

Honolulu, Hawaii

FEB 11 , 2026

RE: H.B. No. 2458
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Madame:

Your Committee on Human Services & Homelessness, to which was referred H.B. No. 2458 entitled:

"A BILL FOR AN ACT RELATING TO SURVEILLANCE PRICING,"

begs leave to report as follows:

The purpose of this measure is to prohibit retailers from using surveillance pricing in the sale of food that is sold, or qualifies to be sold, as part of the Supplemental Nutrition Assistance Program or Special Supplemental Nutrition Program For Women, Infants, and Children.

Your Committee received testimony in support of this measure from the Hawaii Appleseed Center for Law & Economic Justice; Hawai'i Food+ Policy; and four individuals. Your Committee received testimony in opposition to this measure from the Chamber of Progress. Your Committee received comments on this measure from the Department of Human Services and Department of Commerce and Consumer Affairs.

Your Committee finds that one in three Hawaii residents struggle to afford enough food, with supplemental nutrition programs being more important than ever to support working families, individuals with disabilities, and others living on fixed or limited incomes. Your Committee further finds that surveillance pricing, where prices are adjusted based on consumer



data, behavior, or technology use, threatens affordability and predictability for any consumer - especially for 155,000 Hawaii residents relying on the Supplemental Nutrition Assistance Program and twenty-five thousand pregnant people, infants, and young children served by the Special Supplemental Nutrition Program For Women, Infants, and Children.

Your Committee notes that the Department of Commerce and Consumer Affairs, in its written testimony before your Committee, requested two positions - a technologist and staff attorney - to meet the challenges of enforcing the provisions of this measure.

Your Committee has amended this measure by:

- (1) Amending the penalties as follows:
 - (A) Specifying that the penalty is a civil fine, rather than an administrative fine;
 - (B) Specifying that the penalty amount is \$5,000 per item per day, rather than \$500 for the first offense and \$1,000 for each subsequent offense; and
 - (C) Designating the Attorney General and the Director of the Office of Consumer Protection to be the enforcement authorities, rather than the Director of Commerce and Consumer Affairs;
- (2) Inserting a definition of "personally identifiable information";
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2458, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2458, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.



Respectfully submitted on
behalf of the members of the
Committee on Human Services &
Homelessness,

A handwritten signature in black ink, appearing to read "Lisa Marten", written in a cursive style.

LISA MARTEN, Chair



1HSCR 154-26

Bill/Resolution No.: HB 2458	Committee Referral: HSH, CPC, JHA	Date: 2/5/2026		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HSH Members	Ayes	Ayes (WR)	Nays	Excused
1. MARTEN, Lisa (C)	X			
2. OLDS, Ikaika (VC)	X			
3. AMATO, Terez	X			
4. HARTSFIELD, Daisy	X			
5. KEOHOKAPU-LEE LOY, Sue L.	X			
6. TAKAYAMA, Gregg	X			
7. TAKENOUCHI, Jenna	X			
8. ALCOS III, David	X			
9. GARCIA, Diamond		X		
TOTAL (9)	8	1		
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				