- Increasing liability concerns for businesses despite having no control over a customer's transportation choices

Small businesses, already struggling with rising costs and labor shortages, will be hit the hardest. A reduction in evening dining and entertainment activity directly impacts revenue, employment hours, and tax contributions.

Unclear Standards and Enforcement Concerns

At lower BAC levels, impairment varies widely based on body weight, metabolism, food intake, and other factors. A 0.05 threshold increases the likelihood of:

- Penalizing unimpaired drivers
- Inconsistent enforcement
- Greater legal disputes and administrative burdens

This uncertainty does not enhance trust in the law and may divert law enforcement resources away from truly dangerous behavior.

Better Alternatives Exist

Targeted enforcement against clearly impaired drivers, repeat offenders, and reckless behavior is a more effective and fair approach. Education, transportation alternatives, and focused deterrence protect public safety **without undermining lawful commerce and personal responsibility**.

Conclusion

This bill places disproportionate economic risk on Hawaii's businesses while offering uncertain public safety benefits. I urge the Legislature to consider the real-world consequences and reject this measure in its current form.

Thank you for the opportunity to submit testimony.

Respectfully,

[Your Name]

[Business / Organization]



LATE

February 2, 2026

Committee on Transportation
Senator Inouye, Chair
Senator Elefante, Vice Chair

Re: Testimony in Opposition of SB2463

Aloha Chair, Vice Chair, and Members of the Committee

My name is Bret Larson and I live in Wailua, Kauai, Hawai'i. I am the owner and founder of Kauai Island Brewing Company, operating locations in Port Allen and Koloa on Kauai. Prior to Kauai Island Brewing Company, I was owner and founder of Waimea Brewing Company, which began operations on the west side of Kauai in 1998

To be very clear: 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 destination location at all. Is "Come on vacation, leave on probation" the message our State should be sending—especially as we continue to recover from COVID, huge tariffs and an uncertain economy compounded with an unpredictable administration

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. I have already seen the devastating effect of higher operating costs and lower visitor counts first hand with the closing of Kauai Beer Company in Lihue. These policy decisions have real impacts. I can only imagine how many restaurants, bars, breweries and brewpubs will be forced to close if the patrons are concerned they will run the risk of getting arrested by consuming one beer, glass of wine, or drink and just stay home.

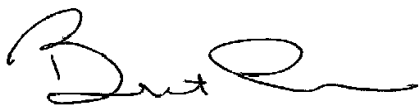
From an enforcement standpoint, a 0.05 standard also risks misallocating limited law-enforcement and judicial resources. Officers would be pushed toward borderline cases rather than focusing on reckless driving, high-BAC offenders, drug-impaired driving, and other behaviors that pose a far greater risk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

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 the root cause and what works: alcohol treatment and therapy (why are these individuals exhibiting such destructive behavior in the first place), tougher penalties for the most dangerous drivers that don't seek treatment, 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.

We strongly wish your support in rejecting SB2463

Mahalo for your time and consideration!

Sincerely,



Bret Larson
Kauai Island Brewing Company, LLC.
808-755-5926
bret@kauaiislandbrewing.com



LATE

Mike Palmer, Chair – Ho'okipa Partners **Andy Huang, Past Chairman** – L&L Hawaiian Barbecue
Tambara Garrick, Treasurer – Hawaii Farm Project **Victor Lim, Government Relations Lead** – McDonald's
Address: 2909 Wai'ala'e Avenue #22, Honolulu, HI 96826

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Date: January 30th, 2026

To: Sen. Lorraine Inouye, Chair
Sen. Brandon Elefante, Vice Chair
Senate Committee on Transportation
Sen. Karl Rhoads, Chair
Sen. Mike Gabbard, Vice Chair
Senate Committee on Judiciary

From: Mike Palmer - Chairman

Subj: SB2463 – RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE / Lowering the Blood Alcohol Concentration (BAC) Limit

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

The Hawaii Restaurant Association (HRA) representing over 4,000 Eating and Drinking place locations in Hawaii respectfully submits this testimony in **opposition to SB2463**, which proposes lowering the legal Blood Alcohol Concentration (BAC) limit for drivers. While we oppose this bill in its current form, we want to be unequivocally clear: **HRA strongly supports policies and initiatives that reduce impaired driving and saves lives.** Preventing driving under the influence (DUI) and reducing traffic fatalities is a shared goal, and public safety is a priority for our industry, our members, and our communities. However, lowering the legal BAC threshold is **not supported by strong evidence as an effective solution** to reducing fatal automobile accidents and may divert attention and resources away from strategies that are proven to save lives.

Why Lowering BAC Is Unlikely to Reduce Fatal Accidents:

1. Most Fatal DUI Crashes Involve High Levels of Intoxication - Data from national traffic safety studies consistently show that the majority of alcohol-related fatal crashes involve drivers with BAC levels well above 0.08%—often 0.15% or higher. These are not borderline cases of impairment; they are cases of extreme intoxication. Lowering the legal limit primarily affects social and moderate drinkers, not the high-risk individuals responsible for most fatal crashes. As a result, the policy change targets the wrong population.

2. No Clear Evidence of Fatality Reduction in States with Lower BAC - Jurisdictions that have lowered BAC limits below 0.08% have not demonstrated consistent, statistically significant long-term reductions in fatal accident rates directly attributable to the change.

3. Behavioral Deterrence Comes from Enforcement, Not Thresholds

Drivers do not typically make real-time decisions based on decimal BAC limits.

Deterrence is driven by:

- Visibility of enforcement
- Certainty of consequences
- Sobriety checkpoints
- DUI patrol saturation

Lowering BAC without increasing enforcement capacity does not meaningfully change driver behavior.



4. Risk of Unintended Economic and Community Harm

Lowering the BAC limit disproportionately impacts:

- Law-abiding residents
- Tourists unfamiliar with Hawaii's laws
- Local restaurants and hospitality businesses

This creates economic harm without corresponding public safety benefit, particularly to small, local businesses that are already operating in a fragile post-pandemic environment.

HRA's Position: Pro-Safety, Pro-Solutions

HRA is **not opposed to safety policy** — we are opposed to **ineffective policy**.

We fully support:

- Stronger enforcement against high-BAC drivers
- Repeat offender intervention programs
- Ignition interlock expansion
- DUI courts and treatment programs
- Education campaigns targeting impaired driving
- Ride-share partnerships and safe-ride programs
- Increased sobriety checkpoints and patrol funding

These measures **directly target the highest-risk drivers** and are proven to reduce impaired driving fatalities.

Conclusion

Lowering the BAC limit may appear to be a strong stance on safety, but symbolic policy is not the same as effective policy.

If our goal is to **save lives**, then legislation must focus on:

- High-risk behavior
- Chronic offenders
- Enforcement effectiveness
- Proven prevention strategies
-

The Hawaii Restaurant Association respectfully urges the Legislature to **oppose SB2463** and instead invest in evidence-based, high-impact solutions that directly reduce impaired driving deaths. We stand ready to collaborate with lawmakers, law enforcement, and community partners to build policies that truly protect the people of Hawai'i.

Respectfully Submitted,

Hawaii Restaurant Association

Douglas Martin Jr.

SW-326

Hello, my name is Douglas Martin Jr., and I'm a student in the Bachelor of Social Work program at UH Manoa. I am here to give testimony in favor of the bill SB 2463. The amendment will lower the measurable amount of alcohol from the maximum of .08 to a maximum of .05 on blood samples and breathalyzers.

As a social work student and future substance abuse counselor, I believe this is a strong amendment to help prevent drunk driving. This bill can help others avoid making mistakes they will regret. So, vote in favor of this bill so it can help those who may not know they have a problem.

Thank you

Douglas Martin Jr.

SB-2463

Submitted on: 2/2/2026 8:33:18 AM

Testimony for TRS on 2/3/2026 3:00:00 PM

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

Comments:

Aloha Senate Committee on Transportation,

My name is Jay Ihara from Hawai‘i Island and I'm submitting testimony in **STRONG SUPPORT** of SB2463

Lowering the BAC to 0.05 percent is associated with fewer instances of impaired driving and its consequences. A 0.05 BAC limit serves as a general deterrent to impaired driving, impacting all potential drinking drivers.

According to the National Highway Traffic Safety Administration (NHTSA), approximately 37 people in the United States die in drunk-driving crashes every day—equating to one person every 39 minutes. In 2022, a total of 13,524 people lost their lives due to alcohol-impaired driving incidents. These tragic deaths were all preventable.

Mahalo for your time and consideration.

SB-2463

Submitted on: 2/2/2026 9:58:42 AM

Testimony for TRS on 2/3/2026 3:00:00 PM

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

Submitted on: 1/29/2026 9:38:13 AM

Testimony for TRS on 2/3/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keoni Shizuma	Individual	Comments	Written Testimony Only

Comments:

While I understand that driving under the influence is a safety issue, I do not believe lowering the threshold will improve the safety of our roads. I suspect that accidents and issues happening due to folks driving while at a blood alcohol level of 0.05-0.07 is not the concern. More needs to be done on either enforcement of the current threshold levels or by creating ways to deter influenced drivers from driving. These would result in safer streets more than lowering the threshold by a few points would. I feel like this bill is not needed and will be ineffective in accomplishing the goal of making our streets safer.

SB-2463

Submitted on: 1/29/2026 10:27:19 AM

Testimony for TRS on 2/3/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Stephanie Tran	Individual	Support	Written Testimony Only

Comments:

ALOHA CHAIR, VICE CHAIR, AND DISTINGUISHED COMMITTEE MEMBERS.

My name is Stephanie Tran a concerned resident of Pearl City, HI and a site counselor in an adolescent substance abuse treatment and prevention program.

Thank you for the opportunity to share my testimony in support of lowering the legal blood alcohol concentration limit for drivers to 0.05. This policy is not about punishment--it is about prevention, safety, and saving lives.

A colleague of mine shared a story with me. A story of loss. One day his twin daughters were walking home from school. During a legally permissible time to cross the street, one of his twin daughters crossed the street to catch up with her friend. A drunk driver, during broad daylight and clear driving conditions, hit her with his car and drove off. Years later, he turned himself in revealing that he was impaired and intoxicated.

Decades of research shows that impairment begins with the beginning of alcohol consumption. At 0.05, drivers experience reduced coordination, slower reaction times, impaired judgment, and difficulty concentrating. All skills required and tested in obtaining a driver's license. In Hawai'i, about 40-55% of driving accidents are due to drug or alcohol impairment.

We will not have to guess if this policy works as there are scientific research and cases in Hawai'i suggest that a limit of 0.05 BAC would lead to positive outcomes. This policy changes behavior--people plan ahead, designate drivers, or choose alternative transportation.

No one should lose a loved one because a crash could have been prevented by stronger policies.

Respectfully,

Stephanie Tran

SB-2463

Submitted on: 1/29/2026 10:43:10 AM

Testimony for TRS on 2/3/2026 3:00:00 PM

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

Comments:

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

My name is MaryElizabeth U Pacheco, and I respectfully submit testimony **in strong support of S.B. 2463**, which lowers the blood alcohol concentration (BAC) threshold for driving while under the influence of an intoxicant from 0.08 to **0.05**.

SB2463: This bill represents a **data-driven, evidence-based approach to improving traffic safety and preventing alcohol-related injuries and fatalities** in Hawai‘i. Extensive research demonstrates that impairment begins well before a person reaches a BAC of 0.08. At **0.05 BAC**, drivers experience reduced coordination, delayed reaction time, impaired judgment, and diminished ability to respond to unexpected road conditions. Crash risk increases significantly at this level compared to sober drivers.

International and public health evidence further supports this policy change. Numerous countries that have adopted a **0.05 BAC standard** have seen meaningful reductions in alcohol-related traffic deaths and serious injuries. These outcomes show that lowering the legal limit functions as an effective **general deterrent**, encouraging safer decision-making before individuals reach higher and more dangerous levels of intoxication.

Importantly, this measure does **not criminalize responsible behavior**. Reaching a 0.05 BAC typically requires more than one or two drinks within a short period, depending on body weight and metabolism. Instead, this policy establishes a safer margin that prioritizes public safety while reinforcing the message that **any level of impairment behind the wheel can be dangerous**.

Alcohol-impaired driving continues to be a persistent public safety issue. Despite decades of education and enforcement, alcohol remains a factor in a significant percentage of traffic fatalities. Lowering the BAC threshold is a proactive step that aligns Hawai‘i with best practices, reflects current scientific understanding, and demonstrates a commitment to protecting drivers, passengers, pedestrians, and communities.

For these reasons, I strongly urge your support of **S.B. 2463**. Thank you for the opportunity to provide testimony and for your continued commitment to the safety and well-being of Hawai‘i’s residents.

Mahalo for your consideration.

MaryElizabeth U Pacheco

SB2463 Support lowering BAC to .05

Aloha,

My name is Kristin Mills and I'm from the town of Pukalani (on Maui). I am a Health Educator, a mother of two, and a two-time survivor of auto crashes where I was hit by a drunk driver. Thank you so much for the opportunity to submit testimony in STRONG SUPPORT of SB2463.

SB2463 lowers the limit of alcohol-impaired driving from .08 to .05 percent blood alcohol concentration (BAC), which deters drunk driving and saves lives. Lowering the BAC to 0.05 is a necessary step to reduce traffic deaths and related injuries. As a mother of two young drivers, making the roads safer for my son and daughter, as well as other teens, is very important to me.

Internationally, approximately 100 countries have some type of .05 or lower BAC laws which have lowered their traffic deaths. Having a lower level of BAC has been shown to be effective. In the US, key findings in Utah after the state lowered the BAC to 0.05 percent in 2019 include decreased alcohol-related traffic fatality rates AND, from 2018-2024, alcohol sales increased 28 percent.

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

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

Our Hawaii community members deserve to not need to rely on "luck" to "arrive alive". By lowering the legal BAC level to .05, we will increase everyone's chances of arriving safely rather than having their life forever changed.

I urge you to support SB2463 to reduce the death and injury toll of alcohol-impaired driving by simply reducing the BAC to .05.

Mahalo for the opportunity to submit testimony.

Sincerely,

Kristin Mills, PhD-ABD

Maui resident, parent, and health educator

SB-2463

Submitted on: 1/29/2026 1:59:19 PM

Testimony for TRS on 2/3/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shani Carvalho	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Transportation,

My name is Shani “Kai” Carvalho and I live in Paauilo on the Hamakua coast of Hawaii Island and I am submitting testimony in STRONG SUPPORT of SB2463.

In my sophomore year of high school I lost a childhood friend that I grew up with in Paauilo. He was only 16 years old when he lost his life in a drunk driving accident. I still remember when my mom sat my brother and I down to tell us the horrific news. Never would we have thought that we would lose a friend that we grew up with in high school. His name was Keoki Ahuna, he would have been 44 years old this year.

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.

The United States is an outlier nation with one of the highest blood alcohol concentration (BAC) limits in the world and, as a result, has one of the highest DUI-related fatality rates in the world. Hawai‘i’s alcohol-related traffic fatalities rate is higher than the national average. From 2011-2022, at least 40 percent of traffic fatalities in Hawai‘i involved alcohol. During the same timeframe, the national average for alcohol-related traffic fatalities hovered between 35 and 36 percent, bumping up to 37 percent in 2022. Not only would a 0.05 BAC serve as a general deterrent to intoxicated driving and prevent future deaths, it would significantly reduce this high fatality rate and make Hawai‘i a public health leader in the nation on the issue.

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. 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 HB1084 and HB1387.

Always with aloha,

Shani NKG Carvalho

SB-2463

Submitted on: 1/29/2026 5:41:25 PM

Testimony for TRS on 2/3/2026 3:00:00 PM

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

Comments:

5 years ago my aunt died of injuries of a car crash due to impaired driving, and my cousin was the driver. He made a choice that cost the life of his grandmother. All those who decide to drink and drive should be held accountable. Held accountable for the poor choices they make. We need stricter laws to help deter fatal crashes or harmful consequences due to the choice of someone drinking and then driving.

I support SB2463. Please make and help Hawai'i have safer roads and safer communities. Let's prevent the trauma and hurt and pain that comes from outcome of drinking and driving.

SB-2463

Submitted on: 1/30/2026 9:24:18 AM

Testimony for TRS on 2/3/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marilyn Katzman	Individual	Support	Written Testimony Only

Comments:

I lost my sister to an impaired driver when my nephew was only 3 weeks old. Forty five years later we still do not have have strong enough laws for this 100% preventable crime. Currently only Utah has .05 BAC. It is time for Hawaii to also step up and be a hero instead of a zero.

ble crime.

SB-2463

Submitted on: 1/30/2026 10:00:52 AM

Testimony for TRS on 2/3/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jody Shiroma	Individual	Support	Written Testimony Only

Comments:

Aloha! SB2463 lowers the legal blood alcohol concentration (BAC) limit for driving under the influence from **.08 to .05**, a proven, evidence-based strategy to prevent impaired driving crashes and save lives.

As a single mom of teenagers, a new MADD board member and also someone who has seen tragedy occur from reckless DUI, I fully support this bill.



February 3, 2026

To: Chair Lorraine Inouye and Members of the Senate Committee on Transportation

From: Kona Brewing Hawaii
Nathalie Carisey; President

RE: SB2463; Relating to the Use of Intoxicants While Operating a Vehicle; **Comments**
February 3, 2026; Conference Room 229

Kona Brewing Hawaii respectfully provides the following **comments on SB2463**, 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.

LATE

I am standing before you today because I survived something that should have never happened.

I am not here as a statistic.

I am here as a mother, a wife, a military spouse, and a survivor of a violent, preventable drunk-driving crash that changed my life forever.

And I want to be clear about one thing from the start:

If the laws had been stronger, I might not be standing here at all—because I might not have been hit in the first place.

According to the National Highway Traffic Safety Administration, about 37 people in the United States die every single day in drunk-driving crashes. That's one person every 39 minutes. While we are sitting here, another family is being shattered. Another phone call is being made. Another life is being erased.

In 2022 alone, 13,524 people were killed in alcohol-impaired driving deaths. Every one of those deaths was preventable. Not accidents. Not tragedies we couldn't foresee. **Preventable.**

I know this because I am living proof of what happens when prevention comes too late.

On the day my life changed, someone made a choice. A choice to drink. A choice to get behind the wheel. And a choice that collided head-on with my family's future. In an instant, everything I was, everything I thought my life would be, was ripped away.

I survived—but survival is not the same as living.

I live with the pain. The trauma. The fear that never fully leaves. I live with the knowledge that my children were almost left without a mother. That my husband almost became a widower. That our story almost ended because the law told someone it was “okay enough” to drive.

And that is why we are here today for Senate Bill 2463.
That is why **.08 is not enough.**

Science tells us what lawmakers must no longer ignore. **Drivers are significantly impaired at a 0.05 percent BAC.** Reaction times slow. Judgment fails. Vision narrows. Coordination drops. At **0.05 to 0.079**, research shows your risk of being killed in a single-vehicle crash is **at least seven times higher** than if you hadn't been drinking at all.

Seven times.

We would never accept a product that fails seven times more often.
We would never board a plane with a seven-times higher chance of crashing.
Yet we continue to allow people to drive that way—and we call it legal.

Lowering the BAC limit to **0.05 is not about punishment.**
It is about protection.

This is personal to me because I am carrying the consequences of a policy that failed to act soon enough.

I am asking you—begging you—not to wait until it's your family.
To not wait until it's your friend, your spouse, your child.
To not wait until someone is standing where I am, telling a story they never wanted to tell.

We know better now!
And when we know better, we must do better!

Lowering the BAC to **0.05 will save lives.** It will prevent crashes like mine. It will keep families whole. It will stop pain before it begins.

Please don't let another survivor have to stand here and say, *This could have been prevented.*”

I am living proof that it can—and must—be prevented.

SB-2463

Submitted on: 2/2/2026 9:17:05 PM

Testimony for TRS on 2/3/2026 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Chad K Taniguchi	Individual	Support	Written Testimony Only

Comments:

I support lowering the BAC level to .05. People who choose to drink should find ways to get to and from their place of drinking without driving themselves.

This is one of many ways to reduce impaired driving and increase safety of road users.

Thank you.

LATE

SB-2463

Submitted on: 2/3/2026 10:14:35 AM

Testimony for TRS on 2/3/2026 3:00:00 PM

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

Comments:

Chair Inouye, Vice Chair Elefante and the Senate Transportation Committee. I fully support SB 2463 to lower the BAC from .08 to .05 to save lives on Hawaii's roadways and to join over 100+ civilized countries in the world who have implemented a .05 or lower. A .05 BAC puts the drivers and the community on notice that Hawaii won't tolerate the fatalities or serious injuries that have been occurring on our roadways. .05 is a tool to educate and prevent, it is not punishment. The clear message is that if you're going to drink, don't drive. I support .05 BAC to save lives in Hawaii. Thank you for the opportunity to submit testimony. Mahalo, Theresa Paulette