

STAND. COM. REP. NO.

503

Honolulu, Hawaii

FEB 19 , 2021

RE: H.B. No. 1253

H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 1253, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES,"

begs leave to report as follows:

The purpose of this measure is to prohibit an employer, with certain exemptions, from:

- (1) Requiring an employee to download a mobile application to the employee's personal communication device that enables the employee's location to be tracked or their personal information revealed;
- (2) Terminating or otherwise discriminating against an employee for refusing to download a mobile application to the employee's personal communication device; or
- (3) Discharging or otherwise discriminating against an employee for filing a complaint, testifying, or assisting in any proceeding concerning these unlawful practices.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations. Your

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Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii.

Your Committee finds that the high rate of transmission of COVID-19 has necessitated the development of new public health tools to mitigate the spread of the virus. These tools include new mobile phone applications that, upon the voluntary acceptance by a mobile phone user, track devices nearby and notify the user if the user was near a person who tested positive for the virus. Your Committee further finds that such applications have raised privacy concerns and anxiety over potential misuse of the tracking information, and that the mandatory use of such applications should not be a condition of employment.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1253, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Judiciary & Hawaiian Affairs in the form attached hereto as H.B. No. 1253, H.D. 2.

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



AARON LING JOHANSON, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature **HSCR 503**

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB1253 HD1	Committee Referral: LAT, CPC, JHA	Date: 2/16/2021		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" 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. JOHANSON, Aaron Ling (C)	✓			
2. KITAGAWA, Lisa (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. HAR, Sharon E.	✓			
5. HASHEM, Mark J.				✓
6. KONG, Sam Satoru	✓			
7. MIZUNO, John M.	✓			
8. MORIKAWA, Dee	✓			
9. ONISHI, Richard H.K.	✓			
10. TARNAS, David A.	✓			
11. MATSUMOTO, Lauren	✓			
TOTAL (11)	10	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				