

JAN 21 2026

A BILL FOR AN ACT

RELATING TO CONSUMER PROTECTION.

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

1 SECTION 1. Chapter 481B, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 **"§481B- Surveillance pricing; prohibited.** (a) No
5 person shall engage in surveillance pricing.

6 (b) A person does not engage in surveillance pricing if
7 the person can demonstrate that:

8 (1) A difference in price is based solely on costs
9 associated with providing the good or service to
10 different consumers;

11 (2) A discounted price is offered based on publicly
12 disclosed eligibility criteria, including signing up
13 for a mailing list, registering for promotional
14 communications, or participating in a promotional
15 event;

16 (3) A discounted price is offered to members of a broadly
17 defined group based on eligibility criteria, including



1 members of the military, kamaaina, teachers, veterans,
2 seniors, or students;
3 (4) A discounted price is offered through a loyalty,
4 membership, or rewards program in which the consumer
5 has knowingly and voluntarily enrolled;
6 (5) The person operates as an insurer under chapter 431
7 and pricing is in connection with that activity; or
8 (6) A refusal to extend credit at specific terms or the
9 refusal to enter into a transaction with a specific
10 consumer is based on data provided in a consumer
11 report by a consumer reporting agency protected by and
12 subject to the Fair Credit Reporting Act, title 15
13 United States Code section 1681 et seq.;
14 provided that any information collected in connection with
15 paragraphs (1), (2), (3), or (4) shall be used solely for the
16 purpose of offering or administering the applicable discount,
17 cost-based pricing, or loyalty program, and shall not be used
18 for any other purpose, including profiling, targeted
19 advertising, or individualized price setting.
20 (c) A violation of this section shall be deemed an unfair
21 and deceptive practice in accordance with section 480-2.



1 (d) As used in this section:

2 "Consumer" has the same meaning as in section 480-1.

3 "Electronic surveillance technology" means technological
4 methods, systems, or tools, including sensors, cameras, device
5 tracking, biometric monitoring, or other forms of observation or
6 data collection, that can gather information about a consumer's
7 behavior, characteristics, location, or other personal
8 attributes.

9 "Surveillance pricing" means offering or setting a
10 customized price for a good or service for a specific consumer
11 or group of consumers based, in whole or in part, on information
12 collected through electronic surveillance technology.

13 "Person" has the same meaning as in section 480-1."

14 SECTION 2. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 3. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.

19

INTRODUCED BY:



S.B. NO. 2036

Report Title:

Consumer Protection; Surveillance Pricing; Prohibition

Description:

Prohibits surveillance pricing, or differential pricing based on information collected with electronic surveillance technology. Deems surveillance pricing an unfair and deceptive practice. Provides certain exemptions.

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