

STAND. COM. REP. NO. 322

Honolulu, Hawaii

February 12, 2013

RE: H.B. No. 713

H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 713 entitled:

"A BILL FOR AN ACT RELATING TO SOCIAL MEDIA,"

begs leave to report as follows:

The purpose of this measure is to prohibit employers from requesting or requiring employees or applicants from disclosing information relating to their social media accounts and from taking adverse actions against an employee or applicant for not complying with a request or demand by the employer regarding certain personal social media.

The American Civil Liberties Union of Hawai'i and a few individuals supported this measure. The Hawaii Civil Rights Commission supported the intent of this measure. The Honolulu Police Department, Maui Police Department, State Privacy and Security Coalition, and American Council of Life Insurers opposed this measure. The Chamber of Commerce of Hawaii provided comments.

Your Committee has amended this measure by:

- (1) Replacing the term "social media" with "personal account" throughout and defining the term "personal account";

HB713 HD1 HSCR LAB HMS 2013-1960



- (2) Moving the new statutory section created by this measure to part III of chapter 378, Hawaii Revised Statutes, to facilitate appropriate enforcement;
- (3) Providing that the prohibitions against an employer's access to an employee's personal account shall not prevent an employer from complying with other state and federal law or rules of self-regulatory organizations;
- (4) Creating an exception for law enforcement agencies conducting background checks of applicants for employment; and
- (5) Making technical, nonsubstantive amendments for the purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 713, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 713, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,



MARK M. NAKASHIMA, Chair



