

Disaster Recovery, International Affairs, and Planning Committee (2025-2027) on 2026-01-28 9:00 AM

Meeting Time: 01-28-26 09:00

eComments Report

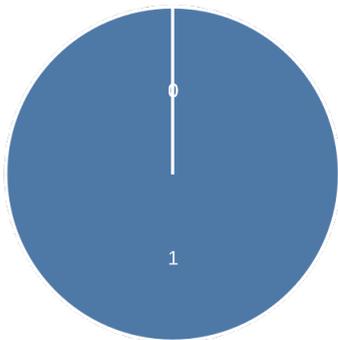
Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
Disaster Recovery, International Affairs, and Planning Committee (2025-2027) on 2026-01-28 9:00 AM	01-28-26 09:00	3	1	1	0	0

Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment

Support (100%) Oppose (0%) Neutral (0%)
No Response (0%)



Disaster Recovery, International Affairs, and Planning Committee (2025-2027) on 2026-01-28 9:00 AM

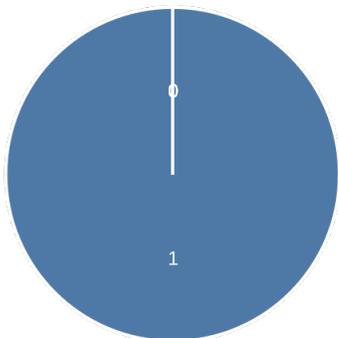
01-28-26 09:00

Agenda Name	Comments	Support	Oppose	Neutral
DRIP-9(9) SOCIAL HOST LIABILITY (DRIP-9(9))	1	1	0	0

Sentiments for All Agenda Items

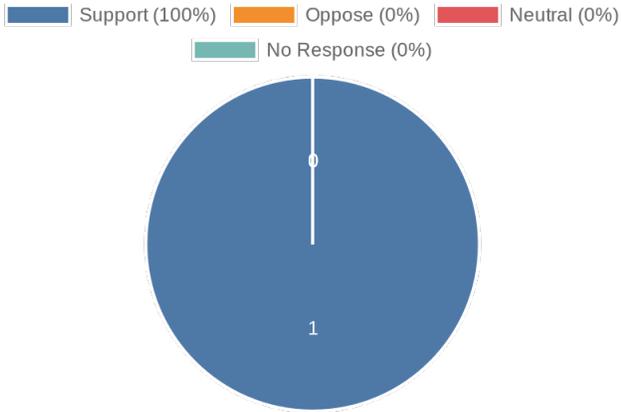
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for DRIP-9(9) SOCIAL HOST LIABILITY (DRIP-9(9))

Overall Sentiment



Edward Codelia

Location:

Submitted At: 7:43pm 01-26-26

I support Bill 17 (2026), which repeals Chapter 9.40 of the Maui County Code on Social Host Liability. This position is not based on indifference to underage drinking or public health. It is based on the documented reality that this ordinance is unenforceable, unused, and constitutionally defective, and that keeping it on the books provides no real protection while creating legal and governance risks.

The Maui Police Department has stated clearly and repeatedly, in formal correspondence to the Council, that Chapter 9.40 contains significant administrative and constitutional deficiencies. According to the Chief and Deputy Chief of Police, the ordinance has never been enforced since its enactment. There have been zero citations, zero penalties, and zero appeals under this chapter. This is not a failure of enforcement effort; it is a consequence of the ordinance's structure.

As MPD explains, Chapter 9.40 is a civil ordinance, not a criminal statute. As a result, officers lack the legal authority to conduct Terry stops, detain individuals, use force, or enter private residences to investigate or enforce it. Any attempt to do so would violate the Fourth Amendment under established case law. In addition, the ordinance's unequal geographic application creates a Fourteenth Amendment equal protection problem. For these reasons, MPD has concluded that it cannot support or enforce this ordinance and has respectfully requested its repeal.

This record matters. When the enforcing agency states, in writing, that a law is unconstitutional and unenforceable, the County should not retain that law for symbolic or aspirational purposes. Laws that exist only on paper undermine public trust, create false expectations, and expose the County to selective enforcement and civil liability if they are ever activated after an incident.

It is also important to note that repeal does not create a legal vacuum. State law already criminalizes the furnishing of alcohol to minors and regulates underage possession and consumption, with enforceable penalties and established procedures. Those laws are enforced and remain fully in effect regardless of the fate of Chapter 9.40.

A useful comparison is vaping. Over-21 tobacco and electronic smoking device restrictions affect the same age group and present daily, visible issues in the community. Yet the County does not attempt to enforce vaping behavior in private homes through civil host liability ordinances or police entry. Instead, enforcement relies on

state law, retail regulation, education, and prevention. No one suggests creating a “vape host liability” ordinance, because it would suffer from the same constitutional and practical problems as Chapter 9.40.

The vaping example demonstrates an important policy truth: not every social harm can or should be addressed through unenforceable police tools. Public health challenges require enforceable laws, clear authority, and realistic enforcement mechanisms—not ordinances that cannot lawfully be applied.

Repealing Chapter 9.40 does not weaken youth protection. It removes a nonfunctional law, aligns the County Code with constitutional limits, and allows focus on tools that actually work: state enforcement, education, prevention, and family accountability.

For these reasons, and based on the clear record provided by the Maui Police Department, I support Bill 17 (2026) and the repeal of Chapter 9.40.

Edward Codelia

Maui Resident