



**TESTIMONY OF TINA YAMAKI, PRESIDENT OF THE RETAIL MERCHANTS OF HAWAII
FEBRUARY 10, 2025
HB 692 RELATING TO SPRAY PAINT**

Aloha, Chair Elefante members of the Senate Committee on Public Safety & Military Affairs. I am Tina Yamaki, President of the Retail Merchants of Hawaii.

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 Strongly Oppose SB 692. This measure regulates the retail and wholesale sales of spray paint and designates the Department of Law Enforcement with jurisdiction.

While the intent of this measure may be to deter graffiti and vandalism, **this bill creates unnecessary and burdensome requirements that unfairly penalize legitimate businesses and law-abiding consumers while failing to address the root causes of the issue.**

Retail and wholesale businesses already comply with numerous regulations, including existing laws restricting sales of spray paint to minors. Additional restrictions would create logistical challenges, increased compliance costs, and potential penalties for businesses simply selling a legal product.

This bill would have excessive burden on retailers by requiring them to register with the Department of Law Enforcement, pay a registration fee, and maintain extensive electronic records for every spray paint purchase. Small businesses—already struggling with rising operational costs—would bear the brunt of these costly and bureaucratic mandates. Retailers would be forced to invest in new software and compliance measures at their own expense, creating an undue financial burden.

In addition, this measure mandates retailers to store all spray paints and markers behind the counter or in locked cabinets, accessible only by sales personnel. However, this poses significant logistical and financial challenges for retailers. Retail space is extremely limited and carries monetary value. To comply, most retailers would need to invest in hundreds or even thousands of locked plexiglass boxes or secure display cabinets, which are expensive and could cost thousands of dollars to implement. Many of these cabinets need to be custom-made to fit both the products and the available retail space. Locking individual products in boxes reduces shelf space, limiting the variety of items a store can display and sell.

We also want to point out that small local retailers are at a disadvantage as large retailers with multiple locations may be able to buy security fixtures in bulk at a discount. Smaller businesses, however, would bear the full cost without bulk pricing benefits. To comply with this proposal, they may have to reconfigure their store layout, potentially requiring costly renovations.

Who will pay for all the requirements in the bill that include costly renovation or security cabinets and boxes, new software – it will be the customers as products in the store will increase in price. Thus continuing to make Hawaii one of the most expensive places to live in the nation.

Furthermore, restricting access to spray paint does not address the root causes of vandalism. **Those who intend to engage in graffiti or property damage will simply find other means to obtain spray paint**, such as purchasing from unregulated sources like the black market or online retailers.

In addition, requiring the purchasers to produce a legal ID for retailers to verify age would place a burden on cashiers to determine if the ID is real or fake. Stores mainly accept only valid driver's license, State and Federal IDs, and passports to name a few. It is one more step a cashier must do, and many stores are short staffed on cashiers.

We also have serious concerns that this **measure creates an invasion of consumer privacy by requiring retailers to record and store sensitive personal information (name, address, date of birth, and identification details)**. Consumers purchasing spray paint for legitimate purposes like home improvement, automotive repairs, or artistic projects, should not be subject to excessive government tracking. The security of this electronic log system is questionable, as it increases the risk of data breaches and misuse of personal information.

By designating the Department of Law Enforcement to oversee the sale of a legal product is an overreach of government authority and a misallocation of resources. Law enforcement should focus on crime prevention and enforcement against actual vandalism, rather than creating unnecessary regulations on businesses. Requiring law enforcement oversight for routine retail transactions sets a dangerous precedent for government overregulation of lawful commerce.

Instead of burdening businesses and consumers, the focus should be on stronger enforcement of existing vandalism laws, increased penalties for offenders, and investment in community-based prevention programs.

This legislation unnecessarily penalizes businesses and consumers, violates privacy rights, expands government overreach, and fails to effectively prevent crime. Instead of implementing these burdensome restrictions, lawmakers should **focus on targeting actual offenders and strengthening enforcement against vandalism.**

Mahalo again for this opportunity to testify.

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SB-692

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Testimony for PSM on 2/10/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sherri Wilmarth	Testifying for Surveyors Supply Company Inc.	Oppose	Written Testimony Only

Comments:

Good afternoon,

I am writing to submit testimony against SB692.

We are a retail store that supplies spray paint to the surveying and construction community. Our inverted marking paint is survey and construction grade and comes in a case of 12. Why would your Bill make it to only sell 10 cans? who came up with that number? We will have to open our cases and take out 2 cans which is ridiculous.

Most of the construction industry purchases cases from us. A lot of times someone from a company will call in, place the order and then a delivery driver will come pick up the paint. Your Bill states we would need to get a photo ID and other items at the time of sale/ pick up. But this person is not even the end user. I hope you realize that this case of spray paint will go to a job site and then sit there until used, misplaced or stolen. And us having to log into some random computer software just so you can track it is ridiculous. And on top of that we have to PAY to access it?

And who is going to monitor that Department and what will the money be used for?

Thank you very much for your time.

Sherri Wilmarth