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KE KIA'ĀINA



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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
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HONOLULU, HAWAII 96813-5097

Tuesday, March 24, 2026
9:00 AM
State Capitol, 430

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

Senate Committee on Transportation

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

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

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

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

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

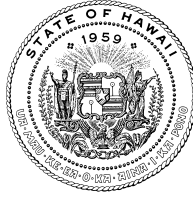
Contrary to common misconceptions, reaching a 0.05 BAC typically requires more than just a couple of drinks after work. For an average 170-pound male, it would take at least

four drinks within two hours on an empty stomach to exceed this limit, and three drinks for a 137-pound female. This legislation, therefore, targets impairment levels that significantly affect driving ability without unduly restricting responsible alcohol consumption.

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

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

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



EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

House Committee on Transportation

Tuesday, March 24, 2026

9:00 a.m.

State Capitol, Conference Room 430 and Videoconference

In Support

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

Chair Kila, Vice Chair Miyake, and Members of the Senate Committee on Transportation:

The Office of the Governor **supports** S.B. No. 2463 SD1, Relating to the Use of Intoxicants While Operating a Vehicle.

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
PUBLIC DEFENDER

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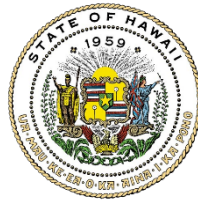
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March 22, 2026

SB 2463, SD1: RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE

Chair Kila, Vice-Chair Miyake, and Members of the Committee on Transportation:

The Office of the Public Defender respectfully **opposes** SB 2463 SD1.

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 lowering 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.

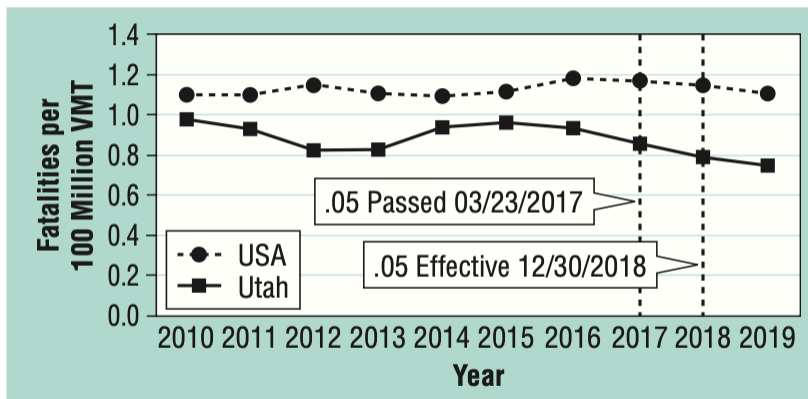
Fourth, another collateral consequence will be increased court congestion, which will lead to dismissals of cases with higher-BAC levels that are never able to go to trial. In order to deal with the increased cases, the Legislature will need to build additional courtrooms and hire more judges, prosecutors, 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 SD1.

Thank you for the opportunity to comment.



Testimony of the Oahu Metropolitan Planning Organization

House Committee on Transportation

03/24/2025 9:00 AM

CR 430 and Videoconference

SB 2463 SD1

RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE

Dear Chair Kila, Vice Chair Miyake, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB SD1 2463** which lowers the blood alcohol content threshold for driving while under the influence of an intoxicant.

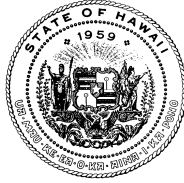
Data produced by the Fatality Analysis Reporting System (FARS) indicates that between 2016-2020, nearly one-third of all traffic deaths in Hawaii involved alcohol; an alarming statistic exceeding the national average. This statistic puts Hawaii in the bottom quarter of all states with regard to impaired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

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

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

Mahalo for the opportunity to provide testimony on this measure.

JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII'



KENNETH S. FINK, M.D., M.G.A, M.P.H
DIRECTOR OF HEALTH
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WRITTEN
TESTIMONY ONLY

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

REPRESENTATIVE DARIUS K. KILA, CHAIR
HOUSE COMMITTEE ON TRANSPORTATION

March 24, 2026, 9:00 am and Room Number: 430

1 **Fiscal Implications:** None.

2 **Department Position:** The Department of Health (“Department”) supports this measure.

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

5 The bill will lower the blood alcohol concentration (BAC) threshold for driving while under the
6 influence of an intoxicant.

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

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

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

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

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

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

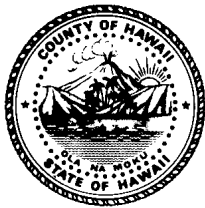
14 As rates of alcohol use and related harms remain high, communities can benefit from guidance
15 on the most effective options to prevent and reduce alcohol misuse. Lowering the BAC to 0.05%
16 is one of them.

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

19 **Offered Amendments:** None.

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

Jennifer Kagiwada
Council Member District 2 South Hilo



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

HAWAI'I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai'i 96720

DATE: March 20, 2026
TO: House Committee on Transportation
FROM: Jennifer Kagiwada, Council Member
Council District 2
SUBJECT: SB 2463 SD1

Aloha Chair Kila, Vice Chair Miyake, and members of the Committee,

I am writing to you in **strong support of SB 2463 SD1**. According to the Hawai'i Police Department there were 883 arrests for DUI in 2025 on Hawai'i Island. In 2025, there were 21 traffic fatalities on Hawai'i Island. For more than a decade (2011–2022), at least 40% of traffic fatalities in Hawaii have involved drivers under the influence, a rate that frequently outpaces the national average.

Lowering the BAC limit to 0.05 is about separating drinking from driving. It is about preventing crashes, injuries, and deaths and creating safer streets for everyone. Hawai'i, along with 6 other states that introduced similar legislation, has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you **pass SB 2463**.

Mahalo for your time and consideration,

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

Jenn Kagiwada

KELDEN B.A. WALTJEN
PROSECUTING ATTORNEY

SHANNON M. KAGAWA
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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 2463, SENATE DRAFT 1

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

A BILL FOR AN ACT
RELATING TO TRAFFIC SAFETY

COMMITTEE ON TRANSPORTATION
Representative Darius K. Kila, Chair
Representative Tyson K. Miyake, Vice Chair

Tuesday, March 24, 2026 at 9:00 a.m.
Via Videoconference
State Capitol Conference Room 430
415 South Beretania Street

Honorable Chair Kila, Vice-Chair Miyake, 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, Senate Draft 1.

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

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

There is strong scientific evidence to consider lowering BAC to .05. According to nationally recognized traffic safety researcher James C. Fell, Principal Research Scientist, Department of Economics, Justice and Society, National Opinion Research Center (“NORC”) at the University of Chicago, “[t]he risk of being in a crash begins to rise substantially at .05 blood

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

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 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 SB 2463, SD 1 and agrees that lowering the threshold BAC for the offense of operating a vehicle while under the influence of an intoxicant from .08 to .05 grams will be an effective public health strategy to address Hawai‘i’s current epidemic of impaired driving, reduce the number of traffic fatalities across the State, and make Hawai‘i’s roads safer.

The County of Hawai‘i, Office of the Prosecuting Attorney remains committed to pursuing justice with integrity and commitment. For the foregoing reasons, the County of Hawai‘i, Office of the Prosecuting Attorney supports the passage of Senate Bill No. 2463, Senate Draft 1. Thank you for the opportunity to testify on this matter.

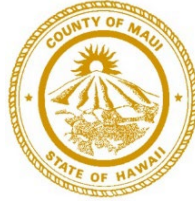
² United Nations Economic and Social Commission for Asia and the Pacific, December 2019, “*Strategies to Tackle the Issue of Impaired Driving for Road Safety in the Asia-Pacific Region: Implementation Framework*,” report prepared by James C. Fell, Principal Research Scientist, Department of Economics, 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>.
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.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



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

March 23, 2026

The Honorable Darius K. Kila
Chair
The Honorable Tyson K. Miyake
Vice Chair
and Members of the Committee on Transportation

Chair Kila, Vice Chair Miyake, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in support of S.B. 2463 SD1, Relating to the Use of Intoxicants While Operating a Vehicle**. This bill makes our communities safer by reducing the per se blood alcohol concentration ("BAC") for Operating a Vehicle Under the Influence of an Intoxicant ("OVUII") and Habitual OVUII from .08 grams of alcohol to .05 grams of alcohol per one hundred milliliters or cubic centimeters of a person's blood or two hundred ten liters of a person's breath.

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

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

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

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

For these reasons, the Department of the Prosecuting Attorney, County of Maui **supports S.B. 2463 SD1**. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries. Thank you very much for the opportunity to provide testimony on this bill.



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HOUSE COMMITTEE ON TRANSPORTATION
Tuesday, March 24, 2026 9:00am

**Hawai'i Bicycling League Supports SB 2463, SD1,
Relating to Use of Intoxicants While Operating a Vehicle**

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

My name is Eduardo Hernandez, and I am the Advocacy Director of the Hawai'i Bicycling League (HBL). We are a non-profit organization founded in 1975 with the mission of enabling more people to ride bicycles for health, recreation, and transportation. We strive to create communities across our islands that have safe, accessible, and inclusive environments for people to bike, walk, and roll.

Hawai'i Bicycling League supports SB2463, SD1, the purpose of which is to lower the blood alcohol content threshold for driving while under the influence of alcohol from .08 to .05 or more grams of alcohol to reduce impaired driving and fatal crashes.

Nationally, nearly 20% of crashes resulting in a fatality of someone walking or biking involve a person driving while intoxicated. In Hawai'i, an estimated 40% of all traffic fatalities involve alcohol. 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. 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.

People walking and biking are among the most vulnerable users of our roads. They lack the protective shield that vehicles provide, making them practically susceptible to the actions of impaired and distracted drivers.

Passing this bill will send a clear message that we are prioritizing the safety of all road users.

Mahalo for the opportunity to provide testimony on this important matter.

Ride Aloha,

Eduardo Hernandez
Advocacy Director



SB2463 SD1 Lower Blood Alcohol Concentration for Driving

COMMITTEE ON TRANSPORTATION

Rep. Darius Kila, Chair

Rep. Tyson Miyake, Vice Chair

Tuesday, Mar 24, 2026: 9:00: Room 430 Videoconference

Hawaii Substance Abuse Coalition Supports SB2463 SD1:

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

HSAC provides research data from the National Institute of Health that supports lowering the BAC limit to 0.05.¹

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

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

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

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

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

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

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

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

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

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

FURTHER EVIDENCE FOR 0.05 There is a growing body of research on alcohol harm to others documenting the **prevalence of a wide range of harms to others attributable to alcohol. These harms to communities include noise, vandalism, property damage, spousal abuse, child neglect, and work-related problems.** This enhances the position in the essay on alcohol's harm to others.

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

SB-2463-SD-1

Submitted on: 3/21/2026 4:24:37 PM

Testimony for TRN on 3/24/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Brian Baker	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.

Hina Mauka strongly supports SB2463, SD1.

Mahalo for the opportunity to provide testimony.

SB-2463-SD-1

Submitted on: 3/21/2026 7:06:30 PM

Testimony for TRN on 3/24/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Steve Haumschild	Lanikai Brewing Company	Oppose	Remotely Via Zoom

Comments:

TESTIMONY IN OPPOSITION SB2463 SD1 — Relating to the Use of Intoxicants While Operating a Vehicle

To: House Committee on Transportation **Hearing:** Tuesday, March 24, 2026, 9:00 AM, Conference Room 430 / Videoconference **From:** [Your Name / Organization] **Position:** OPPOSE

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

My name is Steve Haumschild, and I am a resident of Hawai‘i submitting this testimony in opposition to SB2463 SD1, which would lower the blood alcohol content (BAC) threshold for driving under the influence from .08 to .05.

I share the sponsors' goal of reducing impaired driving fatalities on our roads. However, I respectfully submit that this bill targets the wrong drivers and misallocates our limited enforcement resources — and that a more effective path to safer roads lies in stronger enforcement of the existing .08 standard and meaningfully stiffer penalties for repeat offenders.

I. The Most Dangerous Drivers Are Not Between .05 and .08

The evidence is clear that the overwhelming majority of alcohol-related fatalities involve drivers at extreme BAC levels, not those barely above a .05 threshold. Fatal DUI crashes rarely involve someone barely over .08 — they overwhelmingly involve drivers with extremely high blood alcohol levels, often .15, .20 or higher. These are not people who had one drink with dinner; they are repeat offenders who are profoundly impaired and making dangerous decisions long before they get behind the wheel. Lowering the legal limit to .05 does little to reach these individuals, who by definition are already operating far outside any legal limit and are undeterred by where that line is drawn.

Critics point out that lowering the BAC limit may not deter the most dangerous offenders — those driving with a BAC of .15 or higher. These individuals are responsible for about half of all alcohol-related fatal accidents, and they are unlikely to be influenced by any legal limit.

II. Enforcement of Existing Law Is the Real Problem

Before we lower the threshold, we should ask whether we are fully enforcing the standard we already have. Opponents argued that .08 BAC laws are unnecessary — that if existing laws are not effective, it is because enforcement is weak and inconsistent, and that efforts to deter drunk drivers should focus on stronger law enforcement, rather than per se limits.

This critique remains valid today. Too many DUI cases are pled down to reckless driving. Too many high-BAC arrests are negotiated away. Too many ignition interlock requirements go unmonitored. Too many alcohol restrictions are ignored. Too many court orders are violated with little or no consequence. Accountability often ends at the arrest.

Lowering the limit to .05 will expand the pool of defendants without adding the resources, prosecutors, or court capacity to meaningfully pursue them — and risks diverting attention away from the high-BAC, high-risk drivers who cause the most harm.

III. Repeat Offenders Are the Core of the Problem and Must Be Prioritized

The Legislature's energy would be far better directed at repeat offenders. Depending on the country, 21% to 46% of individuals convicted of DUI become repeat offenders, and repeat offenders are 62% more likely to be involved in a lethal crash. Hawaii should respond to this reality with a robust, targeted approach:

- **Mandatory escalating penalties** for second and subsequent OVUII offenses, including extended license revocations, mandatory minimum jail or work furlough sentences, and substantially higher fines with no ability to plea down.
- **Universal ignition interlock device (IID) requirements** for all convicted DUI offenders, including first offenders, as a condition of license reinstatement. Ignition interlock devices have emerged as a highly effective method to reduce repeat DUI arrests.
- **Extended "look-back" periods** so that prior OVUII convictions count against a driver for longer, ensuring that habitual offenders face the full weight of escalating consequences.
- **Mandatory completion** of alcohol treatment and assessment programs — not merely enrollment — as a condition of reinstatement and probation compliance.
- **Real consequences for probation and court order violations**, including swift revocation proceedings when ignition interlock or sobriety conditions are breached.

IV. Enforcement Challenges and Unintended Consequences

Years of law enforcement training have focused on a BAC of .08 and its effects on a driver's ability to operate a motor vehicle. A new .05 BAC standard is sweeping and could be difficult to enforce. Field sobriety training, breath test calibration protocols, and prosecutorial standards have all been built around the .08 framework. Changing the threshold without significant investment in retraining and updated protocols risks undermining the integrity of DUI prosecutions.

Additionally, the American Beverage Institute has argued that enforcement resources would be better spent targeting drivers at .15 and above, who account for a disproportionate share of fatal crashes. In a state with limited law enforcement resources like Hawai‘i, we cannot afford to chase the many at the expense of the few who cause the most carnage.

V. Recommendation

I urge the Committee to hold SB2463 SD1 and instead direct the Legislature's attention to a companion measure that would:

1. Strengthen enforcement of the existing .08 OVUII standard with dedicated resources and accountability measures;
2. Create mandatory, escalating penalties for repeat OVUII offenders;
3. Require universal ignition interlock device installation for all OVUII convictions; and
4. Establish longer look-back periods and enforceable treatment completion requirements.

These reforms will put our resources where the danger actually lives — on the repeat, high-BAC offenders who are responsible for the most deaths — rather than expanding a net that sweeps in responsible adults while the most dangerous drivers slip through.

Mahalo for the opportunity to testify. I am happy to answer any questions.



March 24, 2026

House Committee on Transportation

Comments on SB 2463, SD1,

Relating to the Use of Intoxicants While Operating a Vehicle

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

The **State of Hawai'i Organization of Police Officers (SHOPO)** respectfully submits **comments on SB 2463, SD1**, which lowers the blood alcohol content threshold for driving while under the influence of an intoxicant.

We recognize and appreciate the intent of this measure to reduce impaired driving by lowering the allowable blood alcohol concentration (BAC) for the offense of Operating a Vehicle Under the Influence of an Intoxicant. Impaired driving continues to pose a serious threat to public safety. Efforts to reduce these incidents and save lives are important and worthy of careful consideration. We respectfully note that lowering the BAC threshold will require clear enforcement guidelines, updated procedures, and additional training to ensure the law can be applied consistently and fairly in the field. Changes to the legal standard may affect how officers establish probable cause, conduct investigations, and present evidence, and it is important that law enforcement officers receive sufficient instruction on the new requirements before the law takes effect.

We therefore encourage the Legislature, should this bill move forward, to ensure that appropriate time and resources are provided for training, policy development, and coordination among law enforcement, prosecutors, and the courts so that the new standard can be implemented in a way that strengthens public safety while maintaining clarity and fairness in enforcement.

The more than 2,700 law enforcement officers who are members of SHOPO risk their lives every day to keep our islands safe. SHOPO is dedicated to protecting public safety. We strive to work in partnership with community members because, together, we can build stronger and safer neighborhoods. Thank you for the opportunity to provide testimony on this measure.

Respectfully submitted,

State of Hawai'i Organization of Police Officers (SHOPO)



March 23, 2026

The Honorable Darius K. Kila, Chair
 The Honorable Tyson K. Miyake, Vice Chair
 House Committee on Transportation
 Hawaii State Legislature
 415 South Beretania Street
 Honolulu, Hawaii 96813

Dear Chair Kila and Vice Chair Miyake:

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. 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, 42 percent 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 2026, costs would equate to \$749 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 \$10.3 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. 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)

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

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>.

⁵ The Economic and Societal Impact of Motor Vehicle Crashes, 2019, NHTSA, Feb. 2023, DOT HS 813 403, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>.

⁶ CPI Inflation Calculator, BLS, January 2019 to January 2026 dollars, available [here](#).

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 2026 dollars, available [here](#).

⁹ NTSB, .05 BAC Safety Briefing Facts, February 2017, available [here](#).

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.

¹³ NORC: Fell JC & Scherer M, Estimation of the Potential Effectiveness of Lowering the Blood Alcohol Concentration (BAC) Limit for Driving from 0.08 to 0.05 Grams per Deciliter in the United States, 2017. Available at: <https://bit.ly/2E5pliq>.

¹⁴ NTSB, .05 BAC Safety Briefing Facts, February 2017, available [here](#).

¹⁵ NTSB, .05 BAC Safety Briefing Facts, February 2017, available [here](#).

¹⁶ Leaver, Jennifer, The State of Utah's Travel and Tourism Industry 2019, Kem C. Gardner Policy Institute University of Utah, September 2020. Utah Department of Alcoholic Beverage Control, Annual Reports 2018, 2019 and 2020, available at: <https://abc.utah.gov/about-dabc/annual-reports/>. 17th Annual DUI Report to the Utah Legislature, Utah Commission on Criminal and Juvenile Justice, 2019. Available at: <https://le.utah.gov/interim/2019/pdf/00004834.pdf>.



HIPHI Board

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*Retired, Hawai'i State Department of
Health*

HIPHI Initiatives

Coalition for a
Tobacco-Free Hawai'i

Community-Based Research &
Evaluation

Community Health
Worker Initiatives

Environmental Health

Hawai'i Climate Change and Health
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: March 23, 2026

To: Representative Darius Kila, Chair
Representative Tyson Miyake, Vice Chair
Members of the House Committee on Transportation

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

Hrg: March 24, 2026, 9:00am, House Conference Room 430

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

A 0.05 BAC level is supported by strong research evidence, and recommended by numerous national and international organizations. Lowering the BAC limit for impaired driving to **0.05 is the most effective legislation known by research science** to reduce alcohol-related traffic crashes and fatalities. Evidence shows that a 0.05 BAC would create safer roads, reduce traffic fatalities and harms, and protect Hawai'i's residents, children, and families.

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

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

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

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

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

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



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

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

A meta-analysis showed that when countries lowered their BAC to 0.05 or lower, there was, on average, an 11.1% decline in fatal alcohol-related crashes. The US is an outlier nation with one of the highest BAC limits in the world, resulting in one of the highest DUI-related fatality rates in the world.⁴

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

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

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

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

Data from Utah cited in the Working Group report show that after the adoption of a 0.05 BAC law, alcohol sales increased by 28%, the number of restaurant and bar licenses grew, and tourism and

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.nhtsa.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



hospitality revenues continued to rise, indicating that lower BAC standards can improve public safety without harming the economy.

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

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

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

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

Mahalo,

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

Rick Collins

Project Director
Hawai'i Alcohol Policy Alliance



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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



808.878.1266
mauiwine.com

HC 1 Box 953
Kula, HI 96790-9304

March 23, 2026

TO: Committee on Transportation
Rep. Darius K. Kila, Chair
Rep. Tyson K. Miyake, Vice Chair

RE: Testimony in Opposition to SB2463 SD1

Thank you for the opportunity to submit Testimony on SB2463.

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

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

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

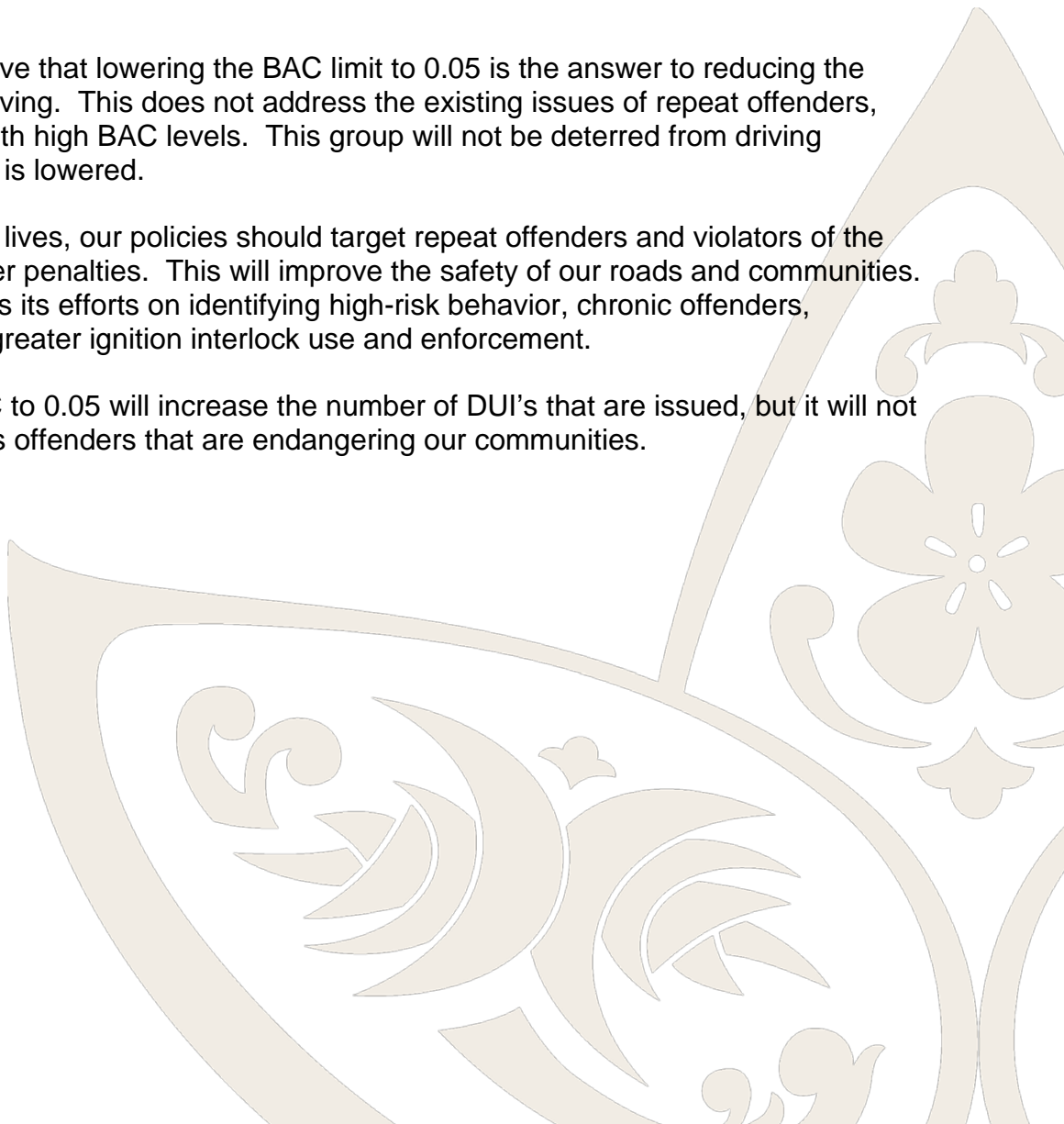
With the goal of saving lives, our policies should target repeat offenders and violators of the current BAC with stricter penalties. This will improve the safety of our roads and communities. Legislation should focus its efforts on identifying high-risk behavior, chronic offenders, prevention education,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

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

Sincerely,

Paula J. Hegele

Paula J. Hegele
President





**IMPAIRED
DRIVING
ENDS HERE.**

Hawaii Office
745 Fort St. Suite 303
Honolulu, HI 96813
Hi.State@madd.org

madd.org/hawaii
877.ASK.MADD
877.MADD.HELP Victim Support
808-532-6232

Dear Chair Kila, Vice Chair Miyake, 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.



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

**HEARING BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 430
TUESDAY, MARCH 24, 2026 AT 9:00 A.M.**

To The Honorable Representative Darius K. Kila, Chair
The Honorable Representative Tyson K. Miyake, Vice Chair
Members of the Committee on Transportation

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

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

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

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



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

House Committee on Transportation
March 24, 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.

Mahalo for the opportunity to share our concerns on this bill. We ask that it be deferred.

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 of

National Transportation Safety Board

Before the

House Committee on Transportation
Hawaii State Legislature

– On –

SB 2463

Relating to the Use of Intoxicants while Operating a Vehicle

–

Honolulu, HI • March 24, 2026

NTSB | National
Transportation
Safety Board
An Independent Federal Agency

Good morning, Chair Kila, Vice Chair Miyake, and members of the committee. Thank you for the opportunity for the National Transportation Safety Board (NTSB) to testify before you today.

The NTSB is an independent federal agency charged by Congress with investigating aviation, marine, and rail accidents; commercial space launch and re-entry mishaps; highway crashes; and hazardous materials releases in pipelines and elsewhere in transportation. We determine the probable cause and issue safety recommendations to prevent such events from happening again. We also conduct safety research.

The NTSB has no power to regulate or legislate, and we rely on the persuasive power of our comprehensive investigations and research to encourage the recipients of our recommendations to act to improve safety. We appreciate the opportunity to testify on our recommendation to Hawaii to lower its per se impairment threshold from .08 blood alcohol concentration (BAC) to .05.¹

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

We view our testimony today as an opportunity to support this committee's important work to save lives. Too many people are dying on our roads every year because of alcohol impairment. These deaths are 100-percent preventable, and fewer people will die when states lower the legal per se BAC limit from .08 to .05. This change has been made elsewhere without adverse economic consequences.

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

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

² National Transportation Safety Board. 2013. *Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving*. Safety Report NTSB/SR-13/01. Washington, DC: NTSB. Available at <https://www.nts.gov/safety/safety-studies/Documents/SR1301.pdf>.

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

The Persistent Problem: Impaired-Driving Crashes Still Kill Thousands

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

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

Lowering the Per Se BAC Limit to .05

From 2006 to 2017,⁷ all states had a per se BAC threshold of .08 for noncommercial drivers aged 21 and over. But .08 BAC is not when impairment begins: drivers are impaired at .05 BAC. Individuals with a BAC of .05 experience lowered alertness, reduced coordination, impaired judgment, and difficulty tracking moving objects.⁸ Most of us would not want to be in the same vehicle as a driver experiencing those impairments, and neither should we want to share the road with those impaired drivers. These abilities are critical for safe driving and explain why drivers at a BAC of .05 have a 38-percent increased risk of being in a crash compared to a sober driver. There is a reason that it is already illegal for commercial truck and bus drivers to drive at a BAC of .04 or higher.

The science behind .05 BAC limits is also clear, well-documented, and irrefutable. More than 100 countries have established a BAC limit of .05 or lower to reduce alcohol-related crashes, and the benefits of the lowering BAC limits have been documented. A 2017 study estimated that this standard could result in an estimated 11-percent decline in fatal alcohol-related crashes and save at least 1,700

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

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

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

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

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

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

We can also learn from Utah's example. Utah lowered the state's legal BAC limit for noncommercial drivers from .08 to .05, effective December 30, 2018. In February 2022, NHTSA published a report, *Evaluation of Utah's .05 BAC Per Se Law*, comparing the state's crash data before and after the law went into effect.¹⁰ The report found crash and fatality rates were reduced in Utah compared to the rest of the country. When vehicle miles traveled are considered, the fatal crash rate reduction from 2016 to 2019 in Utah was 19.8 percent, and the fatality rate reduction was 18.3 percent. In comparison, the rest of the United States showed a 5.6-percent fatal crash rate reduction and 5.9-percent fatality rate reduction during the same time. In addition, the neighboring states of Arizona, Colorado, and Nevada did not show the same levels of improvement in crash and fatality rates as Utah. Further, the study found that there was no impact on alcohol sales, tax revenues, or tourism in Utah. In fact, alcohol sales in Utah have consistently increased year-over-year since 2020.¹¹

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

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

⁹Fell, J.C. and Scherer, M. 2017. "Estimation of the potential effectiveness of lowering the blood alcohol concentration (BAC) limit for driving from 0.08 to 0.05 grams per deciliter in the United States." *Alcoholism: Clinical and Experimental Research*. 41(12) 2128-2139.

¹⁰ National Center for Statistics and Analysis. 2022, February. *Evaluation of Utah's .05 BAC Per Se Law*. Traffic Tech Technology Transfer Series. Report No. DOT HS 813 234. Washington, DC: NHTSA.

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

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

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

Support for .05

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

Conclusion

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

The NTSB believes that the only acceptable number of deaths on our roads is zero, and it has been our charge since our founding to determine how to eliminate transportation fatalities. Deaths due to impaired driving are 100-percent preventable, and Hawaii can be a leader in implementing policies that will prevent impaired driving and save lives.

SB-2463-SD-1

Submitted on: 3/20/2026 11:02:53 AM

Testimony for TRN on 3/24/2026 9:00:00 AM

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

Comments:

MADD asked me to submit another testimony to the legislature to pass the bac from .08 to .05. Instead of submitting the same one three times I added to it and took a little jab at the businesses who opposed it by saying concerns on their profit.

Will you let me know if it's appropriate to submit?

Aloha Chair Kila and Vice Chair Miyake, and members of the committee,

My name is Josh Townsend, and I am writing in strong support of SB2463, which proposes lowering 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 instantly, and I was airlifted by Life Flight due to the severity of my injuries. I spent months in recovery—not just physical therapy, but also speech therapy and occupational therapy—relearning how to function day to day. My vision was permanently affected.

Even today, I still live with the consequences. I deal with chronic pain and frequent migraines. There are moments where I say words I don't intend to say. And beyond the physical impact, I carry the grief of losing my friend—a weight that does not go away.

That is the reality of impaired driving. It does not end at the crash—it stays with you for life.

After my recovery, I served as a police officer for seven years. In that role, I witnessed firsthand the consequences of impaired driving at all BAC levels. I encountered many drivers below 0.08 who clearly showed signs of impairment—slowed reaction time, poor coordination, delayed decision-making, and impaired judgment. Those drivers were just as capable of causing serious harm.

The belief that impairment begins at 0.08 is not accurate—it is dangerous. Impairment begins well before that point. Lowering the BAC limit to 0.05 reflects what science, experience, and survivors like myself already know.

I also want to address concerns from some in the business community that this change will discourage people from going out or negatively impact alcohol sales.

Utah is currently the only state in the nation that has lowered its BAC limit to 0.05. After implementing this change, the state saw a reduction in alcohol-related crashes without any lasting negative impact on its economy or hospitality industry. People did not stop going out—they adjusted. They planned ahead, used rideshare services, designated drivers, or chose not to drink and drive.

Respectfully, safety should never be weighed against profit.

We should not accept preventable deaths and lifelong injuries as a cost of doing business.

This bill is about prevention. It is about setting a clearer, safer standard before lives are lost.

If a law like this had been in place and taken seriously, my friend might still be here today.

If this change prevents even one person from experiencing what I have lived through—physically, mentally, and emotionally—then it is worth it.

I respectfully urge you to support SB2463 and take this step toward safer roads for everyone in Hawai‘i.

Mahalo for your time and consideration.

Sincerely,

Josh Townsend

SB-2463-SD-1

Submitted on: 3/20/2026 12:56:21 PM

Testimony for TRN on 3/24/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Emma Waters	Individual	Support	Written Testimony Only

Comments:

Writing in strong support of this bill to lower the blood alcohol level level. We need safer roads and fewer deaths due to intoxicated drivers. This bill is a step in the right direction. Mahalo.

SB-2463-SD-1

Submitted on: 3/20/2026 1:03:31 PM

Testimony for TRN on 3/24/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Johanna Tokunaga	Individual	Support	Written Testimony Only

Comments:

I support this bill to reduce drunk driving incidences

SB-2463-SD-1

Submitted on: 3/20/2026 1:44:39 PM

Testimony for TRN on 3/24/2026 9:00:00 AM

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

Comments:

I, Johnnie-Mae L. Perry, Support

RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

SB-2463-SD-1

Submitted on: 3/20/2026 5:58:25 PM

Testimony for TRN on 3/24/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Chris Abe	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

SB2463 wrongly tries to imply a connection between the phenomena of vehicle deaths and the idea that deaths/accidents would be reduced by lowering BAC limit from .08 to .05. What evidence is there that a statistically significant increase in deaths or serious accident occurs between .08 and .05 BAC levels to justify this bill? The proponents of the bill attempts to confuse black-out drunk drivers with people who want to enjoy some wine at dinner.

I oppose SB2463 as law enforcement overreach and over reaction.

Recent local news revealed that hawaii police were arresting sober drivers for DUI despite an internal memo warning against that. This proposal is merely justification for more zealous overpolicing of citizens.

This bill does nothing but punish people trying to enjoy their life. People who drink some wine with dinner at friends could be caught at a DUI checkpoint dragnet, or caught for minor traffic violations, and have their life impacted with a criminal record, loss of license, loss of job, and increased insurance rates. All that punishment for zero tangible harm caused, just because some pearl-clutchers think that people driving in the 0.05 to 0.07 range of BAC levels are the same as black out drunk drivers. This bill is pre-punishing people before a crime/injury is committed, and with a .05 its unlikely a crime/injury was ever to occur.

Life is hard enough. Under this bill American citizens can't even enjoy some wine while having dinner with friends without worrying about police ruining their lives over 0.5 BAC level.

Recent study showed that Ram 2500 truck drivers have much higher DUI rates, about 1 in 22. This bill would serve the public better if it was amended to direct police to pull over all Ram truck drivers, they'd probably have better DUI conviction rate that way. Sleep deprivation is also a major cause of impaired driving, the legislature would be better off improving wages so that people can work fewer jobs/hours and be able to to enjoy good night sleep.

I urge you to defer SB2463. Keep to the 0.08 standard that exists now.

SB-2463-SD-1

Submitted on: 3/22/2026 2:05:52 PM

Testimony for TRN on 3/24/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessica Chang	Individual	Oppose	Written Testimony Only

Comments:

:(

Aloha Chair Kila, Vice Chair Miyake, and Honorable Members of the Transportation Committee,

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

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

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

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

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

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

Hilo Resident,

Sally Ancheta

SB-2463-SD-1

Submitted on: 3/23/2026 3:24:58 AM

Testimony for TRN on 3/24/2026 9:00:00 AM

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

Comments:

Aloha!

My name is Jacelyn Auna, and I'm from Hilo. I am in strong support for SB2463 SD1.

Any person impaired to drive is not only a danger to themselves but to everyone around them. Lowering the BAC from 0.08 to 0.05 will save lives. Let's set an example for Hawai'i's future by doing all we can to keep everyone safe on our roads.

SB-2463-SD-1

Submitted on: 3/23/2026 8:35:19 AM

Testimony for TRN on 3/24/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jonathan Huynh	Individual	Support	Written Testimony Only

Comments:

I submit this testimony in strong support of SB2463 SD1, which lowers the blood alcohol content threshold for driving while under the influence from .08 to .05 grams per deciliter. As noted by the Hawai'i Bicycling League, this measure aligns Hawaii with international best practices used by nearly 100 countries and could significantly reduce impaired driving fatalities that disproportionately affect our most vulnerable road users.

The statistics on impaired driving in Hawaii are alarming, with an estimated 40% of all traffic fatalities involving alcohol. Nationally, nearly 20% of pedestrian and bicyclist fatalities involve intoxicated drivers. These numbers represent preventable tragedies that devastate families and communities across our islands.

The .05 BAC standard is not radical—it reflects evidence-based policies implemented in most of Europe, Australia, and many other developed countries with higher per-capita alcohol consumption than the United States. Research consistently shows that impairment begins well before .08 BAC, with significant effects on reaction time, judgment, and visual function occurring at .05 BAC.

By adopting this standard, Hawaii would join the growing number of jurisdictions prioritizing road safety over outdated notions about "acceptable" impairment levels. This change sends a clear message that we value the lives of pedestrians, cyclists, and all road users more than the convenience of driving after drinking.

I recommend several amendments to strengthen this important legislation:

1. Add connections to multimodal transportation goals by recognizing how reduced impaired driving supports active mobility and livable communities
2. Include a public education component to ensure drivers understand the new standard and its rationale
3. Integrate with alternative transportation options by improving late-night transit and rideshare availability
4. Require data collection to measure the impact of the lower BAC threshold on traffic safety
5. Add equity considerations to ensure fair enforcement and appropriate penalties
6. Connect to housing and community design by recognizing how complete streets and mixed-use development reduce impaired driving

This legislation represents a critical step toward achieving Vision Zero goals in Hawaii by addressing one of the most significant factors in traffic fatalities. It aligns perfectly with efforts to create safer, more inclusive communities where walking and cycling are viable transportation options for all residents.

I respectfully urge your strong support of SB2463 SD1 with these amendments to help create safer streets and reduce preventable tragedies on Hawaii's roads.

Mahalo for your consideration.

SB-2463-SD-1

Submitted on: 3/23/2026 8:38:01 AM

Testimony for TRN on 3/24/2026 9:00:00 AM

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

Comments:

If you drink, don't drive. Find a safe way to get home without driving after drinking.

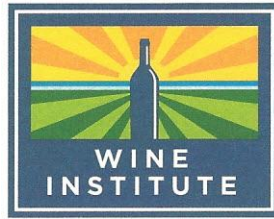
Even if ONE life is lost or suffers lifelong pain or disability, that justifies this law.

People who think only super impaired drivers cause crashes are wrong. How would they feel if their family member was the ONE whose life was taken or rendered painful or disabled daily?

Our roads are made for all of us. The people who drink and drive are dinosaurs, like the people who smoked in our faces and on planes years ago. Time to replace ignorance with data, reason and "treat your neighbor as yourself" behavior.

If you drink, don't drive.

Make it the law.



THE HOUSE
THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2026

COMMITTEE ON TRANSPORTATION
March 24, 2026

Testimony in Opposition to SB 2463 SD1

Chair Kila, Vice Chair Miyake and Members of the Committee:

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

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

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

However, bill proponents often point to a February 2022 National Highway Safety Administration (NHTSA) report claiming that the implementation of .05 BAC by the state of Utah, the only state to adopt this standard, is responsible for improving its road safety in 2019, the first full year after its implementation. **The results from Utah demonstrate that lowering BAC has not helped.** While Utah experienced reduced alcohol-related traffic deaths in 2019, the report failed to acknowledge that 28 other states including Hawaii, that have a .08 BAC standard, did as well. The report also excluded 2020 NHTSA data showing that alcohol-related traffic deaths in Utah dramatically increased by **52.6% during the second full year under Utah's .05 BAC standard.** That increase was almost quadruple the national rate of 14.3%.

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

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

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

SB-2463-SD-1

Submitted on: 3/23/2026 8:58:40 AM

Testimony for TRN on 3/24/2026 9:00:00 AM

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

Comments:

Chair Darius Kila, Vice Chair Tyson Miyake, and House Committee Members on Transportation,

I fully support SB 2463, SD1 to reduce Hawaii's BAC from .08 to .05, as over 100 civilized countries already have a .05 or lower as well as the state of Utah.

.05 BAC isn't punitive, it's educational. It sends a clear message to the community and drivers that we value life over impaired driving. .05 clearly states that a limited amount of alcohol, depending on the driver's gender, body weight and food consumption will reach a .05. Therefore, if they choose to consume more alcohol they can make the responsible choice to arrange for alternate transportation, a taxi, rideshare or designated driver.

Law enforcement always needs probable cause to stop and arrest a driver, whether they be at .05 or .08 or higher.

It has been documented that alcohol sales increased in Utah and fatal crashes decreased after the .05 law, as drivers had made responsible choices not to drink and drive.

In 2025, Hawaii experienced the highest fatal traffic crashes on our roadways since 2007, unofficially at 129 deaths. Sadly, Hawaii's alcohol related fatalities average at 30% or higher of the total traffic fatalities.

Hawaii can and should do better. Increase safety on our roadways for all our drivers and pass SB2463 SD1.

Thank you for the opportunity to testify.

Theresa Paulette

SB-2463-SD-1

Submitted on: 3/23/2026 11:38:39 AM

Testimony for TRN on 3/24/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Gil Riviere	Individual	Oppose	Written Testimony Only

Comments:

People who have one or two drinks are not crashing cars everywhere. Lowering the BAC limit will do nothing more than make criminals of good people and could tragically lead to professionals losing their licenses and livelihoods (For having a glass of wine at dinner?)

SB2463 will not magically making vehicular travel safer. This bill is not necessary.

PLEASE DEFER OR OPPOSE.

Mahalo.

Gil Riviere

SB-2463-SD-1

Submitted on: 3/23/2026 1:02:19 PM

Testimony for TRN on 3/24/2026 9:00:00 AM

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

Comments:

I am submitting testimony in **STRONG SUPPORT** of SB2463 SD1, which lowers the legal blood alcohol concentration (BAC) for drivers from 0.08 to 0.05.

Even one death from impaired driving is one too many. Lowering the BAC to 0.05 is a proven, evidence-based step that will reduce alcohol-related crashes, save lives, and prevent devastating harm to families and communities.

The United States remains an outlier with one of the highest BAC limits in the world, and correspondingly high rates of impaired driving fatalities. In Hawai‘i, at least 40% of traffic fatalities from 2011–2022 involved alcohol, exceeding the national average. This is a clear and urgent public safety issue.

According to the National Highway Traffic Safety Administration, approximately 37 people die every day in the U.S. due to drunk driving, deaths that are entirely preventable.

Lowering the BAC to 0.05 is not about restricting responsible behavior, it is about separating drinking from driving, strengthening deterrence, and creating safer roads for all. This measure positions Hawai‘i as a leader in public health and safety.

I respectfully urge you to pass SB2463 SD1.

Testimony in Strong Support of SB2463 SD1
Relating to the Use of Intoxicants while Operating a Vehicle
House Committee on Transportation
Tuesday, March 24, 2026

Aloha Chair, Vice-Chair, and distinguished committee members;

I am submitting testimony in STRONG SUPPORT of SB2463 SD1. SB2463 SD1 amends the definition of “under the influence” and defines the measurable amount of alcohol for impaired driving of a vehicle to a blood alcohol concentration (BAC) of 0.05 or more.

Lowering the BAC limit for impaired driving to 0.05 creates safer roads, is popular with Hawai‘i voters, and is supported by strong research evidence. A study of the implementation of a 0.05 BAC limit in Utah found that it had no negative impact on alcohol sales, tourism, and tax revenues; and it did not increase arrests.¹ Lowering the BAC limit to 0.05 will prevent crashes, injuries, and deaths, and create safer streets for all people.

A 0.05 BAC would create safe roads and protect Hawaii’s residents, children, and families by reducing alcohol-impaired crashes and fatalities and making our roads safer in Hawaii. In Utah, they saw a 20% drop in fatal car crashes after the BAC was lowered to 0.05.² The National Highway Transportation Safety Board (NTSB) has recommended 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 .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 people of Hawai‘i support the lowering of the BAC limit to 0.05, as seen in a 2022 poll that indicated two-thirds (69%) of Hawai‘i voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.⁵

This law would improve the overall health and safety of all people in Hawai‘i. I ask that you pass SB2463 SD1. Mahalo for your time and consideration.

Dr. Colleen Fox
Makiki

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.

² 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.

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 Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.