

ACT 172

S.B. NO. 2144

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:

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

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

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

Accordingly, the purpose of this Act is to require the office of enterprise technology services, in consultation with the disability and communication access board and a working group composed of stakeholders, to develop and publish electronic information technology accessibility standards to be implemented by all state entities.

SECTION 3. (a) The office of enterprise technology services shall develop and publish accessibility standards, to be known as the "Hawaii Electronic Information Technology Disability Access Standards", to be implemented by all state entities.

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

- (c) The accessibility standards shall:
 - (1) Require that all electronic information technology developed, purchased, used, or provided by a state entity be made accessible to individuals with a disability;
 - (2) Be consistent with accessibility standards issued by the United States Access Board to implement section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d);
 - (3) Be consistent with the web access standards issued by the World Wide Web Consortium Web Accessibility Initiative; and
 - (4) Include, at a minimum:
 - (A) Functional performance criteria and technical requirements for accessibility;
 - (B) Recommendations for procurement language that can be incorporated into existing state procurement processes to conform to accessibility standards; and
 - (C) Recommendations for planning, reporting, monitoring, and enforcement processes to ensure that state entities implement the accessibility standards.

(d) The accessibility standards shall not require the installation of specific accessibility-related software or peripheral devices at the workstation of an employee who is not an individual with a disability; provided that the standards shall require all workstation technology used by a state entity to be compatible with accessibility-related software and peripheral devices.

(e) No later than six months after the publication of the Hawaii Electronic Information Technology Disability Access Standards, each state entity shall review the standards and revise the entity's existing procurement and development rules, policies, and procedures to incorporate the standards.

(f) The accessibility standards shall apply to:

- (1) All electronic information technology developed, purchased, used, or provided by a state entity; and
- (2) All substantial modifications made by a state entity to electronic information technology.

(g) The office of enterprise technology services, in consultation with the disability and communication access board, shall review the accessibility standards every three years after the date of initial publication, or more frequently if the chief information officer deems it necessary, and amend the standards to reflect advances or changes in electronic information technology. The chief information officer, in consultation with the disability and communication access board, may form a working group composed of stakeholders to assist with carrying out the review and amendments. Within six months of the publication of any amended accessibility standards, each state entity shall review the amended standards and shall revise the entity's existing procurement and development rules, policies, and procedures to incorporate the amended standards accordingly.

(h) As used in this Act:

“Accessibility” means the ability of an individual with a disability to receive, use, and manipulate data and operate controls included in electronic information technology in a manner equivalent to that of individuals who do not have disabilities.

“Electronic information technology” means electronic information, software, systems, and equipment used in the creation, manipulation, storage, display, or transmission of data, including:

- (1) Internet and intranet systems;
- (2) Websites and interfaces;

- (3) Software applications;
- (4) Operating systems;
- (5) Video and multimedia;
- (6) Telecommunication products;
- (7) Electronic and digital kiosks;
- (8) Information transaction machines;
- (9) Copiers and printers; and
- (10) Desktop and portable computers.

“Individual with a disability” means an individual with impairments that limit the individual’s ability to access or use electronic information technology, including an individual who has:

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

“State entity” means the executive, legislative, and judicial branches of the State, including its departments, divisions, agencies, offices; public bodies; public elementary, secondary, and postsecondary schools; and the University of Hawaii.

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

(Approved June 27, 2022.)