

JAN 22 2021

A BILL FOR AN ACT

RELATING TO THE ALOHASAFE ALERT APPLICATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that contact tracing is a
2 critical component in fighting the spread of infectious
3 diseases. It has been traditionally conducted by public health
4 officials to identify those infected and those who have
5 encountered infected individuals. Public health officials then
6 work with all parties to disrupt the spread of the disease.
7 Given the worldwide coronavirus disease 2019 (COVID-19)
8 pandemic, the importance of contact tracing has been brought to
9 the forefront. Manual contact tracing has been shown to be too
10 slow to reach people before they transmit the disease, whereas
11 the scalability and speed of a digital approach, using proximity
12 sensors of smartphone devices, is theoretically fast enough to
13 stop the pandemic.

14 On March 21, 2020, Governor Ige issued a second
15 supplemental emergency proclamation to mitigate further spread
16 of COVID-19 by residents and visitors coming from out-of-state.
17 The proclamation ordered all individuals, both residents and



1 visitors, arriving or returning to Hawaii to a mandatory
2 fourteen-day self-quarantine, which applies to all arrivals at
3 state airports from the continental United States and
4 international destinations. As of July 17, 2020, nearly two
5 hundred people have been arrested for violating Hawaii's
6 fourteen-day mandatory quarantine during the COVID-19 pandemic.

7 On November 23, 2020, Governor Ige signed a sixteenth
8 COVID-19 emergency proclamation requiring all transpacific
9 travelers to have a negative test result from a trusted travel
10 partner before their departure to bypass the fourteen-day
11 quarantine within three days of traveling to Hawaii. Despite
12 ninety-four per cent of travelers participating in the pre-
13 travel testing program for Hawaii arriving with a negative
14 COVID-19 test result, there are still some travelers who cannot
15 present a negative pre-arrivals test upon arrival. According to
16 the Hawaii COVID-19 Joint Information Center, it is a
17 "monumental effort to keep track of everyone who should be in
18 quarantine and it involves a hui of law enforcement agencies,
19 representatives of Hawaii's visitor industry, state
20 transportation workers, and the community generally."



1 The legislature further finds that the official COVID-19
2 tracking application for the State of Hawaii, the AlohaSafe
3 Alert application, was launched on January 6, 2021, for Android
4 and iOS smartphone users. The AlohaSafe Alert application was
5 created in partnership with the department of health, aio
6 Foundation, and Hawaii Executive Collaborative as an official
7 exposure notification application based on Google/Apple's
8 Exposure Network (GAEN). This free application aims to slow the
9 spread of COVID-19 by using smartphone technology to notify
10 users of their exposure to someone who has been diagnosed with
11 COVID-19. The application senses another smartphone's
12 application nearby, which triggers the devices to exchange a
13 secure, random, anonymous code. If an individual tests positive
14 for COVID-19, the individual is contacted by a department of
15 health contact tracer who provides a verification code so that
16 the individual's smartphone will anonymously notify other users
17 who have been near to the individual that the user may have
18 possible COVID-19 exposure. A notification is triggered only if
19 devices were at a distance of six feet or less for at least
20 fifteen cumulative minutes in the past fourteen days.



1 Research from Oxford University shows that digital contact
2 tracing could "stop the [pandemic] if approximately sixty per
3 cent of the whole population use the app and adhere to the app's
4 recommendations." In Hawaii, combined with other preventative
5 measures, if just fifteen per cent of the community uses the
6 application, the number of infections will decline by eight
7 percent and the number of deaths will be reduced by six percent.

8 The purpose of this Act is to require all individuals
9 arriving in Hawaii, all individuals who have received a positive
10 COVID-19 test result, and all individuals who are cited and
11 arrested for quarantine violations to install the AlohaSafe
12 Alert application on their mobile smartphones.

13 SECTION 2. (a) The department of health shall require the
14 following individuals to download and use the AlohaSafe Alert
15 application on their mobile smartphones for the duration of any
16 emergency proclamations relating to COVID-19:

- 17 (1) Trans-Pacific travelers arriving in Hawaii;
- 18 (2) All individuals who have received a positive COVID-19
19 test result;
- 20 (3) All individuals who have been cited for quarantine
21 violations; and



1 (4) All individuals who have been arrested for quarantine
2 violations.

3 (b) The director of health may collect data from the
4 AlohaSafe Alert application only to the extent that data is
5 necessary, proportionate, and limited for a good faith public
6 health purpose, including a service or feature to support such a
7 purpose. Disclosures shall be made solely for good faith public
8 health purposes and in direct response to exigent circumstances.

9 (c) The director of health may take reasonable measures,
10 where possible, to ensure the accuracy of emergency health data
11 and provide an effective mechanism for an individual to correct
12 inaccurate information.

13 (d) The director of health shall adopt reasonable
14 safeguards to prevent unlawful discrimination on the basis of
15 emergency health data.

16 SECTION 3. The department of health shall adopt rules
17 pursuant to chapter 91, Hawaii Revised Statutes, by July 1,
18 2021, regulating the use of the AlohaSafe Alert application. In
19 adopting these rules, the department of health shall establish
20 and implement reasonable data security policies, practices, and



1 procedures to protect the security and confidentiality of
2 emergency health data.

3 SECTION 4. (a) The department of health shall not use or
4 maintain emergency health data of an individual after the later
5 of:

6 (1) The date that is sixty days after the termination of
7 the public health emergency declared by the Secretary
8 of the Department of Health and Human Services on
9 January 31, 2020, pertaining to COVID-19 under section
10 319 of the Public Health Service Act (42 U.S.C. 247d)
11 and any renewals thereof;

12 (2) The date that is sixty days after the termination of a
13 public health emergency declared by the governor
14 pertaining to COVID-19 and any supplemental emergency
15 proclamations; or

16 (3) Sixty days after collection.

17 (b) For the requirements in subsection (a), data shall be
18 destroyed or rendered not linkable in such a manner that is
19 impossible or demonstrably impracticable to identify any
20 individual from the data.



1 SECTION 5. The provisions of this Act shall not supersede
2 any of the requirements or authorizations under the Health
3 Insurance Portability and Accountability Act of 1996, P.L.
4 104-191, regulations or state medical records retention and
5 health privacy laws or regulations.

6 SECTION 6. Nothing in this Act shall be construed to limit
7 or prohibit the department of health from administering programs
8 or activities to identify individuals who have contracted, or
9 may have been exposed to COVID-19 through interviews, outreach,
10 case investigation, and other recognized investigatory measures
11 by the department of health with the intention of monitoring and
12 mitigating the transmission of a disease or disorder.

13 SECTION 7. This Act shall take effect upon its approval.
14

INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and difficult to decipher.

S.B. NO. 239

Report Title:

COVID-19; AlohaSafe Alert Application; Contact Tracing

Description:

Requires all travelers arriving in Hawaii and all individuals cited or arrested for quarantine violations or who test positive for COVID-19 to use the AlohaSafe Alert application on their smartphones. Allows the department of health to collect data from the AlohaSafe Alert application only to the extent that data is necessary, proportionate, and limited for a good faith public health purpose.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

