

Honolulu, Hawaii

, 2026

MAR 06

RE: H.B. No. 2458  
H.D. 3

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

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 2458, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Prohibit persons from using surveillance pricing in the sale of food; and
- (2) Exempt certain discounts and restaurants.

Your Committee received testimony in support of this measure from the Hawai'i Public Health Institute; Hawai'i Children's Action Network Speaks!; Wainiha Country Market; Hawai'i Alliance for Progressive Action; Green Party of Hawai'i; Hawai'i Food+ Policy; Hawai'i Appleseed Center for Law & Economic Justice; Hawai'i Hunger Action Network; Hawai'i Good Food Alliance; and numerous individuals. Your Committee received testimony in opposition to this measure from the Chamber of Progress and TechNet. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that the expansion of surveillance-based pricing practices raises serious concerns regarding fairness,



transparency, and consumer protection within the State's legal framework, particularly for residents who already experience disproportionate economic strain. Your Committee further finds that individualized, data driven price setting has the potential to exacerbate inequities faced by low-income communities, many of whom rely on consistent food pricing to maintain basic food security and household stability. Your Committee believes that prohibiting surveillance pricing for food purchases strengthens legal safeguards against discriminatory economic practices and upholds the State's commitment to equity and fair treatment under the law.

Your Committee has amended this measure by:

- (1) Removing the exemption for loyalty programs; and
- (2) 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2458, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2458, H.D. 3.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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DAVID A. TARNAS, Chair



**Record of Votes of the Committee on Judiciary & Hawaiian Affairs**

<b>Bill/Resolution No.:</b> <i>HB2458 HD2</i>	<b>Committee Referral:</b> <i>HCH, CPC, JHA</i>	<b>Date:</b> <i>3/4/2026</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <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)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. POEPOE, Mahina (VC)	✓			
3. BELATTI, Della Au				✓
4. COCHRAN, Elle				✓
5. HASHEM, Mark J.	✓			
6. KAHALOA, Kirstin	✓			
7. SAYAMA, Jackson D.	✓			
8. TAKAYAMA, Gregg	✓			
9. GARCIA, Diamond		✓		
10. SHIMIZU, Garner M.		✓		
<b>TOTAL (10)</b>	<i>6</i>	<i>2</i>	<i>0</i>	<i>2</i>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size: small;">committee acronym(s)</div>				
<b>Vice Chair's or designee's signature:</b>				
<b>Distribution:</b> Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				