



**TESTIMONY OF TINA YAMAKI, PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
February 11, 2021**

**Re: SB 1398 Relating to Age Discrimination**

Good morning Chair Baker and members of the Senate Committee on Commerce and Consumer Protection. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901, RMH is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, local, national, and international retailers, chains and everyone in between.

We **OPPOSE** SB 1398 Relating to Age Discrimination. This measure prohibits businesses that sell age-restricted goods from requiring disclosure of a customer's date of birth if it is clear that the individual has attained the age required to make a purchase.

While we understand the intent of this measure, we also feel that this type of decision should be left up to the retailer. We recognize that many stores already have a policy to card anyone who appears to be over a certain age – and the range of age varies from each company.

We also recognize that there are other retailers who card everyone who wants to purchase age-restrictive goods. These retailers want to ensure safety and eliminate any room for discrimination. They do not want to be responsible for or have the cashier be responsible for the guesswork of who makes the “age cut” to be or not to be carded. And we must point out that make-up and apparel can also make people appear older than they are.

Furthermore, when stores do not card everyone purchasing age-restricted goods, it also opens the liability on retailers as we are accused of age discrimination, ethnic discrimination, gender discrimination, racial profiling to name a few. Now more than ever, retailers are extremely sensitive on not to offend our customers with an assumption as well as not be in violation or have fines imposed on them for incorrectly assuming someone's age.

We ask that you hold this measure.

Mahalo again for this opportunity to testify.

**SB-1398**

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Testimony for CPN on 2/11/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Neil Ishida	Testifying for ABC Stores	Oppose	No

Comments:

Good morning Chair Baker and members of the Senate Committee on Commerce and Consumer Protection. I am Neil Ishida Director of Government Affairs for ABC Stores. I appreciate this opportunity to testify.

ABC Stores **OPPOSE** SB 1398 Relating to Age Discrimination. This measure prohibits businesses that sell age-restricted goods from requiring disclosure of a customer's date of birth if it is clear that the individual has attained the age required to make a purchase.

While we understand the intent of this measure, we also feel that this type of decision should be left up to the retailer. ABC Stores has a policy to card anyone that appears to be 40 years old or younger because we understand that determining whether an individual is young or old is a subjective decision and often prone to error.

We also recognize that there are other retailers who card everyone who wants to purchase age-restrictive goods. Like these retailers, we want to ensure safety and eliminate any room for selling age restrictive products to minors that appear to be 21 years old. do not want to be responsible for or have or our cashiers be responsible for the guesswork of who makes the "age cut." And, we must point out that many individuals under 21 appear older than they are.

Furthermore, when retailers do not card individuals purchasing age-restricted goods, it opens us to liability, as we are accused of age discrimination, ethnic discrimination, gender discrimination, racial profiling to name a few. Now more than ever, retailers are extremely sensitive on not to offend our customers with an assumption, as well as not be in violation or have fines imposed on the business and employees for incorrectly assuming someone's age.

We ask that you hold this measure.

Mahalo again for this opportunity to testify.