

JAN 21 2022

A BILL FOR AN ACT

RELATING TO TECHNOLOGY ACCESS FOR INDIVIDUALS WITH DISABILITIES.

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

1 SECTION 1. This Act shall be known and may be cited as the
2 Hawaii Electronic Information Technology Accessibility Act.

3 SECTION 2. The legislature finds that the advent of the
4 information age is rapidly replacing conventional printed
5 communications with the use of electronic information technology
6 in employment, education, and receipt of services. State
7 entities have particular needs and responsibilities to provide
8 everyone with equal and convenient access to communications
9 relating to programs they administer. Examples include
10 dissemination of information, as well as completion and
11 submission of electronic forms online, whether by employees or
12 the public.

13 The legislature further finds that great strides have been
14 made in the development and use of technologies that assure
15 access for individuals with disabilities. Advancements include
16 screen readers that are able to report words on a computer
17 screen by voice or braille output for individuals who are blind,



1 and sign language interpretation or captioning of audio
2 presentations for individuals who are deaf. State agencies and
3 other state entities are making great progress in adapting to
4 the Information Age, but the implementation of new technologies
5 and procedures is not consistent or cost-effective in ensuring
6 that these technologies are accessible to individuals with
7 disabilities.

8 The legislature further finds that ready access to and use
9 of electronic information technology is essential for all
10 citizens to participate equally in all state programs and
11 services, and to receive and enjoy the benefits of state
12 programs and services, which must, by law, be equally available
13 without regard to disability. Cost-effective techniques and
14 products exist to make modern communications technology
15 accessible to individuals with disabilities by proactively
16 addressing accessibility at the time of planning design,
17 development, and procurement of electronic information
18 technology.

19 The purpose of this Act is to establish and implement
20 standards for providing access to electronic information
21 technology developed, purchased, and used by the State.



SECTION 3. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER

§ -1 Definitions. For the purposes of this chapter:

"Accessibility" means the ability to receive, use, and manipulate data and operate controls included in electronic information technology in a manner equivalent to that of individuals who do not have disabilities.

"Electronic information technology" means electronic information, software, systems, and equipment used in the creation, manipulation, storage, display, or transmission of data, including internet and intranet systems, websites and interfaces, software applications, operating systems, video and multimedia, telecommunications products, kiosks, information transaction machines, copiers, printers, and desktop and portable computers.

"Individuals with disabilities" means individuals with impairments that limit their ability to use electronic information technology. This includes but is not limited to individuals who are blind or have impaired vision, are deaf or



1 hard of hearing, have limited or no use of their hands, or have
2 other impairments.

3 "State entity" means the executive, legislative, and
4 judicial branches of the State, including departments;
5 divisions; agencies; constitutional offices; public bodies;
6 public elementary, secondary, and postsecondary schools; and the
7 University of Hawaii system.

8 § -2 Disability access standards. (a) Electronic
9 information technology developed, purchased, or provided by the
10 State shall be accessible to and usable by individuals with
11 disabilities. Access and use by individuals with disabilities
12 shall be equivalent to access and use by individuals without
13 disabilities.

14 (b) No later than December 31, 2022, the disability and
15 communication access board shall develop and publish
16 accessibility standards for electronic information technology
17 for state entities, pursuant to subsection (a) and Section 508
18 of the federal Rehabilitation Act, as amended in 1998. The
19 standards shall address, at minimum, the following:

20 (1) Functional performance criteria and technical
21 requirements for accessibility;



(2) Recommendations for procurement language that can be incorporated into existing state procurement processes to ensure compliance with accessibility standards; and

(3) Recommendations for planning, reporting, monitoring, and enforcement of the accessibility standards by state entities.

(c) The disability and communication access board shall convene a working group of appropriate state entities, representatives, stakeholders, and other appropriate individuals and offices to develop accessibility standards.

(d) The disability and communication access board shall consult with the office of enterprise technology services to assist in the development and implementation of accessibility standards.

(e) Each state entity shall review the accessibility standards published by the disability and communication access board. No later than six months after the standards are published, each state entity shall revise its existing procurement and development rules, policies, and procedures to incorporate the published accessibility standards; provided that the accessibility standards:



1 (1) Shall apply to electronic and information technology
2 developed or procured by a state entity, or to
3 substantial modifications of electronic and
4 information technology by a state entity; and


5 (2) Shall not require the installation of specific
6 accessibility-related software or peripheral devices
7 at a workstation of an employee who is not an
8 individual with a disability; provided that the
9 workstation technology is compatible with
10 accessibility-related software or peripheral devices
11 when used by an individual with a disability.

12 (f) The disability and communication access board shall,
13 at minimum, review the accessibility standards every three years
14 after the date of initial publication and amend the standards as
15 appropriate to reflect technological changes in electronic
16 information technology. All state entities shall review the
17 amended standards no later than six months after they are
18 published and revise its existing procurement and development
19 rules, policies, and procedures to incorporate the published
20 accessibility standards."



1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY: 



S.B. NO. 2391

Report Title:

Electronic Information Technology; Individuals with Disabilities; Accessibility

Description:

Declares the policy of the State that electronic information technology developed, purchased, or provided by the State shall be accessible to and usable by individuals with disabilities equivalent to access and use by individuals without disabilities. Requires the Disability and Communication Access Board to develop, review, and revise electronic information technology disability access standards. Requires all state entities to incorporate the disability access standards into their development and procurement policies and processes within a specific timeframe.

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