

JAN 19 2017

A BILL FOR AN ACT

RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

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

1 SECTION 1. Section 291E-61, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

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

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

10 (2) While under the influence of any drug that impairs the
11 person's ability to operate the vehicle in a careful
12 and prudent manner; provided that in the case of
13 marijuana, the person's blood shall contain a
14 concentration level of five nanograms or more per
15 milliliter of active tetrahydrocannabinol, as defined
16 in section 329-14(g)(1);



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1 (3) With .08 or more grams of alcohol per two hundred ten
2 liters of breath; or

3 (4) With .08 or more grams of alcohol per one hundred
4 milliliters or cubic centimeters of blood."

5 SECTION 2. Section 291E-61.5, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) A person commits the offense of habitually operating
8 a vehicle under the influence of an intoxicant if:

9 (1) The person is a habitual operator of a vehicle while
10 under the influence of an intoxicant; and

11 (2) The person operates or assumes actual physical control
12 of a vehicle:

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

17 (B) While under the influence of any drug that
18 impairs the person's ability to operate the
19 vehicle in a careful and prudent manner; provided
20 that in the case of marijuana, the person's blood
21 shall contain a concentration level of five



1 nanograms or more per milliliter of active
2 tetrahydrocannabinol, as defined in section
3 329-14(g)(1);

4 (C) With .08 or more grams of alcohol per two hundred
5 ten liters of breath; or

6 (D) With .08 or more grams of alcohol per one hundred
7 milliliters or cubic centimeters of blood."

8 SECTION 3. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 4. New statutory material is underscored.

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

13

INTRODUCED BY: Josh Breen no

S.B. NO. 17

Report Title:

Marijuana; Driving Under the Influence

Description:

Establishes, for cases of marijuana, a minimum blood concentration content of tetrahydrocannabinol for the offense of driving under the influence of intoxicants.

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

