

STAND. COM. REP. NO. 759-26

Honolulu, Hawaii

FEB 20 , 2026

RE: H.B. No. 2458
H.D. 2

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

Madame:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2458, H.D. 1, 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 Public Health Institute; Health Eating + Active Living Statewide Coalition; Hawai'i Food+ Policy; Hawai'i Hunger Action Network; Hawai'i Children's Action Network Speaks!; Hawai'i Alliance for Progressive Action; and seven individuals. Your Committee received comments on this measure from the Department of Human Services and Department of Commerce and Consumer Affairs.

Your Committee finds that surveillance pricing, where prices are adjusted based on consumer data, behavior, or technology use, threatens affordability and predictability for any consumer. Such practices are more than just inconsistent pricing, they are a way for large companies to use personal demographic, consumer,

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workplace, and contextual data to charge higher prices for essential foods. Your Committee further finds that expanding this measure to prohibit the use of surveillance pricing in the sale of food generally, rather than food sold to a specific subset of consumers, will provide greater consumer protection in the State from these exploitative pricing practices.

Accordingly, your Committee has amended this measure by:

- (1) Expanding the surveillance pricing prohibition to cover the sale of food per the definition provided, rather than food sold to recipients of certain federal programs;
- (2) Deleting language with respect to penalties that conflicted with existing penalties under laws relating to unfair or deceptive acts or practices;
- (3) Exempting restaurants and other establishments that prepare and sell food directly to consumers for immediate consumption, including such locations located within retail establishments;
- (4) Inserting a definition for "food"; and
- (5) 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 Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2458, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Judiciary & Hawaiian Affairs in the form attached hereto as H.B. No. 2458, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



SCOT Z. MATMOSHI, Chair



