

JAN 27 2021

A BILL FOR AN ACT

RELATING TO AGE DISCRIMINATION.

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

1 SECTION 1. The legislature finds that article I, section
2 6, of the Hawaii State Constitution states that "[t]he right of
3 the people to privacy is recognized and shall not be infringed
4 without the showing of a compelling state interest. The
5 legislature is charged with taking affirmative steps to
6 implement this right."

7 The legislature further finds that, pursuant to laws that
8 limit sales of age-restricted products such as alcohol and
9 tobacco to qualified customers, retail stores require youthful
10 customers to disclose their date of birth in order to make a
11 purchase. These policies also routinely require elderly
12 customers to disclose their birthdates, usually within earshot
13 of others, in order to purchase age-restricted products. Common
14 reasons for these policies include ensuring compliance with
15 cashier procedures and avoiding violation of laws prohibiting
16 the sale of liquor to minors.



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1 The legislature additionally finds that in statutes
2 relating to commerce, employment, and criminal laws, definitions
3 of confidential personal information frequently include a
4 person's date of birth. Retail businesses who do not account
5 for Hawaii's constitutional right to privacy in their sales and
6 cashier practices, therefore, subject elderly residents to
7 discrimination.

8 Accordingly, the purpose of this Act is to prohibit
9 businesses that sell age-restricted goods from requiring
10 disclosure of a customer's date of birth if it is clear that the
11 individual has attained the age required to make a purchase.

12 SECTION 2. Chapter 487J, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§487J- Age verification; prohibition. (a) No business
16 that sells age-restricted goods shall require a customer to
17 verify or disclose the customer's age in order to purchase and
18 receive age-restricted goods if the seller determines by a clear
19 and convincing standard that the purchaser has reached the
20 minimum age required for the purchase of the age-restricted
21 goods.



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1 (b) For the purposes of this section, "clear and
2 convincing standard" means the existence of a fact or facts that
3 make the determination highly probable."

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

7 SECTION 4. New statutory material is underscored.

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

9

INTRODUCED BY: 



S.B. NO. 1398

Report Title:

Age Discrimination; Age-restricted Goods; Birthdate Verification

Description:

Prohibits businesses that sell age-restricted goods from requiring disclosure of a customer's date of birth if it is clear that the individual has attained the age required to make a purchase.

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