

Honolulu, Hawaii  
February 16, 2018

RE: H.B. No. 2296  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2296, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO INTERNET PRIVACY,"

begs leave to report as follows:

The purpose of this measure is to protect the privacy of customers of internet service providers by prohibiting internet service providers from using, disclosing, selling, or permitting access to the personal information of their customers without prior written consent, or unless otherwise permitted by law under specified circumstances.

The American Civil Liberties Union of Hawai'i and two individuals supported this measure. CTIA and Charter Communications opposed this measure. The Department of the Attorney General and Hawaiian Telcom provided comments.

Your Committee notes that concerns were raised by the Department of the Attorney General about prohibiting internet service providers from using, disclosing, selling, or permitting access to the personal information of customers. These provisions may subject this measure to a preemption challenge by the Federal Communications Commission, which issued a declaratory order that purports to establish a federal deregulatory regime for broadband internet access providers and can preempt inconsistent state laws.



As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2296, H.D. 1, and recommends that it be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,



---

ROY M. TAKUMI, Chair



State of Hawaii  
House of Representatives  
The Twenty-ninth Legislature

HSCR 538-18

**Record of Votes of the Committee on Consumer Protection & Commerce**

<b>Bill/Resolution No.:</b> HB 2296, HD1	<b>Committee Referral:</b> IAC, CPC, JUD	<b>Date:</b> 2/13/18		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKUMI, Roy M. (C)	✓			
2. ICHIYAMA, Linda (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. ITO, Ken	✓			
5. JOHANSON, Aaron Ling				✓
6. LoPRESTI, Matthew S.	✓			
7. MIZUNO, John M.	✓			
8. SAY, Calvin K.Y.	✓			
9. TOKIOKA, James Kunane	✓			
10. YAMANE, Ryan I.	✓			
11. McDERMOTT, Bob	✓			
<b>TOTAL (11)</b>	10	0	0	1
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b> <i>Linda Ichiyama</i>				
<b>Distribution:</b> Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				