
A BILL FOR AN ACT

RELATING TO SURVEILLANCE PRICING.

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

1 SECTION 1. The legislature finds that the increasing cost
2 of groceries and basic necessities is placing a strain on
3 Hawaii's residents. Many individuals often have to carefully
4 weigh the cost of their purchases, whether it is an item like
5 milk or fresh produce. In Hawaii, some residents must spend
6 over seventeen per cent of their household budget to put a meal
7 on the table, which is significantly higher than the national
8 average of twelve per cent, according to the United States
9 Bureau of Labor Statistics. Furthermore, the Hawaii Foodbank
10 reports that nearly one in three households is food-insecure,
11 meaning that they do not have access to sufficient or quality
12 food to meet their basic needs.

13 The legislature further finds that surveillance
14 pricing – which is a form of dynamic pricing where a consumer's
15 personal data and behavior, including location, demographics,
16 browsing patterns, and shopping history, is used to determine
17 their willingness to pay for a good or service – can have an



1 adverse effect on consumers, especially for low-income
2 individuals and households that rely on government assistance,
3 such as the supplemental nutrition assistance program and
4 special supplemental foods program for women, infants, and
5 children. These kinds of retail practices can obscure the base
6 price of everyday items and can lessen the power that consumers
7 wield to make responsible and financially sound decisions.
8 Although retailers contend that surveillance pricing can be used
9 to lower the cost of goods, data has shown that instead,
10 retailers often change prices to raise their own profits while
11 leaving consumers to pay.

12 Accordingly, the purpose of this Act is to prohibit
13 retailers from using surveillance pricing in the sale of food
14 that is sold, or qualifies to be sold, as part of the
15 supplemental nutrition assistance program or special
16 supplemental foods program for women, infants, and children.

17 SECTION 2. Chapter 480, Hawaii Revised Statutes, is
18 amended by adding a new section to be appropriately designated
19 and to read as follows:

20 **"§480- Surveillance pricing; prohibition; fines. (a)**
21 **No retailer shall use surveillance pricing in the sale of food**



1 that is sold, or qualifies to be sold, as part of the federal
2 supplemental nutrition assistance program or special
3 supplemental foods program for women, infants, and children.

4 (b) Any retailer that violates this section shall be
5 subject to a civil fine of not more than \$5,000 per item per
6 day. Each day of a continued violation of this section shall
7 constitute a distinct and separate offense. The attorney
8 general may bring an action to collect the fine.

9 (c) Any retailer that violates this section shall be
10 subject to an administrative fine of not more than \$500 for the
11 first offense and not more than \$1,000 for a second or
12 subsequent offense and the actual costs of the investigation of
13 the violation. Each day of a continued violation of this
14 section shall constitute a distinct and separate offense. The
15 director of commerce and consumer affairs may bring an action to
16 collect the fine.

17 (d) This section shall not apply to:

18 (1) Discounts that are readily available to the public,
19 posted in an easily accessible area of a company's
20 website or mobile application, and may be obtained by
21 any customer;



1 (2) Common group discounts; and
2 (3) Loyalty programs.

3 (d) As used in this section:

4 "Common group discounts" means discounts that are offered
5 or provided to a cognizable group, such as teachers, students,
6 senior citizens, or veterans and:

7 (1) The eligibility, type, quantity, or any other term of
8 the discount is readily available to the public and
9 posted in an easily accessible area of a company's
10 website or mobile application; and
11 (2) Any consumer can obtain the discount if the consumer
12 demonstrates they are part of the cognizable group.

13 "Electronic surveillance technology" means the use of
14 technological methods, systems, or tools, including but not
15 limited to sensors, cameras, device tracking biometric
16 monitoring, or other forms of observation or data collection,
17 that are capable of gathering personally identifiable
18 information about a consumer's behavior, characteristics,
19 location, or other personal attributes, whether in physical or
20 digital environments.



1 "Loyalty program" means a program where discounted prices,
2 including lower prices or other rewards, are offered to members
3 of the program to encourage repeat purchases and patronage and:

4 (1) The terms of the loyalty program, including any
5 discounted prices and conditions for loyalty rewards,
6 are readily available to the public and posted in an
7 easily accessible area of a company's website or
8 mobile application; and
9 (2) The terms of the loyalty program are applied
10 consistently to all consumers in the program and are
11 not individualized for consumers.

12 "Surveillance pricing" means the practice of offering or
13 setting a customized price for a good or service for a specific
14 consumer or group of consumers based, in whole or in part, on
15 personally identifiable information collected through electronic
16 surveillance technology."

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

20 SECTION 4. New statutory material is underscored.

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



H.B. NO. 2458

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INTRODUCED BY:



JAN 27 2026



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Report Title:

Surveillance Pricing; Food; Prohibition; Fines; Exceptions

Description:

Prohibits retailers from using surveillance pricing in the sale of food that is sold, or qualifies to be sold, as part of the federal Supplemental Nutrition Assistance Program or Special Supplemental Foods Program for Women, Infants, and Children. Establishes fines. Exempts certain discounts and loyalty programs.

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