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OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
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Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Judiciary and Hawaiian Affairs
Wednesday, March 4, 2026
2:00 p.m.
Via Videoconference
Conference Room 325**

**On the following measure:
H.B. 2458, H.D. 2, RELATING TO SURVEILLANCE PRICING**

Chair Tarnas and Members of the Committee:

My name is Dominic Jancaterino, and I am an Enforcement Attorney for the Department of Commerce and Consumer Affairs' (Department) Office of Consumer Protection (OCP). The Department appreciates the intent of this bill and offers comments.

We recognize and share concerns about companies collecting data that is unnecessary to provide their product or service then using that data to market premium products based on behavioral analysis. These concerns are not hypothetical. In May 2025, a Consumer Reports investigation revealed "that Kroger grocery stores collect extensive customer data and use it to make detailed inferences, such as by using an "income predictor," an estimate about a customer's income level. Personal data is also used to determine whether the shopper is deemed a truly loyal Kroger shopper and predicted to purchase premium brands."

More generically, loyalty programs provide companies with the data they need to create individualized marketing (and potentially, individualized pricing) programs based on excessive data collection. Research shows that loyalty programs that once rewarded repeat business **“have evolved into data-harvesting machines that lawmakers should scrutinize as closely as any other surveillance-based business model.”**¹ From fast food companies to airlines and hotels to grocery stores and gas stations, loyalty programs “track not just what consumers buy, but who we are, what we search for, and even how we move our cursors across a screen.”² Companies utilizing loyalty program models **“then monetize this data – selling it to brokers, building profiles on each of us, and most importantly, learning how much each of us is willing to pay.”**³ This data may also be analyzed in-house to determine how to market premium products to members.

While this bill exempts loyalty programs, the exemption only applies if “[t]he terms of the loyalty program are applied consistently to all consumers in the program and are not individualized for consumers.” (Page 5, lines 1-3.) Many loyalty programs would not qualify for this exemption by virtue of offering new member benefits not available to existing members. Although not covered by this bill, think of time-limited “sign-up” bonuses for a new credit card as a classic “hook” for new members, where the benefits of the program are available to new, but not existing, program members. While we believe the narrowly crafted exemption is a feature of this bill we maintain that there is little or no consumer benefit from exempting loyalty programs to begin with.

¹ Samuel A.A. Levine & Stephanie T. Nguyen, *The Loyalty Trap: How Loyalty Programs Hook Us with Deals? Hack our Brains? and Hike Our Prices*, Vanderbilt Policy Accelerator, UC Berkeley Center for Consumer Law & Economic Justice (Oct. 2025) (emphasis added).

²Id.

³ Derek Kravitz, *Inside Kroger's Secret Shopper Profiles: Why You May Be Paying More Than Your Neighbors*, Consumer Reports (May 21, 2025), available at <https://www.consumerreports.org/money/questionable-businesspractices/kroger-secret-grocery-shopper-loyalty-profiles-unfair-a1011215563/>.

The responsibility to investigate and bring civil enforcement actions challenging prohibited surveillance pricing requires resources. Hiring a technologist would assist our office in investigations, collecting evidence, and asking questions about new technologies and data brokers. A technologist is a professional who specializes in the application of technology to solve real-world problems. Technologists include professionals in computer science, robotics, engineering, and information technology (IT). Technologists work in diverse fields such as software development, hardware design, artificial intelligence, cybersecurity, and systems integration.

Should the Committee wish to pass this bill, we respectfully request the following amendments:

(1) Remove the exemption for loyalty programs by deleting language at page 3, line 6, and the definition of “loyalty program” which appears at page 4, line 13, to page 5, line 3; and

(2) Insert a \$450,000 general fund appropriation for a technologist position, a staff attorney position, and an investigator position at the agency with primary enforcement responsibility to support enforcement efforts.

Thank you for the opportunity to testify on this bill.



HIPHI Board

May Okihiro, MD, MS
Chair

*John A. Burns School of Medicine,
Department of Pediatrics*

Jennifer José Lo, MD
Vice Chair

Hawai'i Health Partners

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Secretary
Taase Law Office

Jonathan Ching
Kaiser Permanente

Tammy Ho
The Queen's Medical Center

Carissa Holley, MEd
Hale Makua Health Services

Joyce Lee-Ibarra, MS
JLI Consulting

Misty Pacheco, DrPH
University of Hawai'i at Hilo

Dina Shek, JD
*Medical-Legal Partnership
For Children in Hawai'i*

JoAnn Tsark, MPH
*John A. Burns School of Medicine, Native
Hawaiian Research Office*

Danette Wong Tomiyasu, MBA
*Retired, Hawai'i State Department of
Health*

HIPHI Initiatives

Coalition for a
Tobacco-Free Hawai'i

Community-Based Research &
Evaluation

Community Health
Worker Initiatives

Environmental Health

Hawai'i Climate Change and Health
Working Group

Hawai'i Drug & Alcohol-Free Coalitions

Hawai'i Immunization Coalition

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Collective/Healthy Aging &
Community Living

Public Health Workforce Development

Date: February 27, 2026

To: Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
Members of the House Committee on Judiciary and Hawaiian Affairs

Re: Support for HB 2458 HD2, Relating To Surveillance Pricing

Hrg: Wednesday, March 4, 2026, at 2:00PM, Conference Room 325

Hawai'i Public Health Institute (HIPHI)¹ and the Healthy Eating + Active Living² (HEAL) Statewide Coalition are in **support of HB 2458 HD2**, which would prohibit persons from using surveillance pricing in the sale of food.

Same Item, Different Prices for Different People

Surveillance pricing enables companies to use personal information such as purchasing history, browsing behavior, and demographic data to charge different consumers different prices for the same products. This practice lacks transparency and can disproportionately harm low-income families who rely on SNAP and WIC benefits, effectively penalizing them through algorithmic profiling rather than reflecting actual market costs.

A person's precise location or browser history can be "frequently used to target individual consumers with different prices for the same goods and services."³ FCC staff found that behaviors ranging from mouse movements on a webpage to the items left in consumers' online shopping carts can be tracked and used to tailor product pricing.

Consumer Watchdog, a consumer protection organization based in California, released a report in December 2024 found that at Amazon, prices change over 2.5 million times a day, roughly once every ten minutes.⁴ Policy analysts at the American Civil Liberties Union have identified the cyclical pattern of surveillance pricing, noting that "Where some companies begin increasing their competitors will likely be forced to

¹ Hawai'i Public Health Institute's mission is to advance health and wellness for the people and islands of Hawai'i. We do this through expanding our understanding of what creates health of people and place, fostering partnerships, and cultivating programs to improve policies, systems, and the environments where people live, learn, work, age, and play.

² The Healthy Eating + Active Living (HEAL) Coalition, formerly known as the Obesity Prevention Task Force, was created by the legislature in 2012 and is comprised of over 60 statewide organizations. The HEAL Coalition works to make recommendations to reshape Hawai'i's school, work, community, and health care environments, making healthier lifestyles obtainable for all Hawai'i residents.

³ [FTC Surveillance Pricing Study Indicates Wide Range of Personal Data Used to Set Individualized Consumer Prices](#), Federal Trade Commission, January 2025.

⁴ ["Surveillance Price Gouging"](#), Consumer Watchdog, December 2024.



follow suit to keep up. Surveillance pricing also incentivizes companies to increase surveillance of their customers as they try to squeeze ever more profits out of them.”⁵

Increased Prices Make Hawai'i Even Less Affordable

While 1 in 3 households face food insecurity each year, it's important we take every step necessary to keep grocery prices from rising. Allowing corporate profits to rise at the expense of our grocery budgets is not a sign of progress. The state is tasked with protecting our residents from exploitative practices, and charging some people more for the same bag of rice or carton of eggs needs to be stopped.

Mahalo for helping to protect our residents working to create a more affordable Hawai'i for us all.

A handwritten signature in black ink that reads 'Nate Hix'.

Nate Hix
Director of Policy and Advocacy

⁵ [“Surveillance Pricing Hurts Consumers. Incentivizes More Corporate Spying on Them”](#), American Civil Liberties Union, September 2024.

To: House Committee on Judiciary & Hawaiian Affairs
Re: **HB2458 HD2 – Relating to Surveillance Pricing**
Hawai'i State Capitol & Via Videoconference
March 4, 2026, 2:00 PM

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing in **SUPPORT of HB2458 HD2**, which would prohibit persons from using surveillance pricing in the sale of food, with exemptions for certain discounts, loyalty programs, and restaurants.

Surveillance pricing is the practice of using personal data such as location, browsing history, and purchase behavior to charge different prices based on what an algorithm predicts a family is willing or able to pay. A 2025 Consumer Reports investigation found that Instacart's algorithmic pricing led to grocery prices differing by as much as 23% for the same item depending on the customer, and these pricing experiments could cost families more than \$1,200 per year.¹

This is especially concerning in Hawai'i, where families already face the highest cost of living in the nation and limited retail competition—particularly on neighbor islands where families often have few alternatives. Surveillance pricing allows companies to quietly charge higher prices to families who cannot easily shop elsewhere, worsening the affordability crisis for local households.

With this bill, Hawai'i would join a growing national movement to protect consumers from surveillance pricing. New York and California recently passed bans on algorithmic price colluding, and at least 19 states are considering legislation to curb similar practices.²

Mahalo for the opportunity to provide this testimony. Please pass this bill.

Thank you,

Nicole Woo
Director of Research and Economic Policy

¹ <https://www.consumerreports.org/media-room/press-releases/2025/12/new-report-exposes-instacarts-hidden-price-games/>

² <https://www.reuters.com/sustainability/boards-policy-regulation/us-states-take-aim-data-driven-pricing-ease-consumer-pain-2025-11-21/>

HB-2458-HD-2

Submitted on: 3/2/2026 10:07:51 AM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|------------------------|---------------------------|-------------------|
| Joell Edwards | Wainiha Country Market | Support | Remotely Via Zoom |

Comments:

Aloha Chair and Members of the Committee,

My name is Joell Edwards. I am a resident of Wainiha on the North Shore of Kaua‘i and a small business owner operating a rural community grocery store. I write in strong support of HB 2458 HD2.

Hawai‘i residents are facing relentless increases in the cost of living — from housing to utilities to groceries. On Kaua‘i, families already spend a disproportionate share of their household income on food — in some cases over seventeen percent, well above the national average of twelve percent. At the same time, one in three households in Hawai‘i experiences food insecurity, and many are skipping meals or reducing portions just to get by.

As a small grocer, surveillance pricing directly affects my business.

Large national retailers have the technology and data infrastructure to analyze personal shopping behavior and adjust prices dynamically — sometimes offering lower prices to certain customers while charging others more. I do not have access to those tools, nor would I choose to use them in a way that treats neighbors differently based on algorithms.

In a small rural community, pricing must be transparent and consistent. Families need to know what groceries will cost from week to week. If surveillance pricing becomes widespread, it creates two serious problems for small grocers like me:

First, it distorts competition. Large retailers can selectively discount to price-sensitive shoppers while maintaining higher margins elsewhere. Small stores, already operating on thin margins due to shipping costs, utilities, and scale limitations, cannot absorb that imbalance.

Second, it erodes trust. My customers are my neighbors. Pricing should not depend on personal data, purchase history, or digital tracking. If discounts are offered, they should be available to everyone — without requiring personal identifying information.

In a state where food prices are already among the highest in the country, introducing unpredictability through algorithm-driven pricing would make it even harder for families to budget and for small, community-based grocers to compete fairly.

HB 2458 HD2 provides important safeguards to ensure fairness and transparency in food pricing. It protects consumers while also leveling the playing field for small local businesses that operate with integrity and uniform pricing.

For our families, our kūpuna, and our local small businesses, I respectfully urge you to support HB 2458 HD2.

Mahalo for your consideration.



House Committee on Judiciary & Hawaiian Affairs

Hawai'i Alliance for Progressive Action (HAPA) Strongly Supports: HB2458 HD1

March 4th, 2026 at 2:00pm; Conference Room 325

Aloha Chair Tarnas, Vice Chair Poepoe and Members of the Committee,

HAPA is writing in **support of HB2458 HD1** which seeks to prohibit retailers from using surveillance pricing in the sale of food.

The increasing cost of groceries and basic necessities continues to place a strain on Hawaii's residents. In Hawaii, some residents must spend over seventeen per cent of their household budget to put a meal on the table, which is significantly higher than the national average of twelve per cent, according to the United States Bureau of Labor Statistics.

Consumers need protections from surveillance pricing. As recognized by the legislature, surveillance pricing can obscure the base price of everyday items and can lessen the power that consumers wield to make responsible and financially sound decisions. In an ever increasingly challenging economy, introducing this practice increases the complexity of preparing a meal budget when you can not know how much something will cost at checkout.

While retailers can use surveillance pricing to lower the cost of goods, data has shown that instead, retailers often change prices to raise their own profits. Permitting loyalty programs to offer discounted prices allows retailers to lower the cost of goods without needing customers' individual data.

Please support HB2458 HD1. Mahalo for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anne Frederick', written in a cursive style.

Anne Frederick,
Executive Director

HB-2458-HD-2

Submitted on: 3/2/2026 6:53:40 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|-----------------------|------------------------|---------------------------|------------------------|
| Susan B Roberts Emery | Green Party of Hawai'i | Support | Written Testimony Only |

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Honorable members of Committee,

My name is Susan RobertsEmery, as Co Chair of the Green Party of Hawai'i, we are offering our support of this bill, HB2458 HD2.

While retailers can use surveillance pricing to lower the cost of goods, data has shown that instead, retailers often change prices to raise their own profits. Permitting loyalty programs to offer discounted prices allows retailers to lower the cost of goods without needing customers' individual data.

The Green Party of Hawai'i urges you to Pass HB2458 HD2.

Mahalo,

Susan RobertsEmery

Green Party of Hawai'i

Paauilo



March 4, 2026

The Honorable David A. Tarnas
Chair, House Committee on Judiciary &
Hawaiian Affairs
Room 442, Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

The Honorable Mahina Poepoe
Vice Chair, House Committee on
Judiciary & Hawaiian Affairs
Room 331, Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

RE: Oppose HB 2458 HD 2 – "Relating to Surveillance Pricing"

Dear Chair Tarnas, Vice Chair Poepoe, and members of the Committee:

On behalf of Chamber of Progress, a tech industry association supporting public policies to build a society in which all people benefit from technological advances, **I respectfully urge you to oppose HB 2458**. By banning what it calls "surveillance pricing" in the sale of food, HD2 expands the original bill's scope beyond SNAP- or WIC-eligible items and applies broadly to **anyone** selling food statewide. HB 2458 in its current form **risks eliminating the personalized deals, loyalty program promotions, and discounts that help Hawai'i families afford groceries, without evidence that the practices it targets are harming consumers or driving up grocery prices.**

HB 2458 HD2 also expands the bill from covering "retailers" to covering all "persons" selling food. That shift reaches far beyond grocery stores and could pull in small markets, convenience stores, and online food sellers that rely on digital promotions to compete. By casting such a wide net, the bill creates new legal uncertainty and compliance costs, especially for small, local businesses, and risks reducing competition and the targeted discounts that help Hawai'i families manage high grocery prices.

The bill threatens the savings Hawai'i families rely on to address unproven harms

We share the Legislature's concern about the cost of food in Hawai'i. When families are spending over 17% of their household budget on groceries¹ and nearly one in three

¹ Bureau of Labor Statistics. *Consumer Expenditures for the Honolulu Metropolitan Area, 2021–22*. Oct. 19, 2023. https://www.bls.gov/regions/west/news-release/consumerexpenditures_honolulu.htm

households is food-insecure,² every dollar matters. That is precisely why we are concerned about HB 2458.

Using customer data to personalize deals, discounts, and shopping experiences delivers real value to consumers, particularly those on tight budgets. A parent who regularly buys baby formula through a grocery app might receive a timely coupon when the brand she uses goes on sale. A family that stocks up on rice and children's cereal every month might see a targeted promotion when those staples are discounted. These are examples of retailers using customer information to make everyday groceries more affordable, not "surveillance pricing." A global survey of 23,000 consumers found that the vast majority are not only comfortable with personalized offers but expect them, saying that personalization helps them find better prices and save time.³

HB 2458's definitions put these everyday tools at risk. The bill defines "surveillance pricing" as any customized price based "in whole or in part" on personally identifiable information collected through "electronic surveillance technology." This sweep captures not just the price a shopper pays at checkout, but the full range of personalized grocery tools consumers have come to depend on: coupons matched to past purchases, targeted promotions, personalized loyalty rewards, and savings alerts based on shopping history.

Although HD2 includes exemptions for publicly available discounts, common group discounts, loyalty programs, and restaurants selling food for immediate consumption, the bill's core prohibition remains broad enough to place individualized grocery discounts at risk.

Digital coupons alone save the average household \$1,465 per year,⁴ and research shows that low-income families with children are among the most active users of coupons and promotions.⁵ In a state where groceries cost far more than the national average, these savings matter.

The bill's findings assert that retailers use surveillance pricing to raise profits at consumer expense, but cite no specific data, study, or example of this practice harming consumers in Hawai'i's grocery sector or in any U.S. grocery market. To the contrary, the majority of grocery shoppers say they appreciate personalized discounts and rewards

² Mark Ladao. "1 in 3 Local Households Experience Food Insecurity, Hawai'i Foodbank Reports." Hawai'i Public Radio, May 30, 2024. <https://www.hawaiipublicradio.org/local-news/2024-05-30/1-in-3-local-households-experience-food-insecurity-hawaii-foodbank-reports>

³ Mark Abraham et al. "What Consumers Want from Personalization." *Boston Consulting Group*, Dec. 12, 2024. <https://www.bcg.com/publications/2024/what-consumers-want-from-personalization>

⁴ Elyssa Kirkham. "Study: Skipping Online Coupons Could Cost You \$1,465 Per Year." *CouponFollow*, Jul. 29, 2019. <https://couponfollow.com/research/coupon-data-study>

⁵ Stephanie M. Noble et al. "Coupon Clipping by Impoverished Consumers: Linking Demographics, Basket Size, and Coupon Redemption Rates." *International Journal of Research in Marketing*, 2017. <https://doi.org/10.1016/j.ijresmar.2016.08.010>

from the stores where they shop.⁶ HB 2458 would broadly prohibit individualized pricing practices in food sales without evidence that they are hurting consumers, while putting at risk the personalized savings tools that Hawai'i families actually use.

The bill's exemptions concede the value of personalized pricing but are functionally unworkable

HB 2458 exempts three categories of pricing from its ban: publicly available discounts; common group discounts for teachers, students, seniors, and veterans; and loyalty programs. HB 2458 also exempts restaurants and establishments preparing food for immediate consumption. These exemptions implicitly acknowledge what consumers already know: data-driven discounts and loyalty programs deliver real value. But the bill's conditions could **prevent retailers from offering those discounts to customers.**

Personalization is what makes many of these discounts viable and accessible in the first place. Retailers use customer data to identify who would benefit from a deal and deliver it at the right moment. Without that ability, many targeted offers simply will not be made. Offering a blanket discount to every customer is far more costly, and retailers that cannot identify shoppers who most value these offers have less incentive to compete for their loyalty. Fewer deals get made, and the consumers who need savings most lose out.

The loyalty program exemption illustrates this clearly. To qualify, a loyalty program's terms must be "applied consistently to all consumers in the program and are not individualized for consumers." This non-individualization requirement would block the most valuable feature of modern grocery loyalty programs: personalized deals based on a shopper's purchase history and preferences. Under HB 2458, these deals would fall directly under the ban, bypassing any exemption outlined in the bill. Shoppers would keep the loyalty card but lose the savings that made it worth signing up for.

Additionally, the exemption for publicly available discounts suffers from a similar problem by requiring that the discount be posted on a website or app and obtainable by "any customer." But the value of personalized savings is that they reach consumers automatically. By requiring that all protected discounts be publicly posted and universally available, the bill excludes the targeted offers that reach the consumers who would benefit most, at the moment they need them.

Personalized pricing is a familiar, pro-consumer practice

The term "surveillance pricing" is designed to make a familiar practice sound menacing. But using data to adjust prices and offers to individual circumstances is already part of daily life: students and seniors receive discounts, insurance companies charge safer

⁶ RRD. 2024 CPG + Grocery Consumer Report. 2024.
<https://www.rrd.com/resources/research-report/2024-cpg-and-grocery-consumer-report>

drivers less, and colleges vary tuition by family income and merit. These are all forms of price differentiation that make goods and services more accessible to more people. The underlying principle does not become exploitative simply because digital tools make it more efficient.

Research published in the *Journal of Political Economy* has found that over 60% of individual consumers receive lower prices under personalized pricing.⁷ Separate research in the *Journal of Business Ethics* concluded that personalized pricing can have progressive distributional effects, directing savings toward the consumers who benefit most from discounts.⁸ Without personalization, retailers must set uniform prices that inevitably exclude some consumers or charge others more than necessary. Banning personalized pricing does not produce a fairer market – it risks producing one that is both less accessible and less efficient.

For these reasons, **we respectfully urge the Committee to oppose HB 2458.** Hawai'i families struggling with the highest grocery costs in the nation⁹ cannot afford to lose the deals and loyalty savings that help them put food on the table.

Sincerely,



Robert Singleton
Senior Director of Policy and Public Affairs, California and US West

⁷ Jean-Pierre Dube and Sanjog Misra. "Personalized Pricing and Consumer Welfare." *Journal of Political Economy*, 2023. <https://www.journals.uchicago.edu/doi/10.1086/720793>

⁸ Jerod Coker and Jean-Manuel Izaret. "Progressive Pricing: The Ethical Case for Price Personalization." *Journal of Business Ethics*, 2021. <https://doi.org/10.1007/s10551-020-04545-x>

⁹ Jim Manzon. "Hawaii Beats New York, Florida, and California for Most Expensive Groceries" *IBTimes UK*, Jan. 29, 2026. <https://www.ibtimes.co.uk/hawaii-beats-new-york-florida-california-most-expensive-groceries-where-does-your-us-state-1774760>



Date of Hearing: 4 March, 2026

To: Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary & Hawaiian Affairs

Subject: **HB2458 HD1**, Relating to Surveillance Pricing

Aloha,

Hawai'i Food+ Policy **strongly supports HB2458 HD1** which seeks to prohibit and fine the practice of surveillance pricing deployed against qualifying foods sold in retailers. We also want to acknowledge the addition of protecting consumers who purchase food from restaurants within retail locations added by amendments from the House Committee on Consumer Protection and Commerce. With one in three households in Hawaii experiencing difficulty in securing consistent access to food and two-thirds of these families experiencing the most extreme version of this, uncertainty in pricing within the market makes it difficult/impossible to budget in an already constrained area of life. These protections will benefit many consumers – our fellow community members.

From an FTC report on surveillance pricing¹, findings revealed that “consumer behaviors ranging from mouse movements on a webpage to the type of products that consumers leave unpurchased in an online shopping cart can be tracked and used by retailers to tailor consumer pricing.” As a legislative body, when community members do not have the ability to opt-out and delete this collected data, consumers have no protections beyond legislated consumer protections. It is important that the legislature establishes safeguards for individuals against practices to prevent decreased food security and food access.

The argument that surveillance pricing can be used to lower the cost of goods, as identified by the legislature, is not substantiated by data which shows retailers often change prices to raise their own profits while leaving consumers to pay. The possibility of benevolence is not a reason to forgo protection through policy.

We urge the committee to pass this bill seeking to prohibit 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 (SNAP) or special supplemental food program for women, infants, and children (WIC).

We appreciate the previous amendment specifying the fine amount of \$5,000.00 per item per day rather than \$500 for the first offense and removing conflicting language that persisted. We also want to acknowledge recent amendments to expand the prohibition on surveillance pricing for all sales of food, including those items beyond those foods which qualify for SNAP and WIC.

Mahalo,
Brandon Kinard & the Food+ Policy Team
#fixourfoodsystem

[1] Federal Trade Commission. (2025, January). FTC surveillance pricing study indicates wide range of personal data used to set individualized consumer prices [Press release].

<https://www.ftc.gov/news-events/news/press-releases/2025/01/ftc-surveillance-pricing-study-indicates-wide-range-personal-data-used-set-individualized-consumer>

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2026, the cohort of interns are undergraduate and graduate students and young professionals working in the food system. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.



HAWAII APPLESEED

CENTER FOR LAW & ECONOMIC JUSTICE

Testimony of the Hawai‘i Appleseed Center for Law and Economic Justice
Support for HB 2458 – Relating to Food Security
House Committee on Judiciary and Hawaiian Affairs
Wednesday, March 4, 2026, at 2:00 PM

Dear Chair Tarnas, Vice Chair Poepoe, and members of the Committee:

Thank you for the opportunity to submit testimony in support of **HB 2458**, which would prohibit retailers from using surveillance pricing for food sold in the Supplemental Nutrition Assistance Program (SNAP) or Special Supplemental Foods Program for Women, Infants, and Children (WIC).

Hawai‘i Appleseed is committed to advancing a food system that is equitable, accessible, and affordable for all residents. Hawai‘i is already experiencing the highest costs of living and highest grocery costs in the entire nation. This affordability crisis has led to one in three households struggling to afford food.¹

Surveillance pricing—where prices are adjusted based on consumer data such as browsing behavior or demographic—is a predatory corporate practice that has become rampant across other industries, threatening affordability and predictability for consumers across the nation. It has no place in our food industry, when grocery shopping is the primary way that people fulfil one of the most basic human needs. These practices are more than just inconsistent pricing, they are a way for large companies to use personal, demographic, consumer, workplace, and contextual data to charge higher prices for essential foods.² This could impact not only the approximate 160,000 SNAP users in the state, but also those just over the eligibility threshold who are still struggling to make ends meet.

Other states such as Maryland, California, and New York have proposed similar bans on these forms of predatory pricing for groceries, citing concerns about unfair and unpredictable costs for consumers.³ Hawai‘i has the opportunity to join these states in getting ahead of exploitative pricing practices while protecting SNAP and WIC participants.

Thank you for the opportunity to provide testimony in support of HB 2458. We are pleased that the Hawai‘i legislature is paying attention to measures that improve food security across the state.

¹ Hawai‘i Foodbank, “The State of Food Insecurity in Hawai‘i 2024-2025: Executive Summary,” Hawai‘i Foodbank, November 2025. https://hawaiifoodbank.org/wp-content/uploads/2025/12/HFB.ExecutiveSummary2025_Web-FINAL.pdf

² AI Now Institute, et al. *Prohibiting Surveillance Prices and Wages*. February 2025, American Economic Liberties Project, <https://www.economicliberties.us/wp-content/uploads/2025/02/Real-Surveillance-Prices-and-Wages-Report.pdf>

³ Tan, Cheyenne. *How U.S. States Are Tackling Algorithmic Pricing: 2025 Bill Tracker and Analysis*. *Innovation at Consumer Reports*, 1 Aug. 2025, <https://innovation.consumerreports.org/how-u-s-states-are-tackling-algorithmic-pricing-2025-bill-tracker-and-analysis/>.



2026 Network Members

Aloha Harvest
Aloha United Way
Chef Hui
City and County of Honolulu
County of Hawai'i
Hawai'i Alliance for
Progressive Action (HAPA)
Hawai'i Appleseed
Hawai'i Children's Action
Network
Hawai'i Dept. of Agriculture
Hawai'i Dept. of Health
Hawai'i Food Bank
Hawai'i Food Bank - Kaua'i
Branch
Hawai'i Good Food Alliance
Hawai'i Public Health Institute
Kōkua Kalihi Valley
Lanakila Pacific
Mālama Kaua'i
Maui Department of
Agriculture
Maui Food Bank
Parents and Children Together
Supersistence
The Food Basket
The Pantry, by Feeding Hawai'i
Together
Wai'anae Coast
Comprehensive Health Center

hawaiihungeraction.org

House Committee on Judiciary & Hawaiian Affairs

Wednesday, March 4, 2026, at 2:00PM

RE: Support for HB 2458, Relating to Food Security

Dear Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

The Hawai'i Hunger Action Network, a coalition of more than twenty local organizations with the mission to advocate for food security for Hawai'i households, would like to express support for HB 2458. This bill would prohibit retailers from using surveillance pricing for food sold in the Supplemental Nutrition Assistance Program (SNAP) or Special Supplemental Foods Program for Women, Infants, and Children (WIC)

Hawai'i has the highest grocery prices in the nation. With one in three Hawai'i residents struggling to afford enough to eat, protecting food affordability is more important than ever.

Pricing practices that allow companies to adjust food costs based on personal data or shopping behavior create uncertainty and make it even harder for families to budget. Not only do these practices make the price of essential groceries unpredictable, but it provides access to use personal, demographic, consumer, and workplace, and contextual data to charge higher prices for foods.

Hawai'i has an opportunity to join other states and stand up for consumers and help ensure that the cost of basic necessities remains fair and transparent. Mahalo for your leadership and your consideration of HB 2458.

With aloha,
Hawai'i Hunger Action Network membership



401 Uluniu St. #311 Kailua, HI 96734 | info@hawaiigoodfoodalliance.org

TESTIMONY IN SUPPORT OF HB2458 HD2 – Relating to Food Pricing Protections
House Committee on Finance
Hearing Date: Wednesday, March 4, 2026 at 2:00 PM

Dear Chair Todd, Vice Chair Takenouchi, and Members of the Committee,

My name is Kat Saneewong, and I serve as the Farmers Market Program Navigator with the **Hawai'i Good Food Alliance**. I am writing in strong support of **HB2458 HD2**.

HB2458 HD2 prohibits surveillance pricing in the sale of food. Surveillance pricing uses personal consumer data to determine individualized pricing based on perceived willingness to pay.

Hawai'i households already face some of the highest grocery costs in the nation. In this environment, transparency and predictability in food pricing are essential. This bill:

- Protects consumers from opaque and potentially discriminatory pricing practices.
- Supports low-income households and families relying on public assistance who are most vulnerable to price manipulation.
- Promotes fairness and transparency in Hawai'i's food marketplace.
- Helps families budget for essential food purchases with confidence.

Food is a basic necessity. Ensuring that pricing practices remain transparent and equitable strengthens consumer trust and supports food access statewide.

HB2458 HD2 provides reasonable consumer protections that promote fairness and stability within Hawai'i's food marketplace. I respectfully urge the Committee to support this measure.

Mahalo for your time and consideration.

Respectfully,

Kat Saneewong
Farmers Market Program Navigator
Hawai'i Good Food Alliance





March 2, 2026

Representative David A. Tarnas
Chair, Committee on Judiciary and Hawaiian Affairs
Hawaii State Capitol
415 South Beretania Street, Room 225
Honolulu, HI 96813

Representative Mahina Poepoe
Vice Chair, Committee on Judiciary and Hawaiian Affairs
Hawaii State Capitol
415 South Beretania Street, Room 225
Honolulu, HI 96813

RE: HB 2458 HD2 (Grandinetti) - Surveillance Pricing – Oppose Unless Amended

Dear Chair Tarnas, Vice Chair Poepoe, and members of the committee

On behalf of TechNet, we must respectfully oppose HB 2458 HD2 in its current form.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of American innovation by advocating a targeted policy agenda at the federal and 50-state level. TechNet’s diverse membership includes 100 dynamic American businesses ranging from startups to the most iconic companies on the planet and represents five million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

We share the Legislature’s goal of protecting consumers, particularly in the context of raising grocery costs that place strain on families. However, as drafted, HB 2458 HD2 broad definitions risk unintended consequences that could reduce access to legitimate discount programs that many households rely upon to manage grocery costs, as well as increase compliance uncertainty for retailers.

Broad Definitions and Operational Uncertainty

HB 2458 HD2 defines “electronic surveillance technology” broadly to include a wide range of data collection methods in physical or digital environments. The bill further ties enforcement to the use of “personally identifiable information,” which is defined expansively and includes numerous identifiers and combinations of data elements. When combined, these provisions may unintentionally encompass routine retail

practices where customers voluntarily enroll in loyalty programs or digital applications in order to receive discounts.

In grocery settings, loyalty accounts and promotional programs necessarily rely on consumer identifiers to apply discounts at checkout. These programs are designed to provide lower prices to participating shoppers, allowing consumers to access savings. Without clear guardrails to distinguish harmful discriminatory pricing from legitimate rewards-based pricing, retailers face uncertainty about routine operational practices.

When pricing systems must weigh inventory, consumer enrollment, promotional eligibility, and cost factors simultaneously, overly rigid prohibitions risk disrupting ordinary business functions rather than preventing unfair conduct.

Impact on Grocery Affordability and Consumer Savings

Modern grocery retail frequently relies on loyalty programs, digital coupons, and promotional pricing to offer lower prices to consumers. These programs allow retailers to provide targeted discounts, reward repeat customers, and manage inventory efficiently—often lowering the effective price of food for families.

HB 2458 HD2 includes exemptions for certain publicly available discounts and loyalty programs. However, the exemption language remains unclear as to whether personalized digital coupons, app-based promotions, or account-triggered inventory markdowns would qualify. Even with the HD2 exemptions, retailers may reasonably determine that compliance risk remains too high to continue offering account-based or personalized discounts.

The unintended result would not be greater fairness—it will be fewer discounts and higher effective grocery prices for families who actively rely on savings programs.

Disproportionate Per-Item and Per-Day Liability

HB 2458 HD2 provides that each item sold in violation of the section constitutes a distinct and separate offense, and that each day of a continued violation constitutes a separate offense. In the context of grocery retail, where thousands of items are sold daily, this penalty structure creates extraordinary cumulative exposure.

Even inadvertent compliance ambiguities could result in significant liability. This enforcement structure risks driving retailers to adopt the most conservative pricing models possible, including eliminating discount programs altogether to avoid compounding penalties.

Such outcomes would likely reduce pricing flexibility and diminish savings opportunities for consumers.

A More Targeted Path Forward

We agree that individualized price increases based on sensitive personal data warrant scrutiny. However, HB 2458 HD2 adopts a categorical prohibition in the food sector that may sweep in lawful, pro-consumer pricing tools due to the limited exemptions outlined in the language.

We are currently working on proposed amendments to address our previously stated concerns and protect consumers' ability to access all forms of discounts and loyalty programs. We welcome ongoing engagement with the committee to refine the bill in a way that protects consumers while maintaining grocery affordability.

Protecting families from unfair pricing practices is an important goal. However, HB 2458 HD2's broad definitions and severe per-item penalty structure risk unintended consequences that could reduce access to discounts and increase operational costs, ultimately harming the very consumers the bill seeks to protect.

For these reasons, we respectfully oppose HB 2458 HD2 unless amended and urge the Legislature to pursue a more targeted approach that protects consumers without undermining affordability and loyalty programs that families have come to rely on.

If you have any questions regarding our position, please contact Robert Boykin at rboykin@technet.org or 408.898.7145.

Sincerely,



Robert Boykin
Executive Director for California and the Southwest
TechNet

HB-2458-HD-2

Submitted on: 2/27/2026 3:36:17 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Dawn Wakukawa | Individual | Support | Written Testimony Only |

Comments:

I continue to support this. Help our people struggling just to buy basic groceries and necessities. Stop lining the pockets of billionaires and corporations.

My husband & I both work full-time and have one son. We are considered middle-class, but we still struggle to stay in our budget for groceries and necessities. We purchase the same items regularly from places like Costco, Target, CVS/Longs and Times Supermarkets. Often we will have to not purchase everything on our grocery list as prices have gone up significantly.

I can only imagine how this is impacting others who are not as fortunate as us.

HB-2458-HD-2

Submitted on: 2/28/2026 12:52:43 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| ANDREW ISODA | Individual | Support | Written Testimony Only |

Comments:

What Does This Bill Do?

Prohibits persons from using surveillance pricing in the sale of food. Exemptions certain discounts, loyalty programs, and restaurants.

Why Is This Important? Sample Testimony:

Hawai'i residents have been facing steady and regularly increasing costs of living from rising rental prices in living accommodations to groceries. The ever increasing cost of groceries and basic necessities places a strain on local communities. These costs increase impact not only younger working populations but also our kupuna.

We often hear remarks on the cost of milk compared to prices residents on the continent see but the stark differences in prices do not stop there. In Hawai'i, some residents are spending over seventeen percent of their household budget to put a meal on the table. This is significantly higher than the national average of twelve percent.

With one in three households in Hawaii already experiencing difficulty in securing consistent access to food and two-thirds of these families are experiencing the most extreme version of this by reducing food intake, skipping meals, or going whole days without eating, we cannot afford to allow additional financial stress or unpredictability to those trying to budget for meals.

Surveillance pricing introduces an uncertainty which would make budgeting for meals even more difficult. While retailers could use this information to lower prices, prices should be lowered unilaterally to support all members of the community and in the case of loyalty programs, personal identifying information is unnecessary to offer discounts.

Please support HB 2458 HD2 in introducing safeguards to pricing on the sale of food.

Andrew Isoda
Lahaina, Mau'i

HB-2458-HD-2

Submitted on: 2/28/2026 12:53:39 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Tamra Hayden | Individual | Support | Written Testimony Only |

Comments:

As an Hawai'i resident I have been facing steady and regularly increasing costs of living from rising rental prices in living accommodations to groceries. The ever increasing cost of groceries and basic necessities places a strain on local communities. These costs increase impact not only younger working populations but also people like me who are retired, on a fixed income watching their planned retirement money totally depleted.

We often hear remarks on the cost of milk compared to prices residents on the continent see but the stark differences in prices do not stop there. In Hawai'i, some residents are spending over seventeen percent of their household budget to put a meal on the table. This is significantly higher than the national average of twelve percent.

With one in three households in Hawaii already experiencing difficulty in securing consistent access to food and two-thirds of these families are experiencing the most extreme version of this by reducing food intake, skipping meals, or going whole days without eating, we cannot afford to allow additional financial stress or unpredictability to those trying to budget for meals.

Surveillance pricing introduces an uncertainty which would make budgeting for meals even more difficult. While retailers could use this information to lower prices, prices should be lowered unilaterally to support all members of the community and in the case of loyalty programs, personal identifying information is unnecessary to offer discounts.

Please support HB 2458 HD2 in introducing safeguards to pricing on the sale of food.

Tamra Hayden, Waianae

HB-2458-HD-2

Submitted on: 2/28/2026 1:35:22 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| fred hofer | Individual | Support | Written Testimony Only |

Comments:

Hawai'i residents have been facing steady and regularly increasing costs of living from rising rental prices in living accommodations to groceries. The ever increasing cost of groceries and basic necessities places a strain on local communities. These costs increase impact not only younger working populations but also our kupuna.

We often hear remarks on the cost of milk compared to prices residents on the continent see but the stark differences in prices do not stop there. In Hawai'i, some residents are spending over seventeen percent of their household budget to put a meal on the table. This is significantly higher than the national average of twelve percent.

With one in three households in Hawaii already experiencing difficulty in securing consistent access to food and two-thirds of these families are experiencing the most extreme version of this by reducing food intake, skipping meals, or going whole days without eating, we cannot afford to allow additional financial stress or unpredictability to those trying to budget for meals.

Surveillance pricing introduces an uncertainty which would make budgeting for meals even more difficult. While retailers could use this information to lower prices, prices should be lowered unilaterally to support all members of the community and in the case of loyalty programs, personal identifying information is unnecessary to offer discounts.

Please support HB 2458 HD2 in introducing safeguards to pricing on the sale of food.

Fred Hofer

Hilo

HB-2458-HD-2

Submitted on: 2/28/2026 1:57:11 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Susan Jaworowski | Individual | Support | Written Testimony Only |

Comments:

I strongly support HB2458 HD 2 that would restrict surveillance pricing for all consumers. An early version of the bill only applied this to SNAP and other public assistance recipients, and I do support that; however, in fairness to all consumers, the current version's extension to all of us is fair and appropriate. There is nothing good or appropriate or consumer-friendly in surveillance pricing.

HB-2458-HD-2

Submitted on: 2/28/2026 2:04:32 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Michele Nihipali | Individual | Support | Written Testimony Only |

Comments:

Dear Committee Members,

Hawai‘i residents have been facing steady and regularly increasing costs of living from rising rental prices in living accommodations to groceries. The ever increasing cost of groceries and basic necessities places a strain on local communities. These costs increase impact not only younger working populations but also our kupuna.

We often hear remarks on the cost of milk compared to prices residents on the continent see but the stark differences in prices do not stop there. In Hawai‘i, some residents are spending over seventeen percent of their household budget to put a meal on the table. This is significantly higher than the national average of twelve percent.

With one in three households in Hawaii already experiencing difficulty in securing consistent access to food and two-thirds of these families are experiencing the most extreme version of this by reducing food intake, skipping meals, or going whole days without eating, we cannot afford to allow additional financial stress or unpredictability to those trying to budget for meals.

Surveillance pricing introduces an uncertainty which would make budgeting for meals even more difficult. While retailers could use this information to lower prices, prices should be lowered unilaterally to support all members of the community and in the case of loyalty programs, personal identifying information is unnecessary to offer discounts.

Please support HB 2458 HD2 in introducing safeguards to pricing on the sale of food.

Mahalo for your consideration,

Michele Nihipali

54-074 A Kam Hwy.

Hauula, HI 96717

HB-2458-HD-2

Submitted on: 2/28/2026 2:12:42 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| John C Wert III | Individual | Support | Written Testimony Only |

Comments:

Aloha Committee Members,

Hawai‘i residents have been facing steady and regularly increasing costs of living from rising rental prices in living accommodations to prices for groceries. The ever increasing cost of groceries and basic necessities places a strain on local communities. These costs increase impact not only younger working populations but also our kupuna.

We often hear remarks on the cost of milk compared to prices residents on the continent see but the stark differences in prices do not stop there. In Hawai‘i, some residents are spending over seventeen percent of their household budget to put a meal on the table. This is significantly higher than the national average of twelve percent.

With one in three households in Hawaii already experiencing difficulty in securing consistent access to food and two-thirds of these families are experiencing the most extreme version of this by reducing food intake, skipping meals, or going whole days without eating, we cannot afford to allow additional financial stress or unpredictability to those trying to budget for meals.

Surveillance pricing (Corporate Greed) introduces an uncertainty which would make budgeting for meals even more difficult. While retailers could use this information to lower prices, prices should be lowered unilaterally to support all members of the community and in the case of loyalty programs, personal identifying information is unnecessary to offer discounts.

Mahalo for your consideration,

HB-2458-HD-2

Submitted on: 2/28/2026 2:27:36 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Dita Škalic | Individual | Support | Written Testimony Only |

Comments:

Hawai‘i residents have been facing steady and regularly increasing costs of living from rising rental prices in living accommodations to groceries. The ever increasing cost of groceries and basic necessities places a strain on local communities. These costs increase impact not only younger working populations but also our kupuna.

We often hear remarks on the cost of milk compared to prices residents on the continent see but the stark differences in prices do not stop there. In Hawai‘i, some residents are spending over seventeen percent of their household budget to put a meal on the table. This is significantly higher than the national average of twelve percent.

With one in three households in Hawaii already experiencing difficulty in securing consistent access to food and two-thirds of these families are experiencing the most extreme version of this by reducing food intake, skipping meals, or going whole days without eating, we cannot afford to allow additional financial stress or unpredictability to those trying to budget for meals.

Surveillance pricing introduces an uncertainty which would make budgeting for meals even more difficult. While retailers could use this information to lower prices, prices should be lowered unilaterally to support all members of the community and in the case of loyalty programs, personal identifying information is unnecessary to offer discounts.

Please support HB 2458 HD2 in introducing safeguards to pricing on the sale of food.

HB-2458-HD-2

Submitted on: 2/28/2026 4:20:17 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Jennifer Lum | Individual | Support | Written Testimony Only |

Comments:

Hawai‘i residents are facing a relentless rise in living costs, from soaring rental prices to increasingly expensive groceries. This burden hits our local communities hard, affecting both younger workers and our valued kupuna (elders).

While comparisons are often made between milk prices in Hawai‘i and the mainland, the disparities extend much further. Some residents spend over 17% of their household budget just to provide meals, significantly higher than the national average of 12%.

With one in three households struggling to secure reliable access to food, and many forced to reduce intake or skip meals altogether, we cannot allow further financial stress in meal budgeting.

Surveillance pricing only adds to this uncertainty. Retailers might argue that it could lower prices, but we need uniform reductions that benefit all community members. Moreover, there is no need for personal identifying information in loyalty programs to offer discounts.

Now is the time to act. Please support HB 2458 HD2 to establish critical safeguards for food pricing and ensure that no one in our community goes hungry.

Jen Lum, ‘Ewa Beach

HB-2458-HD-2

Submitted on: 2/28/2026 4:41:51 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| B.A. McClintock | Individual | Support | Written Testimony Only |

Comments:

Hawai'i residents have been facing steady and regularly increasing costs of living from rising rental prices in living accommodations to groceries. The ever increasing cost of groceries and basic necessities places a strain on local communities. These costs increase impact not only younger working populations but also our kupuna.

We often hear remarks on the cost of milk compared to prices residents on the continent see but the stark differences in prices do not stop there. In Hawai'i, some residents are spending over seventeen percent of their household budget to put a meal on the table. This is significantly higher than the national average of twelve percent.

With one in three households in Hawaii already experiencing difficulty in securing consistent access to food and two-thirds of these families are experiencing the most extreme version of this by reducing food intake, skipping meals, or going whole days without eating, we cannot afford to allow additional financial stress or unpredictability to those trying to budget for meals.

Surveillance pricing introduces an uncertainty which would make budgeting for meals even more difficult. While retailers could use this information to lower prices, prices should be lowered unilaterally to support all members of the community and in the case of loyalty programs, personal identifying information is unnecessary to offer discounts.

Please support HB 2458 HD2 in introducing safeguards to pricing on the sale of food. Mahalo.

HB-2458-HD-2

Submitted on: 2/28/2026 8:12:07 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Ann Dorsey | Individual | Support | Written Testimony Only |

Comments:

I urge you to support HB 2458 HD2, which will introduce safeguards to pricing on the sale of food.

Hawai'i residents have been facing steady and regularly increasing costs of living from rising rental prices in living accommodations to groceries. The ever increasing cost of groceries and basic necessities places a strain on local communities. These costs increase impact not only younger working populations but also our elderly.

We often hear remarks on the cost of milk compared to prices residents on the continent see but the stark differences in prices do not stop there. In Hawai'i, some residents are spending over seventeen percent of their household budget to put a meal on the table. This is significantly higher than the national average of twelve percent.

With one in three households in Hawaii already experiencing difficulty in securing consistent access to food and two-thirds of these families are experiencing the most extreme version of this by reducing food intake, skipping meals, or going whole days without eating, we cannot afford to allow additional financial stress or unpredictability to those trying to budget for meals.

Surveillance pricing introduces an uncertainty which would make budgeting for meals even more difficult. While retailers could use this information to lower prices, prices should be lowered unilaterally to support all members of the community and in the case of loyalty programs, personal identifying information is unnecessary to offer discounts.

Thank you

HB-2458-HD-2

Submitted on: 3/1/2026 12:38:29 AM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| kimdonghyeon | Individual | Support | Written Testimony Only |

Comments:

Hawai'i residents have been facing steady and regularly increasing costs of living from rising rental prices in living accommodations to groceries. The ever increasing cost of groceries and basic necessities places a strain on local communities. These costs increase impact not only younger working populations but also our kupuna.

We often hear remarks on the cost of milk compared to prices residents on the continent see but the stark differences in prices do not stop there. In Hawai'i, some residents are spending over seventeen percent of their household budget to put a meal on the table. This is significantly higher than the national average of twelve percent.

With one in three households in Hawaii already experiencing difficulty in securing consistent access to food and two-thirds of these families are experiencing the most extreme version of this by reducing food intake, skipping meals, or going whole days without eating, we cannot afford to allow additional financial stress or unpredictability to those trying to budget for meals.

Surveillance pricing introduces an uncertainty which would make budgeting for meals even more difficult. While retailers could use this information to lower prices, prices should be lowered unilaterally to support all members of the community and in the case of loyalty programs, personal identifying information is unnecessary to offer discounts.

Please support HB 2458 HD2 in introducing safeguards to pricing on the sale of food.

kimdonghyeon

HB-2458-HD-2

Submitted on: 3/1/2026 9:45:36 AM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| cheryl hendrickson | Individual | Support | Written Testimony Only |

Comments:

Hawai'i residents have been facing steady and regularly increasing costs of living from rising rental prices in living accommodations to groceries. The ever increasing cost of groceries and basic necessities places a strain on local communities. These costs increase impact not only younger working populations but also our kupuna.

We often hear remarks on the cost of milk compared to prices residents on the continent see but the stark differences in prices do not stop there. In Hawai'i, some residents are spending over seventeen percent of their household budget to put a meal on the table. This is significantly higher than the national average of twelve percent.

With one in three households in Hawaii already experiencing difficulty in securing consistent access to food and two-thirds of these families are experiencing the most extreme version of this by reducing food intake, skipping meals, or going whole days without eating, we cannot afford to allow additional financial stress or unpredictability to those trying to budget for meals.

Surveillance pricing introduces an uncertainty which would make budgeting for meals even more difficult. While retailers could use this information to lower prices, prices should be lowered unilaterally to support all members of the community and in the case of loyalty programs, personal identifying information is unnecessary to offer discounts.

HB-2458-HD-2

Submitted on: 3/1/2026 9:49:47 AM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Patricia Blair | Individual | Support | Written Testimony Only |

Comments:

Strongly support

HB-2458-HD-2

Submitted on: 3/1/2026 10:10:32 AM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| William Caron | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair, Vice Chair, and members of the Committee,

I am testifying today on HB2458, which addresses the predatory practice of surveillance pricing. I want to begin by **applauding the previous committee** for their work on this bill. In response to testimony—including my own—they wisely expanded the prohibition to protect **all customers**, not just those who rely on SNAP and WIC. This was a critical improvement, recognizing that the harms of algorithmic price discrimination do not stop at the door of a federal assistance program. Surveillance pricing is an inherent violation of trust and fairness, regardless of who is on the receiving end. I thank the committee for taking that step.

However, I must **respectfully question the addition of a carveout for restaurants**. Why should restaurants be allowed to engage in this deceptive and harmful practice? If surveillance pricing is wrong at a grocery store checkout, it is equally wrong when a family is ordering a meal. A working parent picking up dinner after a long day, or a kūpuna having a meal delivered, deserves the same protection from algorithmic exploitation as someone buying milk with SNAP benefits. There is no logical reason to exempt one sector while regulating another.

This carveout creates a dangerous loophole. The same technology that tracks a shopper's loyalty card can track a diner's ordering history, their location, the time of day, and their perceived urgency to charge them a higher price. If we believe surveillance pricing is fundamentally unfair—and the bill as amended suggests we do—then it must be unfair everywhere. We cannot claim to protect consumers in one aisle of the economy while leaving them vulnerable in another.

The Stakes Could Not Be Higher

Recent figures show that **one in three Hawai'i residents** struggles to afford enough food. For working families, individuals with disabilities, and kūpuna on fixed incomes, every dollar spent on groceries—or on a prepared meal—matters.

More than **155,000 Hawai'i residents rely on SNAP**, and over **25,000 pregnant people, infants, and young children** depend on WIC. These programs exist because we recognize that no one should go hungry. HB2458, as amended, rightly ensures that when participants use these benefits, they are not exploited. But it should also ensure that no one is exploited when buying food, period.

What Surveillance Pricing Is

Surveillance pricing is not dynamic pricing based on supply and demand; it is something far more insidious. It refers to the practice of adjusting prices based on consumer data, behavior, or technology use—tracking where you shop, what you buy, how long you linger, what device you use, even your demographic profile—and using that information to charge you more for the same item someone else purchases for less.

Large corporations are already investing heavily in this technology. They are building profiles on consumers to identify who can be charged higher prices and who might not notice. For essential goods like food, this is not innovation; it is exploitation.

Why a Complete and Total Ban Is Necessary

The previous committee took an important step by expanding protections to all consumers. But the restaurant carveout undermines that progress. It suggests that some forms of commerce are more deserving of transparency and fairness than others. This is not a position we should endorse.

A complete and total ban on surveillance pricing—blanket and uniform across all sectors—is the only way to send a clear message: in Hawai‘i, we do not weaponize a person's data against their wallet. We do not punish loyalty with higher prices. We do not allow algorithms to determine who can afford to eat and who will be charged a little extra because they have no other options.

Other states are already moving to address this threat. **Maryland, California, and New York** have proposed or enacted similar bans on surveillance pricing for groceries, citing concerns about unpredictable costs and consumer exploitation. Hawai‘i has the opportunity to lead by going further and closing this loophole before it becomes entrenched.

A Matter of Dignity and Fairness

When a mother uses her WIC benefits to buy milk for her infant, she should not have to wonder whether the store's algorithm has determined she can be charged more. When a kūpuna on a fixed income uses SNAP to buy bread, they should not be penalized for shopping at the same store each week. And when a family orders a meal from a restaurant, they should not be charged more because their data suggests they are in a hurry or have ordered from that place before.

HB2458 is a critical step. But it is not yet the complete protection our communities deserve. I urge this committee to remove the restaurant carveout and advance a bill that provides **a complete and total ban on surveillance pricing—blanket and uniform across all sectors**. Let us lead with clarity and conviction: in Hawai‘i, we protect all consumers, all the time.

I urge you to pass HB2458 with this amendment.

Mahalo for the opportunity to testify.

HB-2458-HD-2

Submitted on: 3/1/2026 8:11:25 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Ruta Jordans | Individual | Support | Written Testimony Only |

Comments:

Please support HB2458.

HB-2458-HD-2

Submitted on: 3/2/2026 8:50:57 AM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Nanea Lo | Individual | Support | Written Testimony Only |

Comments:

Hello Chair, Vice Chair, and Members of the Committee,

I strongly support HB 2458 HD2, which prohibits the use of surveillance pricing in the sale of food, while exempting certain discounts, loyalty programs, and restaurants.

Hawai‘i residents are facing steadily increasing costs of living, from housing to groceries. Rising grocery prices place a significant strain on local communities, impacting not only working families but also our kupuna.

The difference in food prices between Hawai‘i and the mainland is striking. Some residents spend over seventeen percent of their household budget just to put meals on the table, compared to the national average of twelve percent. One in three households in Hawai‘i already struggles to secure consistent access to food, and two-thirds of these families face the most extreme hardships by reducing food intake, skipping meals, or going entire days without eating. In this context, unpredictable pricing practices only exacerbate food insecurity.

Surveillance pricing introduces uncertainty that makes it difficult for families to plan and budget for meals. While retailers could use this information to lower prices, discounts should benefit the community as a whole, rather than targeting individuals based on personal data. Loyalty programs can still provide savings without collecting unnecessary identifying information.

HB 2458 HD2 introduces critical safeguards to protect residents from unpredictable pricing practices and supports fair access to food for all Hawai‘i communities.

For these reasons, I respectfully urge you to support HB 2458 HD2.

Me ke aloha ‘āina,

Nanea Lo, 96826

Sierra Club of Hawai‘i Member

Hawai‘i Workers Center Board Member

Clean Elections Hawai‘i Member

Honolulu Tenants Union Member

350 Hawai'i Member

Carbon Cashback Hawai'i Member

Hawai'i Tax Fairness Coalition Member

HB-2458-HD-2

Submitted on: 3/2/2026 9:53:08 AM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| KEALA FUNG | Individual | Support | Written Testimony Only |

Comments:

Aloha, my name is Keala Fung and i support HB 2458 HD2.

Hawai‘i residents have been facing steady and regularly increasing costs of living from rising rental prices in living accommodations to groceries. The ever increasing cost of groceries and basic necessities places a strain on local communities. These costs increase impact not only younger working populations but also our kupuna.

We often hear remarks on the cost of milk compared to prices residents on the continent see but the stark differences in prices do not stop there. In Hawai‘i, some residents are spending over seventeen percent of their household budget to put a meal on the table. This is significantly higher than the national average of twelve percent.

With one in three households in Hawaii already experiencing difficulty in securing consistent access to food and two-thirds of these families are experiencing the most extreme version of this by reducing food intake, skipping meals, or going whole days without eating, we cannot afford to allow additional financial stress or unpredictability to those trying to budget for meals.

Surveillance pricing introduces an uncertainty which would make budgeting for meals even more difficult. While retailers could use this information to lower prices, prices should be lowered unilaterally to support all members of the community and in the case of loyalty programs, personal identifying information is unnecessary to offer discounts.

Please support HB 2458 HD2 in introducing safeguards to pricing on the sale of food.

Keala Fung, Honolulu HI

HB-2458-HD-2

Submitted on: 3/2/2026 11:46:11 AM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Jackie Keefe | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Jackie Keefe, and I am **in strong support of HB2458 HD2**, which prohibits persons from using surveillance pricing in the sale of food. Exemptions certain discounts, loyalty programs, and restaurants.

Hawai‘i residents have been facing steady and regularly increasing costs of living from rising rental prices in living accommodations to groceries. The ever increasing cost of groceries and basic necessities places a strain on local communities. These costs increase impact not only younger working populations but also our kupuna.

We often hear remarks on the cost of milk compared to prices residents on the continent see but the stark differences in prices do not stop there. In Hawai‘i, some residents are spending over seventeen percent of their household budget to put a meal on the table. This is significantly higher than the national average of twelve percent.

With one in three households in Hawaii already experiencing difficulty in securing consistent access to food and two-thirds of these families are experiencing the most extreme version of this by reducing food intake, skipping meals, or going whole days without eating, we cannot afford to allow additional financial stress or unpredictability to those trying to budget for meals.

Surveillance pricing introduces an uncertainty which would make budgeting for meals even more difficult. While retailers could use this information to lower prices, prices should be lowered unilaterally to support all members of the community and in the case of loyalty programs, personal identifying information is unnecessary to offer discounts.

Please support HB 2458 HD2 in introducing safeguards to pricing on the sale of food.

Mahalo for the opportunity to testify.

Jackie Keefe, Lahaina

HB-2458-HD-2

Submitted on: 3/2/2026 12:32:21 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Caroline Azelski | Individual | Support | Written Testimony Only |

Comments:

In support of. Thank you.

HB-2458-HD-2

Submitted on: 3/2/2026 2:37:02 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Jessica Kuzmier | Individual | Support | Written Testimony Only |

Comments:

Aloha, I am writing in support of HB2458 HD2. I support legislation that will put safeguards on the price of food, especially in these times of rising prices. Mahalo for your consideration.

HB-2458-HD-2

Submitted on: 3/2/2026 2:44:49 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| penny levin | Individual | Comments | Written Testimony Only |

Comments:

I support the intent of this bill. Please prohibit persons from using surveillance pricing in the sale of any food with no exemptions.

HB-2458-HD-2

Submitted on: 3/2/2026 3:57:25 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Safia Gravel | Individual | Support | Written Testimony Only |

Comments:

Aloha,

The increasing cost of groceries and basic necessities continues to place a strain on Hawaii's residents. In Hawaii, some residents must spend over seventeen per cent of their household budget to put a meal on the table, which is significantly higher than the national average of twelve per cent, according to the United States Bureau of Labor Statistics.

Hawai'i Food Bank reports one in three households in Hawai'i reporting food insecurity, and two-thirds of these families are experiencing the most extreme version of this in the form of reducing food intake, skipping meals, or going whole days without eating.

Consumers need proactive protections. As recognized by the legislature, surveillance pricing can obscure the base price of everyday items and can lessen the power that consumers wield to make responsible and financially sound decisions. In an ever increasingly challenging economy, introducing this practice increases the complexity of preparing a meal budget when you can not know how much something will cost at checkout.

While retailers can use surveillance pricing to lower the cost of goods, data has shown that instead, retailers often change prices to raise their own profits. Permitting loyalty programs to offer discounted prices allows retailers to lower the cost of goods without needing customers' individual data.

Please support HB 2458 HD2. Mahalo nui for your consideration

Safia Gravel, Hilo

HB-2458-HD-2

Submitted on: 3/2/2026 4:14:55 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| janice palma-glenie | Individual | Support | Written Testimony Only |

Comments:

Aloha,

This bill is needed to stop people from surveilling pricing in the sale of food in our state as a way to decide pricing. it's clearly unfair and abusive of a captive audience, especially in a state where toruists and the very rich aren't affected nor harmed by the increasingly untenable cost of healthy food.

use your integrity, power and compassion to support this bill.

mahalo and best,

janice palma-glennie

HB-2458-HD-2

Submitted on: 3/2/2026 4:54:20 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Marion McHenry | Individual | Support | Written Testimony Only |

Comments:

To all members of the committee,

Hawai‘i residents have been facing steady and regularly increasing costs of living from rising rental prices in living accommodations to groceries. The ever increasing cost of groceries and basic necessities places a strain on local communities. These costs increase impact not only younger working populations but also our kupuna.

We often hear remarks on the cost of milk compared to prices residents on the continent see but the stark differences in prices do not stop there. In Hawai‘i, some residents are spending over seventeen percent of their household budget to put a meal on the table. This is significantly higher than the national average of twelve percent.

With one in three households in Hawaii already experiencing difficulty in securing consistent access to food and two-thirds of these families are experiencing the most extreme version of this by reducing food intake, skipping meals, or going whole days without eating, we cannot afford to allow additional financial stress or unpredictability to those trying to budget for meals.

Surveillance pricing introduces an uncertainty which would make budgeting for meals even more difficult. While retailers could use this information to lower prices, prices should be lowered unilaterally to support all members of the community and in the case of loyalty programs, personal identifying information is unnecessary to offer discounts.

Please support HB 2458 HD2 in introducing safeguards to pricing on the sale of food.

Sincerely,

Marion McHenry

Princeville, Kauai

HB-2458-HD-2

Submitted on: 3/2/2026 5:17:33 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|-------------------------------|---------------------|---------------------------|---------------------------|
| Christine L. Andrews, J.D. | Individual | Support | Written Testimony Only |

Comments:

I am a member of the Hawai'i Hunger Action Network and I support this bill. Thank you for hearing the bill and I request you pass it out of committee.

HB-2458-HD-2

Submitted on: 3/2/2026 6:20:05 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Georgia L Hoopes | Individual | Support | Written Testimony Only |

Comments:

Aloha Committee Members.

Hawai‘i residents have been facing steady and regularly increasing costs of living from rising rental prices in living accommodations to groceries. The ever increasing cost of groceries and basic necessities places a strain on local communities. These costs increase impact not only younger working populations but also our kupuna.

We often hear remarks on the cost of milk compared to prices residents on the continent see but the stark differences in prices do not stop there. In Hawai‘i, some residents are spending over seventeen percent of their household budget to put a meal on the table. This is significantly higher than the national average of twelve percent.

With one in three households in Hawaii already experiencing difficulty in securing consistent access to food and two-thirds of these families are experiencing the most extreme version of this by reducing food intake, skipping meals, or going whole days without eating, we cannot afford to allow additional financial stress or unpredictability to those trying to budget for meals.

Surveillance pricing introduces an uncertainty which would make budgeting for meals even more difficult. While retailers could use this information to lower prices, prices should be lowered unilaterally to support all members of the community and in the case of loyalty programs, personal identifying information is unnecessary to offer discounts.

Please support HB 2458 HD2 in introducing safeguards to pricing on the sale of food.

Georgia Hoopes, Kalaheo

HB-2458-HD-2

Submitted on: 3/2/2026 8:00:43 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Erin Hagan | Individual | Support | Written Testimony Only |

Comments:

Aloha committee members,

The increasing cost of groceries and basic necessities continues to place a strain on Hawaii's residents. In Hawaii, some residents must spend over seventeen percent of their household budget to put a meal on the table, which is significantly higher than the national average of twelve per cent, according to the United States Bureau of Labor Statistics.

Hawai'i Food Bank reports one in three households in Hawai'i is food insecure, and two-thirds of these families are reducing food intake, skipping meals, or going whole days without eating.

Consumers need proactive protections. As recognized by the legislature, surveillance pricing can obscure the base price of everyday items and can lessen the power that consumers wield to make responsible and financially sound decisions. In an increasingly challenging economy, introducing this practice increases the complexity of preparing a meal budget when you cannot know how much something will cost at checkout.

While retailers can use surveillance pricing to lower the cost of goods, data has shown that instead, retailers often change prices to raise their own profits.

Please implement these cost of living protections and support HB 2458 HD2.

Mahalo,

Erin Hagan, Waialua

STRONG SUPPORT *with comment* FOR HB2458 HD2

House Committee on Judiciary and Hawaiian Affairs

March 4, 2026, 2:00PM, Room 325

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the Judiciary and Hawaiian Affairs Committee,

I very strongly support HB2458 HD2, which prohibits persons from using surveillance pricing in the sale of food.

We are entering an era of unprecedented surveillance and misuse of consumer information, which they often have no choice but to provide to get basic services.

We must as a society decide that goods and services should be based on the cost of the item and NOT on the tracking and gouging of individuals that a person or company believes will be especially in need of that item at that time. It is easy to see how this rationale will play out to take advantage and hurt consumers and those trying to get what they need for their families.

While strongly supporting, I respectfully consider the following comment:

- 1) Restaurants should not be exempt from surveillance pricing that is based on individual surveillance or data, which this bill already clarifies is separate from common group or loyalty discounts.

This mis-use of data and surveillance of consumers is an issue that is going to grow in negative impact. I commend and am heartened to see our Hawai'i elected officials leading the way on stopping this harmful practice and protecting local families and consumers.

Mahalo nui for **your support for HB1732 HD2** and strong action to stop surveillance pricing in Hawai'i.

Suzanne Skjold
Kaimukī, Hawai'i

HB-2458-HD-2

Submitted on: 3/2/2026 9:30:06 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Judith White | Individual | Support | Written Testimony Only |

Comments:

Please support this to ensure fair pricing.

Judith White, Kapaa

Member Kauai Indivisible

HB-2458-HD-2

Submitted on: 3/2/2026 9:44:58 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| emily gambino | Individual | Support | Written Testimony Only |

Comments:

The increasing cost of groceries and basic necessities continues to place a strain on Hawaii's residents. In Hawaii, some residents must spend over seventeen per cent of their household budget to put a meal on the table, which is significantly higher than the national average of twelve per cent, according to the United States Bureau of Labor Statistics.

Hawai'i Food Bank reports one in three households in Hawai'i reporting food insecurity, and two-thirds of these families are experiencing the most extreme version of this in the form of reducing food intake, skipping meals, or going whole days without eating.

Consumers need proactive protections. As recognized by the legislature, surveillance pricing can obscure the base price of everyday items and can lessen the power that consumers wield to make responsible and financially sound decisions. In an ever increasingly challenging economy, introducing this practice increases the complexity of preparing a meal budget when you can not know how much something will cost at checkout.

While retailers can use surveillance pricing to lower the cost of goods, data has shown that instead, retailers often change prices to raise their own profits. Permitting loyalty programs to offer discounted prices allows retailers to lower the cost of goods without needing customers' individual data.

Please support HB 2458 HD2.

Mahalo,

Emily Gambino
Makawao, HI

HB-2458-HD-2

Submitted on: 3/2/2026 9:54:15 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Kristen Young | Individual | Support | Written Testimony Only |

Comments:

The increasing cost of groceries and basic necessities continues to place a strain on Hawaii's residents. In Hawaii, some residents must spend over seventeen per cent of their household budget to put a meal on the table, which is significantly higher than the national average of twelve per cent, according to the United States Bureau of Labor Statistics.

Hawai'i Food Bank reports one in three households in Hawai'i reporting food insecurity, and two-thirds of these families are experiencing the most extreme version of this in the form of reducing food intake, skipping meals, or going whole days without eating.

Consumers need proactive protections. As recognized by the legislature, surveillance pricing can obscure the base price of everyday items and can lessen the power that consumers wield to make responsible and financially sound decisions. In an ever increasingly challenging economy, introducing this practice increases the complexity of preparing a meal budget when you can not know how much something will cost at checkout.

While retailers can use surveillance pricing to lower the cost of goods, data has shown that instead, retailers often change prices to raise their own profits. Permitting loyalty programs to offer discounted prices allows retailers to lower the cost of goods without needing customers' individual data.

Please support HB 2458 HD2.

Mahalo,

Kristen Young
Honolulu, HI 96813

HB-2458-HD-2

Submitted on: 3/3/2026 7:45:58 AM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Carol England | Individual | Support | Written Testimony Only |

Comments:

I support

HB-2458-HD-2

Submitted on: 3/3/2026 9:09:13 AM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Jocina Alani | Individual | Support | Written Testimony Only |

Comments:

Aloha,

I, Jocina Alani, support Bill HB2458 because the increasing cost of food and basic needs continue to strain Hawai'i residents. Higher cost would mean going without something. Please support this bill.

Me Ke Aloha,

Jocina Alani

HB-2458-HD-2

Submitted on: 3/3/2026 9:18:17 AM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Susan Douglas | Individual | Support | Written Testimony Only |

Comments:

The increasing cost of groceries and basic necessities continues to place a strain on Hawaii's residents. In Hawaii, some residents must spend over seventeen per cent of their household budget to put a meal on the table, which is significantly higher than the national average of twelve per cent, according to the United States Bureau of Labor Statistics.

Hawai'i Food Bank reports one in three households in Hawai'i reporting food insecurity, and two-thirds of these families are experiencing the most extreme version of this in the form of reducing food intake, skipping meals, or going whole days without eating.

Consumers need proactive protections. As recognized by the legislature, surveillance pricing can obscure the base price of everyday items and can lessen the power that consumers wield to make responsible and financially sound decisions. In an ever increasingly challenging economy, introducing this practice increases the complexity of preparing a meal budget when you can not know how much something will cost at checkout.

While retailers can use surveillance pricing to lower the cost of goods, data has shown that instead, retailers often change prices to raise their own profits. Permitting loyalty programs to offer discounted prices allows retailers to lower the cost of goods without needing customers' individual data.

HB-2458-HD-2

Submitted on: 3/3/2026 10:47:40 AM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Leo Nahe Smith | Individual | Support | Written Testimony Only |

Comments:

I support HB2458!

HB-2458-HD-2

Submitted on: 3/3/2026 11:40:07 AM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|----------------------|---------------------|---------------------------|------------------------|
| Chaya Ilikea Arakaki | Individual | Support | Written Testimony Only |

Comments:

The increasing cost of groceries and basic necessities continues to place a strain on Hawaii's residents. In Hawaii, some residents must spend over seventeen per cent of their household budget to put a meal on the table, which is significantly higher than the national average of twelve per cent, according to the United States Bureau of Labor Statistics.

Hawai'i Food Bank reports one in three households in Hawai'i reporting food insecurity, and two-thirds of these families are experiencing the most extreme version of this in the form of reducing food intake, skipping meals, or going whole days without eating.

Consumers need proactive protections. As recognized by the legislature, surveillance pricing can obscure the base price of everyday items and can lessen the power that consumers wield to make responsible and financially sound decisions. In an ever increasingly challenging economy, introducing this practice increases the complexity of preparing a meal budget when you can not know how much something will cost at checkout.

While retailers can use surveillance pricing to lower the cost of goods, data has shown that instead, retailers often change prices to raise their own profits. Permitting loyalty programs to offer discounted prices allows retailers to lower the cost of goods without needing customers' individual data.

Please support HB 2458 HD2.

`Ilikea Tohara

Kamuela, HI

HB-2458-HD-2

Submitted on: 3/3/2026 1:26:50 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Cristina Holt | Individual | Support | Written Testimony Only |

Comments:

SUPPORT!!!!

HB-2458-HD-2

Submitted on: 3/3/2026 2:24:48 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Pamela Elders | Individual | Support | Written Testimony Only |

Comments:

In 2025, I spent significantly more on food than the prior year. I am a retired person with no dependents. I don't know how working families do it. Here in Hawaii, some residents must spend over seventeen per cent of their household budget to put a meal on the table, which is significantly higher than the national average of twelve per cent. [United States Bureau of Labor Statistics]

The Hawai'i Food Bank reports 1 in 3 households in Hawai'i report food insecurity, and two-thirds of these families are experiencing the most extreme version of this in the form of reducing food intake, skipping meals, or going whole days without eating.

Consumers need proactive protections. As recognized by the legislature, surveillance pricing can obscure the base price of everyday items and can lessen the power that consumers wield to make responsible and financially sound decisions. In an ever increasingly challenging economy, introducing this practice increases the complexity of preparing a meal budget when you cannot know how much something will cost at checkout.

While retailers can use surveillance pricing to lower the cost of goods, data has shown that instead, retailers often change prices to raise their own profits. Permitting loyalty programs to offer discounted prices allows retailers to lower the cost of goods without needing customers' individual data.

Please support HB 2458 HD2.

Pam Elders

Laupahoehoe

HB-2458-HD-2

Submitted on: 3/4/2026 9:37:08 AM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Lori Kizer | Individual | Support | Written Testimony Only |

Comments:

I strongly support HB2458. Mahalo.

Lori Kizer, Kapaa

HB-2458-HD-2

Submitted on: 3/4/2026 10:22:20 AM

Testimony for JHA on 3/4/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|----------------------|---------------------|---------------------------|------------------------|
| Jennifer Nicole Sapp | Individual | Support | Written Testimony Only |

Comments:

I, Jennifer sapp, a Hawaii constituent (96746), am in support to prohibit data mining and using surveillance pricing in the sale of food. Consumer affordability and predictability is critical for smaller enterprises to succeed and not be crushed by monopolization and corporations economic profit schemes. Consumers deserve to be protected when they are exposing themselves, thier personal information, and economic means to utilize the economic market system. Rules, limits, governance and regulations are necessary to stop the privitytization, monopiliization and corperation take over of critical public services, supplies and needs. Buisnesss should not have opportunity to introduce control mechanisms that can limit/restrict food access and availability, nor should they have the right to invade personal life activities and data mine personal information.

Thank you for hearing my testimony,

Jennifer Sapp