

JAN 19 2022

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# A BILL FOR AN ACT

RELATING TO ELECTRONIC INFORMATION TECHNOLOGY ACCESSIBILITY FOR  
PERSONS WITH DISABILITIES.

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

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

3           SECTION 2. The legislature finds that all electronic  
4 information technology developed, purchased, used, or provided  
5 by a state entity must be made accessible to persons with  
6 disabilities. Electronic information is rapidly replacing print  
7 media, and all residents need access to technology to work and  
8 to participate fully in state programs and services.

9           The legislature further finds that uniform standards are  
10 needed to ensure that state entities are proactively addressing  
11 accessibility in their communications, information technology  
12 development, and technology procurement processes.

13           Accordingly, the purpose of this Act is to require the  
14 office of enterprise technology services, in consultation with  
15 the disability and communication access board and a working  
16 group comprising stakeholders, to develop and publish electronic



1 information technology accessibility standards to be implemented  
2 by all state entities.

3 SECTION 3. (a) Not later than six months after the  
4 effective date of this Act, the office of enterprise technology  
5 services shall develop and publish accessibility standards, to  
6 be known as the "Hawaii Electronic Information Technology  
7 Disability Access Standards", to be implemented by all state  
8 entities.

9 (b) The chief information officer, in consultation with  
10 the disability and communication access board, shall convene a  
11 working group to assist in drafting the accessibility standards.  
12 Representatives from state entities and other relevant  
13 stakeholders, as determined by the chief information officer and  
14 disability and communication access board, shall be invited by  
15 the chief information officer to participate.

16 (c) The accessibility standards shall:

17 (1) Require that all electronic information technology  
18 developed, purchased, used, or provided by a state  
19 entity be made accessible to persons with  
20 disabilities;



- 1           (2) Be consistent with accessibility standards issued by  
2           the United States Access Board to implement 29 United  
3           States Code section 794d;
- 4           (3) Be consistent with the web access standards issued by  
5           the World Wide Web Consortium Web Accessibility  
6           Initiative; and
- 7           (4) Include, at a minimum:
- 8                (A) Functional performance criteria and technical  
9                requirements for accessibility;
- 10               (B) Recommendations for procurement language that can  
11               be incorporated into existing state procurement  
12               processes to conform to accessibility standards;  
13               and
- 14               (C) Recommendations for planning, reporting,  
15               monitoring, and enforcement processes to ensure  
16               that state entities implement the standards.
- 17           (d) The accessibility standards shall not require the  
18           installation of specific accessibility-related software or  
19           peripheral devices at the workstation of an employee who is not  
20           a person with a disability; provided that they shall require all



1 workstation technology used by a state entity to be compatible  
2 with accessibility-related software and peripheral devices.

3 (e) Not later than six months after the publication of the  
4 Hawaii Electronic Information Technology Disability Access  
5 Standards, each state entity shall review the standards and  
6 shall revise the entity's existing procurement and development  
7 rules, policies, and procedures to incorporate the standards.

8 (f) The accessibility standards shall apply to:

9 (1) All electronic information technology developed,  
10 purchased, used, or provided by a state entity; and

11 (2) All substantial modifications made by a state entity  
12 to electronic information technology.

13 (g) The office of enterprise technology services, in  
14 consultation with the disability and communication access board,  
15 shall review the accessibility standards every three years after  
16 the date of initial publication, or more frequently if the chief  
17 information officer deems it necessary, and amend the standards  
18 to reflect advances or changes in electronic information  
19 technology. The chief information officer, in consultation with  
20 the disability and communication access board, may form a  
21 working group comprising stakeholders to assist with carrying



1 out the review and amendments. Within six months of the  
2 publication of any amended accessibility standards, each state  
3 entity shall review the amended standards and shall revise the  
4 entity's existing procurement and development rules, policies,  
5 and procedures accordingly.

6 (h) As used in this Act:

7 "Accessibility" means the ability to receive, use, and  
8 manipulate data and operate technological or mechanical  
9 controls.

10 "Electronic information technology" means electronic  
11 information, software, systems, and equipment used to create,  
12 manipulate, store, display, or transmit data, including:

- 13 (1) Internet and intranet systems;
- 14 (2) Websites and interfaces;
- 15 (3) Software applications;
- 16 (4) Operating systems;
- 17 (5) Video and multimedia;
- 18 (6) Telecommunication products;
- 19 (7) Kiosks;
- 20 (8) Information transaction machines;
- 21 (9) Copiers and printers; and



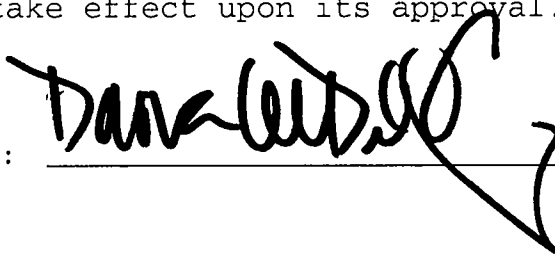
1 (10) Desktop and portable computers.

2 "Persons with disabilities" means persons with impairments  
3 that limit the person's ability to access or use electronic  
4 information technology, including persons having:

- 5 (1) No or limited vision;
- 6 (2) No or limited hearing;
- 7 (3) No or limited use of their hands; or
- 8 (4) Other similar impairments.

9 "State entity" means the executive, legislative, and  
10 judicial branches of the State of Hawaii, including its  
11 departments; divisions; agencies; constitutional offices; public  
12 bodies; public elementary, secondary, and postsecondary schools;  
13 and the university of Hawaii.

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

15  
INTRODUCED BY: 



# S.B. NO. 2144

**Report Title:**

ETS; Disability and Communication Access Board; Information Technology; Accessibility Standards; Procurement

**Description:**

Requires that all electronic information technology developed, purchased, used, or provided by a state entity be made accessible to persons with disabilities. Requires the Office of Enterprise Technology Services, in consultation with the Disability and Communication Access Board and a working group comprising stakeholders, to develop and publish electronic information technology accessibility standards to be implemented by all state entities. Requires review and amendment of the standards every 3 years after the date of publication, or as needed, to reflect advances or changes in information technology.

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

