

STAND. COM. REP. NO.

1285

Honolulu, Hawaii

APR 04 2013

RE: H.B. No. 1287
H.D. 1
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committees on Technology and the Arts and Commerce and Consumer Protection, to which was referred H.B. No. 1287, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PERSONAL INFORMATION,"

beg leave to report as follows:

The purpose and intent of this measure is to allow businesses to scan an individual's driver's license or identification card to verify age when providing age-restricted goods or services regardless of reasonable doubt of the person being at least eighteen years of age.

Your Committees received testimony in support of this measure from the Liquor Commission, City and County of Honolulu; Hawaii Food Industry Association; and Seven-Eleven Hawaii, Inc. Your Committees received testimony in opposition to this measure from the Department of Commerce and Consumer Affairs and one individual. Your Committees received comments on this measure from the Department of Customer Services, City and County of Honolulu.

Your Committees find that the original intent of section 487J-6(a)(2), Hawaii Revised Statutes, is to permit businesses to scan the identification of individuals purchasing age-restricted goods or services if there is a reasonable doubt that the individual is not the minimum age or older, which may be twenty-one years of age for alcohol and eighteen for various other

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products. Your Committees further find that the inclusion of the reference in 487J-6(a)(2), Hawaii Revised Statutes, to "eighteen years or older" is intended to not only require a business to scan the identification of an individual purchasing age-restricted goods or services if the business has a reasonable doubt that the individual is of the legal age but also to permit a business to scan the identification card based upon a reasonable doubt that the individual is of an age older than the minimum age for purchasing the age-restricted goods or services. For example, a business selling tobacco products, which is required under Food and Drug Administration regulations to verify age via photographic identification of all purchasers under twenty-seven years of age, may scan the driver's license or identification card of purchasers who appear to be under twenty-seven years of age, rather than only purchasers who appear to be under eighteen years of age.

Your Committees have amended this measure by:

- (1) Retaining the reasonable doubt requirement but clarifying that it is the business that must have the reasonable doubt of the individual having reached the minimum age required for purchasing age-restricted goods or services; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Technology and the Arts and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1287, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1287, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Technology and
the Arts and Commerce and
Consumer Protection,



ROSALYN H. BAKER, Chair




GLENN WAKAI, Chair



The Senate
Twenty-Seventh Legislature
State of Hawai'i


Record of Votes
Committee on Technology and the Arts
TEC

Bill / Resolution No.:* HB 1287, HD 1	Committee Referral: TEC/CPN	Date: 3-27-13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
WAKAI, Glenn (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
GABBARD, Mike	✓			
TOKUDA, Jill N.				✓
SLOM, Sam				✓
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1287 HDI	TEC/CPN	3/27/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
GALUTERIA, Brickwood (VC)	✓			
NISHIHARA, Clarence K.	✓			
SOLOMON, Malama				✓
TANIGUCHI, Brian T.	✓			
WAKAI, Glenn	✓			
SLOM, Sam				✓
TOTAL	✓			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

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