

# SB 1351

# Testimony

Measure Title: RELATING TO PERSONAL INFORMATION.

Report Title: Personal Information Protection; Unlawful Use of Hawaii Identification Card or Drivers' License

Description: Clarifies when a business may scan the machine-readable zone of an individual's Hawaii identification card or driver's license.

Companion:

Package: None

Current Referral: TEC, CPN

Introducer(s): IHARA, BAKER

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [TECTestimony](#)  
**Cc:** [aforges@dcca.hawaii.gov](mailto:aforges@dcca.hawaii.gov)  
**Subject:** Submitted testimony for SB1351 on Feb 14, 2013 13:15PM  
**Date:** Wednesday, February 13, 2013 1:17:42 PM  
**Attachments:** [SB1351\\_CCA-OCP\\_02-14-13\\_TEC.pdf](#)

---

**SB1351**

Submitted on: 2/13/2013

Testimony for TEC on Feb 14, 2013 13:15PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bruce B. Kim	DCCA-OCP	Oppose	Yes

Comments: Name and Title of Person Testifying: Bruce B. Kim, Executive Director Office of Consumer Protection Department of Commerce and Consumer Affairs  
Committee(s): Technology and the Arts Date of Hearing: Thursday, February 14, 2013, 1:15 p.m. Testimony on Senate Bill No. 1351 Please call if you have questions.  
Thank you. Adrienne Forges DCCA-OCP Ph: 586-2636

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)



NEIL ABERCROMBIE  
GOVERNOR

SHAN S. TSUTSUI  
LT. GOVERNOR

STATE OF HAWAII  
OFFICE OF THE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

335 MERCHANT STREET, ROOM 310  
P.O. Box 541  
HONOLULU, HAWAII 96809  
Phone Number: 586-2850  
Fax Number: 586-2856  
[www.hawaii.gov/dcca](http://www.hawaii.gov/dcca)

KEALI'I S. LOPEZ  
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI  
DEPUTY DIRECTOR

PRESENTATION OF THE  
OFFICE OF CONSUMER PROTECTION

TO THE SENATE COMMITTEE ON  
TECHNOLOGY AND THE ARTS

THE TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2013

THURSDAY, FEBRUARY 14, 2013  
1:15 P.M.

TESTIMONY ON SENATE BILL NO. 1351  
RELATING TO PERSONAL INFORMATION.

TO THE HONORABLE GLENN WAKAI, CHAIR,  
AND TO THE HONORABLE CLARENCE K. NISHIHARA, VICE CHAIR,  
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs' ("DCCA") Office of Consumer Protection ("OCP") appreciates the opportunity to appear today and testify on Senate Bill 1351, Relating to Personal Information. My name is Bruce B. Kim and I am the Executive Director of OCP.

**OCP opposes S.B. 1351.** The bill repeals existing statutory language in HRS § 487J-6(a)(2) requiring that "reasonable doubt" exist before a merchant may scan a customer's driver's license or Hawaii identification card "to verify the individual's age

when providing age-restricted goods or services to the individual where there is reasonable doubt of the individual having reached eighteen years of age or older”.

In response to concerns that information on a person’s Hawaii identification card or driver’s license could be a source of identity theft with “lasting negative repercussions on the life of the person whose identity is stolen”, the legislature adopted Act 191 last year. Conf. Committee Report No. 6-12. Act 191 created a new section in HRS Chap. 487J, Personal Information Protection, making it unlawful to scan the machine-readable zone of an individual’s Hawaii identification card or driver’s license and to use or retain any information obtained from the scan except in very limited circumstances listed in the statute. Prior to the adoption of Act 191 there were no restrictions whatsoever on the scanning of a person’s Hawaii identification card or driver’s license.

According to the legislative history, the intent of Act 191 was to strike a careful balance between permitting responsible entities to lawfully use an individual’s personal identification information while protecting the privacy interests of individuals.

The purpose of this measure is to protect personal information while providing reasonable access in certain circumstances by allowing the scanning of personal information contained in a Hawaii identification card or driver’s license for limited purposes only.

Privacy concerns arise whenever a business scans the machine-readable zone of an individual’s certificate of identification or driver’s license. By scanning the machine-readable zone of a driver’s license, the business obtains significant personal information, including name, address, date of birth, hair color, eye color, height, weight, gender, license expiration date, organ donor status, driver’s license number, fingerprint,

medical information and driver's classification code. The concern is that a business could retain this information in a computer or other storage device and sell or disseminate such information to third-parties for marketing, advertising, promotional activities or other purposes without the knowledge or consent of the customer. The information obtained through the scan would also be susceptible to theft or other illegal purposes by unscrupulous employees.

Any exception to Act 191's general rule banning the unauthorized use or dissemination of personal identification numbers must be limited in nature and scope in the interest of a person's constitutional right to privacy. Act 191 attempted to do just that. OCP is concerned that the bill as drafted reverses the protections agreed to in Act 191 by giving certain businesses unfettered authority to scan every personal identification card or driver's license no matter what the age of the cardholder. The "reasonable doubt" standard sets a common sense limit and prohibits unrestricted scanning of a person's identification card or driver's license. This reasonable limitation reduces the potential for abuse and protects the individual's right to privacy.

As reflected in the extensive legislative history to Act 191, the current law was the product of considerable work and compromise between the legislature and various stakeholders affected by the measure. Those stakeholders included OCP, the Hawaii ACLU, the Dept. of Customer Services of the City and County of Honolulu, AT&T, Verizon, the Retail Merchants of Hawaii, the Retail Equation, and the Consumer Data Industry Association.

Testimony on S.B. No. 1351  
February 14, 2013  
Page 4

The bill would weaken not strengthen the protections agreed to last session by reversing reasonable limits on the scanning of Hawaii identification cards and driver's licenses established by Act 191.

Thank you for allowing me to testify on S.B. 1351. I would be happy to answer any questions the committee may have.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [TECTestimony](#)  
**Cc:** [gnishioka@honolulu.gov](mailto:gnishioka@honolulu.gov)  
**Subject:** Submitted testimony for SB1351 on Feb 14, 2013 13:15PM  
**Date:** Tuesday, February 12, 2013 4:02:23 PM  
**Attachments:** [SB1351\\_TEC\\_Support.pdf](#)

---

**SB1351**

Submitted on: 2/12/2013

Testimony for TEC on Feb 14, 2013 13:15PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Greg I Nishioka	Honolulu Liquor Commission	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

LIQUOR COMMISSION  
**CITY AND COUNTY OF HONOLULU**

711 KAPIOLANI BOULEVARD, SUITE 600 • HONOLULU, HAWAII 96813-5249  
PHONE: (808) 768-7300 or (808) 768-7355 • FAX: (808) 768-7311  
E-mail address: liquor@honolulu.gov • INTERNET: www.honolulu.gov/liq

KIRK CALDWELL  
MAYOR



February 12, 2013

Senator Glenn Wakai, Chair  
Senator Clarence K. Nishihara, Vice Chair  
Committee on Technology and the Arts

**Hearing:** Tuesday, February 14, 2013  
1:15 p.m.; Room 414

**Position:** Supporting SB 1351 Relating to Personal Information

The Liquor Commission, City and County of Honolulu ("Commission"), concurs with Hawai'i County's support of SB 1351.

SB 1351 will help prevent the sale of liquor to minors by deleting the requirement that a business have a reasonable doubt that a customer is less than 18 years old before being able to scan the customer's identification or driver's license to verify the customer's age.

Within the City and County of Honolulu based upon data obtained through the use of decoy operations there is a failure rate of 25% to 28% by licensees in selling alcohol to customers under the age of 21 years. This with the use of the Hawai'i Driver's Licenses and Hawai'i State Identification Cards with the vertical formats and listing of the 18<sup>th</sup> and 21<sup>st</sup> birthdates. We still see numerous occasions where despite the forgoing "red flags" errors are made on alcohol sold to persons under the age of 21 years. The above mentioned failure rate is unacceptable.

Furthermore, with the proliferation of fake or bogus identification cards through the internet, scanning as opposed to visual inspection will be a more effective method for detecting fakes.

Businesses selling liquor, cigarettes or other age-restricted products should be allowed to scan the identification of all customers for the purpose of verifying age. Requiring a business to have a "reasonable doubt" imposes a vague standard that will only hamper the efforts to prevent the sale of liquor and cigarettes to minors by preventing businesses from applying uniform standards to age verification. In addition, the 18 year old threshold makes no sense when applied to the sale of liquor, which by law is restricted to 21 year olds and older.

Please support the efforts by businesses to prevent the sale of liquor and cigarettes to minors by passing SB 1351.

Thank you for the opportunity to testify on this matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Greg I. Nishioka", is written over a blue circular stamp.

Greg I. Nishioka, Administrator  
Liquor Commission

MICHAEL S. YAMAGUCHI  
CHAIRMAN

IRIS R. OKAWA  
VICE CHAIR

WESLEY F. FONG  
COMMISSIONER

JOSEPH V. O'DONNELL  
COMMISSIONER

JOSEPH M. MAGALDI, JR.  
COMMISSIONER

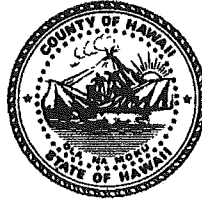
GREG I. NISHIOKA  
ADMINISTRATOR

ANNA C. HIRAI  
ASST. ADMINISTRATOR



William P. Kenoi  
Mayor

Walter K.M. Lau  
Managing Director



Gerald A. Takase  
Director

## County of Hawai'i

### Department of Liquor Control

Hilo Lagoon Centre, 101 Aupuni Street, Unit 230, Hilo, Hawai'i 96720-4261  
(808) 961-8218 • Fax (808) 961-8684

February 12, 2013

Honorable Glenn Wakai, Chair  
Honorable Clarence K. Nishihara, Vice-Chair  
Committee on Technology and the Arts  
The Senate  
Hawai'i State Capitol  
415 S. Beretania Street  
Honolulu, Hawai'i 96813

Dear Chair Wakai, Vice-Chair Nishihara and Committee Members:

Re: Support of SB 1351 Relating to Personal Information  
Hearing - February 14, 2013 -- 1:15 p.m.

We support SB 1351 relating to personal information, which is being heard by your Committee on Technology and the Arts on February 14, 2014, at 1:15 p.m.

SB 1351 will help prevent the sale of liquor to minors by deleting the requirement that a business have a reasonable doubt that a customer is less than 18 years old before being able to scan the customer's identification or driver's license to verify the customer's age as is currently required under Section 487J-6(a)(2), Hawai'i Revised Statutes, as amended (HRS), which we feel was an oversight when the legislation was originally passed.

We require our licensees to check identification to prevent the sale of intoxicating liquor to minors. While, Section 487J-6(a)(2) created an exemption for age-restricted goods and services, the proviso of restricting it, where there is a reasonable doubt of the individual having reached the age of 18 years of age or older, has created some interpretation problems for licensees and whether they have the right to use their business equipment to scan for ages. Even with the efforts currently afforded to Hawai'i Driver's Licenses and Hawai'i State Identification Cards with the vertical formats and listing of the 18<sup>th</sup> and 21<sup>st</sup> birthdates to prevent calculation errors in our compliance checks, we still find unacceptable numbers of licensees still selling to minors.

Honorable Glenn Wakai, Chair  
Honorable Clarence K. Nishihara, Vice-Chair  
Committee on Technology and the Arts  
Page -2-  
February 12, 2013

Businesses selling liquor, cigarettes or other age-restricted products should be allowed to scan the identification of all customers for the purpose of verifying age. Requiring a business to have a "reasonable doubt" imposes a vague standard that will only hamper the efforts to prevent the sale of liquor and cigarettes to minors by preventing business from applying uniform standards to age verification. In addition, the 18 year old threshold makes no sense when applied to the sale of liquor, which by law is restricted to 21 year olds and older.

Many of the licensees have gone through the time and expense of acquiring systems that will not only scan IDs to verify age and authenticate these IDs, but will lock their cash registers to prevent an underage sale from being made. Because of Section 487J-6, HRS, they are being thwarted from using this technology to help them curb this problem. A reasonable balance between using personal information and protecting personal information needs to be struck and the modifications proposed in SB 1351 should strike that balance.

Please support the efforts by businesses to prevent the sale of liquor and cigarettes to minors by passing SB 1351.

Sincerely,



GERALD TAKASE  
Director

GT:de

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [TECTestimony](#)  
**Cc:** [lt@acluhawaii.org](mailto:lt@acluhawaii.org)  
**Subject:** Submitted testimony for SB1351 on Feb 14, 2013 13:15PM  
**Date:** Tuesday, February 12, 2013 2:17:37 PM  
**Attachments:** [2.14.13.pdf](#)

---

**SB1351**

Submitted on: 2/12/2013

Testimony for TEC on Feb 14, 2013 13:15PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laurie Temple	ACLU of Hawaii	Oppose	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)



Committee: Committee on Technology and the Arts  
Hearing Date/Time: Thursday, February 14, 2013, 1:15 p.m.  
Place: Room 414  
Re: Testimony of the ACLU of Hawaii in opposition to S.B. 1351, Relating to Personal Information

Dear Chair Wakai and Members of the Committee on Technology and the Arts:

The ACLU of Hawaii writes in opposition to S.B. 1351, which seeks to add an exception to the law limiting when a private business may scan a driver's license barcode.

S.B. 1351 is inappropriate, unnecessary and gives businesses unfettered access to government-issued identification barcodes for age-related transactions. Businesses concerned about fraud can refuse to serve the customer (as is the current practice) or seek the barcode information under the exceptions allowed by law.

Driver's license scanning by private businesses is a huge problem – it constitutes a permissionless, unnecessary seizure of our private information. The scanning practice raises serious privacy concerns: Hawaii driver's licenses contain bar codes with significant personal information, including name, address, date of birth, hair color, eye color, height, weight, gender, license expiration date, organ donor status, driver's license number, fingerprint, medical indicators and driver classification code. As more personal information is amassed in more databases, the likelihood increases that the information will be misused or stolen and lead to identity theft. Individuals can't protect the accuracy or distribution of their personal information when it is held by others.

Prior to 2012, Hawaii had no law protecting the information on our driver's license from being misused until the ACLU of Hawaii and the state Department of Commerce and Consumer Affairs succeeded last year in getting Act 191 passed to limit private businesses' ability to scan the barcode on driver's licenses.

Act 191 already includes many exceptions to the limits and S.B. 1351 seeks to add another exception – namely, to allow any private business to swipe driver's license barcodes to verify age (regardless of the reasonableness of doing so). This would effectively allow any private

American Civil Liberties Union of Hawaii  
P.O. Box 3410  
Honolulu, Hawaii'i 96801  
T: 808-522-5900  
F: 808-522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

Hon. Sen. Wakai, Chair, TEC Committee  
and Members Thereof  
February 14, 2013  
Page 2 of 2

business to scan the license of anyone who sought to buy an age-restricted purchase, including alcohol, Nicorette gum, mature video games, compressed air and cold medicines, among others.

While we understand that private businesses don't want to sell age-restricted products to minors, that goal should not be obtained at the expense of our privacy and at the risk of identity theft. Our current law appropriately balances those concerns.

Sincerely,

Laurie A. Temple  
Staff Attorney and Legislative Program Director  
ACLU of Hawaii

*The ACLU has been the nation's guardian of liberty since 1925 and the ACLU of Hawaii since 1965 and works daily in the courts, legislatures and communities to defend and preserve the individual rights and liberties equally guaranteed to all by the Constitutions and laws of the United States and Hawaii. The ACLU works to ensure that the government does not violate our constitutional rights, including, but not limited to, freedom of speech, association and assembly, freedom of the press, freedom of religion, fair and equal treatment, and privacy. The ACLU network of volunteers and staff works throughout the islands to defend these rights, often advocating on behalf of minority groups that are the target of government discrimination. If the rights of society's most vulnerable members are denied, everyone's rights are imperiled.*

American Civil Liberties Union of Hawai'i  
P.O. Box 3410  
Honolulu, Hawai'i 96801  
T: 808-522-5900  
F: 808-522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [TECTestimony](#)  
**Cc:** [laurenzirbel@gmail.com](mailto:laurenzirbel@gmail.com)  
**Subject:** Submitted testimony for SB1351 on Feb 14, 2013 13:15PM  
**Date:** Tuesday, February 12, 2013 11:45:23 AM  
**Attachments:** [sb\\_1351\\_relatng\\_to\\_personal\\_information.doc](#)

---

**SB1351**

Submitted on: 2/12/2013

Testimony for TEC on Feb 14, 2013 13:15PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laure Zirbel	HAWAII FOOD INDUSTRY ASSOCIATION	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)



## HAWAII FOOD INDUSTRY ASSOCIATION (HFIA)

1050 Bishop St. PMB 235

Honolulu, HI 96813

Fax : 808-791-0702

Telephone : 808-533-1292

DATE: Thursday, February 14, 2013

TIME: 1:15 p.m.

PLACE: Conference Room 414

TO: COMMITTEE ON TECHNOLOGY AND THE ARTS

Sen. Glenn Wakai, Chair

Sen. Clarence K. Nishihara, Vice Chair

FROM: Hawaii Food Industry Association - Lauren Zirbel, Executive Director

RE: SB 1351 RELATING TO PERSONAL INFORMATION

Position: Strong Support.

Dear Chair Wakai, Vice-Chair Nishihara and Committee Members:

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers and distributors of food and beverage related products in the State of Hawaii.

HFIA supports this measure.

SB 1351 will help prevent the sale of liquor to minors by deleting the requirement that a business have a reasonable doubt that a customer is less than 18 years old before being able to scan the customer's identification or driver's license to verify the customer's age.

Businesses selling liquor, cigarettes or other age-restricted products should be allowed to scan the identification of all customers for the purpose of verifying age. Requiring a business to have a "reasonable doubt" imposes a vague standard that will only hamper the efforts to prevent the sale of liquor and cigarettes to minors by preventing business from applying uniform standards to age verification. In addition, the 18 year old threshold makes no sense when applied to the sale of liquor, which by law is restricted to 21 year olds and older.

Please support the efforts by business to prevent the sale of liquor and cigarettes to minors by passing SB 1351.

Thank you for the opportunity to provide this testimony.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [TECTestimony](#)  
**Cc:** [cpregill@RMHawaii.org](mailto:cpregill@RMHawaii.org)  
**Subject:** Submitted testimony for SB1351 on Feb 14, 2013 13:15PM  
**Date:** Wednesday, February 13, 2013 9:53:07 AM  
**Attachments:** [Testimony13-SB1351-ScanId-TEC.pdf](#)

---

**SB1351**

Submitted on: 2/13/2013

Testimony for TEC on Feb 14, 2013 13:15PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carol Pregill	Retail Merchants of Hawaii	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)





Senator Glenn Wakai, Chair  
Senator Clarence K. Nishihara, Vice Chair  
Committee on Technology and the Arts

HEARING      Thursday, February 14, 2013  
                  1:15 pm  
                  Conference Room 414  
                  State Capitol, Honolulu, Hawaii 96813

**RE:      SB1351, Relating to Personal Information**

Chair Wakai, Vice Chair Nishihara, and Members of the Committee:

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing 200 members and over 2,000 storefronts, and is committed to support the retail industry and business in general in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

**RMH supports SB1351**, which clarifies when a business may scan the machine-readable zone of an individual's Hawaii identification card or driver's license.

There are a myriad of regulatory requirements that restrict sales of tobacco, alcohol, spray paint, video games, drugs and other products, with which retailers must comply. Unfortunately for our business owners and managers, for every regulation there are many more juveniles attempting to scam the system. While technology has facilitated a proliferation of counterfeit forms of identification that are visually verifiable, they cannot pass the scrutiny of scanners.

It is imperative that government allow retailers to use every legitimate means to verify the authenticity of the documents presented to comply with these regulations and to not jeopardize their businesses.

We respectfully urge you to pass SB1351. Thank you for the opportunity to comment.

Carol Pregill, President

February 11, 2013

Honorable Glenn Wakai, Chair  
Honorable Clarence K. Nishihara, Vice-Chair  
Committee on Technology and the Arts  
The Senate  
State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: Testimony in Support of Senate Bill No. 1351, relating to personal information

Dear Chair Wakai, Vice-Chair Nishihara and Committee Members:

Seven-Eleven Hawaii, Inc. respectfully submits this testimony in strong support of Senate Bill No. 1351 relating to personal information, which is being heard by your Committee on Technology and the Arts on February 14, 2014, at 1:15 p.m.

The purpose of SB 1351 is to delete the requirement in section 487J-6(a)(2), Hawaii Revised Statutes, that a business have a reasonable doubt that a customer is 18 years old before being able to scan the customer's Hawaii identification card or driver's license for the purpose of verifying the customer's age when purchasing age-restricted products, such as alcoholic beverages.

We support SB 1351 because the existing requirement is unworkable and would hinder the ability of business to effectively enforce the restrictions on the sale of alcohol and tobacco products.

As an initial matter, please keep in mind that a business which scans a customer's identification card or driver license for the purpose of verifying age for the purchase of age-restricted products may not store or retain any data from the scan, nor sell such data to any third party. Thus, the scan is solely for the purpose of verifying the age of the customer.

The existing requirement is inappropriate on its face for the sale of alcoholic beverages, for which the required age is 21 years. Under HRS section 487J-6(a)(2), as currently drafted, if a clerk has a reasonable doubt that a customer is over 18 but under 21 years of age, the clerk would be barred from scanning the customer's identification card or driver's license. Plainly, this makes no sense.

Second, imposing a "reasonable doubt" standard regarding age is inherently unworkable. As a retailer with stores in many locations and diverse customer populations, we know first-hand how difficult it is to try to guess the age of customers. We also know through experience that selective requests for identification can sometimes lead to confrontational situations. To address these concerns our policy, prior to HRS section 487J-6(a)(2) becoming effective, was to require universal identification checks. We would prefer to err on the side of caution in order to prevent the sale of alcohol to under-aged minors. While this may cause some inconvenience to older customers, we believe that the public policy goal and legal obligation to not sell alcohol to minor far outweighs that inconvenience. However, universal identification checks are prohibited under HRS section 487J-6(a)(2), forcing us to rely upon the inherently less reliable age assessments

Honorable Glenn Wakai, Chair  
Honorable Clarence K. Nishihara, Vice-Chair  
Committee on Technology and the Arts  
February 11, 2013  
Page 2

made by our clerks. This undermines our efforts to enforce the age-restrictions on the sale of tobacco and, especially, alcoholic beverages.

Third, scanning, as opposed to visible inspection by a clerk, of an identification or driver's license, is an effective method for distinguishing fake or bogus identification cards or driver's licenses. A quick Internet search will reveal multiple websites that offer "novelty" state identification cards and driver's licenses for sale. The inability to scan would make it more likely that minors can successfully use fake identification cards and driver's licenses to purchase age restricted products.

We ask that the Legislature support efforts to prevent the sale of age restricted products, such as tobacco and alcoholic beverages to under-aged customers. We take this obligation very seriously and we hope that the Legislature will support the efforts of all businesses to rigorously enforce the law in this area.

Thank you for your consideration of our testimony.

Sincerely,

SEVEN-ELEVEN HAWAII, INC.

By

  
Blake Yokotake

Human Resources Manager

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [TECTestimony](#)  
**Cc:** [pamelapcm@gmail.com](mailto:pamelapcm@gmail.com)  
**Subject:** \*Submitted testimony for SB1351 on Feb 14, 2013 13:15PM\*  
**Date:** Friday, February 08, 2013 2:37:54 PM

---

**SB1351**

Submitted on: 2/8/2013

Testimony for TEC on Feb 14, 2013 13:15PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pamela Williams	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [TECTestimony](#)  
**Cc:** [tabraham08@gmail.com](mailto:tabraham08@gmail.com)  
**Subject:** \*Submitted testimony for SB1351 on Feb 14, 2013 13:15PM\*  
**Date:** Wednesday, February 13, 2013 7:14:13 AM

---

**SB1351**

Submitted on: 2/13/2013

Testimony for TEC on Feb 14, 2013 13:15PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Troy Abraham	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)