
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 shall take affirmative steps to implement this
6 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.



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



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.



Report Title:

Age Discrimination; Age-restricted Goods; Verbal Birthdate
Verification

Description:

Prohibits businesses that sell age-restricted goods from
requiring verbal disclosure of a customer's date of birth if it
is clear that the individual has attained the age required to
make a purchase. (SD1)

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