
A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

1 SECTION 1. The legislature finds that there is a need to
2 amend the definition of "drug" for offenses under chapter 291E,
3 Hawaii Revised Statutes, involving the use of intoxicants while
4 operating a vehicle. For example, in order to convict an
5 offender of the offense of operating a vehicle under the
6 influence of an intoxicant when the intoxicant is a drug under
7 section 291E-61(a)(2), Hawaii Revised Statutes, the prosecution
8 must prove beyond a reasonable doubt that:

- 9 (1) The person was operating a vehicle; and
10 (2) The person was under the influence of any drug that
11 impaired the person's ability to operate the vehicle
12 in a careful and prudent manner.

13 However, because the term "drug" is defined for purposes of
14 chapter 291E, Hawaii Revised Statutes, as any controlled
15 substance listed in schedules I through IV of chapter 329,
16 Hawaii Revised Statutes, it can be difficult for the prosecution
17 to prove the second prong of the foregoing offense.



1 The legislature further finds that the process of placing a
2 drug or substance on the schedule of controlled substances does
3 not respond quickly enough to emerging drugs. Synthetic drugs
4 can be manufactured very rapidly and can avoid law enforcement
5 when they are created by changing the chemical composition of an
6 existing drug; in this manner, synthetic drugs like "spice" and
7 "bath salts" evade the scheduling process. In order to quickly
8 adapt and prosecute offenders using new emerging drugs, law
9 enforcement should not be forced to rely solely on the
10 controlled substance schedules for certain offenses.

11 The purpose of this Act is to amend the definition of
12 "drug" for purposes of operating a vehicle under the influence
13 of an intoxicant violations.

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

16 "Drug" means [any]:

17 (1) Any controlled substance, as defined and enumerated in
18 schedules I through IV of chapter 329, or its
19 metabolites[-]; or

20 (2) Any non-controlled psychoactive chemical substance,
21 excluding caffeine or nicotine, that alters brain



1 function and results in significant change in
2 perception, consciousness, or behavior."

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

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on July 1, 2035.



Report Title:

Transportation; Drug; Intoxicants; Impairment

Description:

Clarifies the definition of "drug" in chapter 291E, Hawaii Revised Statutes, regarding the use of intoxicants while operating a vehicle. Takes effect 7/1/2035. (SD1)

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