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# A BILL FOR AN ACT

RELATING TO FACIAL RECOGNITION SYSTEMS.

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

1       SECTION 1. The legislature finds that the unregulated and  
2 unfettered use of facial recognition and imaging technology  
3 poses unique and significant implications with respect to the  
4 civil rights and liberties of residents of and visitors to  
5 Hawaii. The legislature recognizes, however, that in certain  
6 limited circumstances, the use of this technology does not  
7 infringe on an individual's privacy rights.

8       The legislature also finds that detecting infectious  
9 travelers is a necessary step to ensure that Hawaii's economy  
10 can fully function while keeping the public safe. In May 2021,  
11 facial imaging equipment became operational throughout the  
12 State's five major airports that accept trans-Pacific flights.  
13 The equipment is being used in conjunction with thermal  
14 screening equipment as part of the Hawaii department of  
15 transportation airports division project to screen travelers for  
16 fevers and detect those who may be infected with coronavirus  
17 disease 2019 or other infectious diseases that pose a public



1 health risk. According to a department of transportation news  
2 release dated May 17, 2021, any images collected by its  
3 integrated thermal scanner facial-imaging system will remain  
4 anonymous, meaning no traveler's image will be connected to  
5 personal identifying information; images will not contain  
6 information on criminal history or outstanding warrants; images  
7 will not be shared with other agencies and will be deleted  
8 within thirty minutes; and travelers having a core body  
9 temperature of 100.4 degrees Fahrenheit and lower will not have  
10 their image recorded at all.

11 The legislature believes that the airports division of the  
12 department of transportation should be allowed to continue using  
13 integrated thermal scanner facial imaging technology, solely  
14 within airports, for the purposes of emergency response and  
15 protection of public health. However, any screening or  
16 monitoring must be properly balanced with the constitutional  
17 right to privacy, the immediate destruction of obtained data,  
18 and prohibitions on sharing that data.

19 The purpose of this Act is to ensure that the legislature  
20 has the opportunity to properly vet future uses of rapidly  
21 evolving facial imaging technology, and to prevent any



1 unintended consequences from interfering with the privacy and  
2 freedom of persons in the State -- as has occurred in other  
3 jurisdictions -- by limiting the department of transportation  
4 exclusively to its use of the integrated thermal scanner facial  
5 imaging system at its airports.

6 SECTION 2. Section 26-19, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "§26-19 Department of transportation. (a) The department  
9 of transportation shall be headed by a single executive to be  
10 known as the director of transportation. The department shall  
11 establish, maintain, and operate transportation facilities of  
12 the State, including highways, airports, harbors, and such other  
13 transportation facilities and activities as may be authorized by  
14 law.

15 The department shall plan, develop, promote, and coordinate  
16 various transportation systems management programs that shall  
17 include, but not be limited to, alternate work and school hours  
18 programs, bicycling programs, and ridesharing programs.

19 The department shall develop and promote ridesharing  
20 programs which shall include but not be limited to, carpool and  
21 vanpool programs, and may assist organizations interested in



1 promoting similar programs, arrange for contracts with private  
2 organizations to manage and operate these programs, and assist  
3 in the formulation of ridesharing arrangements. Ridesharing  
4 programs include informal arrangements in which two or more  
5 persons ride together in a motor vehicle.

6 (b) The functions and authority heretofore exercised by  
7 the department of public works with respect to highways are  
8 transferred to the department of transportation established by  
9 this chapter.

10 (c) On July 1, 1961, the Hawaii aeronautics commission,  
11 the board of harbor commissioners and the highway commission  
12 shall be abolished and their remaining functions, duties, and  
13 powers shall be transferred to the department of transportation.

14 (d) The department may use an integrated thermal scanner  
15 facial imaging system. As used in this subsection, "integrated  
16 thermal scanner facial imaging system" means an automated  
17 imaging system that takes images of persons who have a detected  
18 core body temperature exceeding 100.4 degrees Fahrenheit or  
19 higher; automatically deletes the image within thirty minutes;  
20 and is not connected with personal identifiable information."



1       SECTION 3. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$               or so  
3 much thereof as may be necessary for fiscal year 2022-2023.

4       The sum appropriated shall be expended by the department of  
5 transportation for the maintenance and operation of the  
6 department's integrated thermal scanner facial imaging system.

7       SECTION 4. New statutory material is underscored.

8       SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Privacy; Facial Imaging Systems; Thermal Scanning; Department of Transportation; Limitations on Use

**Description:**

Limits the Department of Transportation's use of facial imaging and thermal scanning systems to certain specified situations. Makes an appropriation. Effective 7/1/2050. (SD1)

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

