

BILLS PASSED BY THE HAWAI'I STATE LEGISLATURE REGULAR SESSION OF 2013 RELATING TO ELECTRONIC, DIGITAL, AND INFORMATION TECHNOLOGY

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The table below summarizes bills relating to electronic, digital, and information technology that the Hawai'i State Legislature passed in its 2013 Regular Session. The status of the bills is current as of May 2, 2013. The data in the table are published by the Legislative Reference Bureau (LRB). To summarize, the legislature addressed the following topics this year:

- Adoption of the Uniform Electronic Legal Material Act
- Portable electronics insurance
- Clarification of relationship between Uniform Commercial Code Article 4A and Electronic Fund Transfer Act
- Licensing requirements for telemedicine practitioners employed by the U.S. Department of Defense
- Duties of the State Chief Information Officer
- Electronic posting of reports of Department of Health inspection of state licensed care facilities
- Availability of State open data
- Approval of broadband related permits
- Electronic prescriptions
- Tax credits for film and digital media industry
- Ban on use of mobile electronic devices while operating a motor vehicle

For the full LRB report, visit <http://bit.ly/14ba9KW>

For the full text of bills, visit <http://1.usa.gov/14banSn>

Bill No.	Description	Sections Affected	Current Status
SB0032	<p>RELATING TO THE UNIFORM ELECTRONIC LEGAL MATERIAL ACT. Introduced by: Hee C</p> <p>Establishes the uniform electronic legal material act. Provides that legal material in an electronic record that is authenticated by the official publisher is presumed to be an accurate copy of the legal material. Provides that legal material and the official publisher includes the Constitution of the State of Hawaii published by the revisor of statutes; the session laws of Hawaii published by the revisor of statutes; the Hawaii Revised Statutes published by the revisor of statutes; any administrative agency rules published by the office of the governor; a state supreme court decision published by the supreme court; or the state court rules published by the supreme court.</p>	(11 SECTIONS) UNIFORM ELECTRONIC LEGAL MATERIAL ACT	Approved by Governor on 4/11/13 as Act 11
SB0345 SD1 HD1 CD1 (CCR 82)	<p>RELATING TO PORTABLE ELECTRONICS INSURANCE. Introduced by: Baker R, Galuteria B, English J</p> <p>Amends provisions relating to application for license and fees under portable electronics insurance. Increases initial portable electronics limited lines license fee from 150 dollars to 5000 dollars plus initial or renewal license fees from 150 dollars to 2,500 dollars.</p>	HRS § 431:31-107	Approved by Governor on 4/30/13 as Act 71
SB0511	<p>RELATING TO UNIFORM COMMERCIAL CODE ARTICLE 4A. Introduced by: Baker R, Chun Oakland S</p> <p>Amends provisions relating to exclusion of consumer transactions governed by federal law by replacing provision with relationship to electronic fund transfer Act. Requires that this article applies to funds transfer that is a remittance transfer as defined in the Electronic Fund Transfer Act (15 USC subsection 16930-1), unless the remittance transfer is an electronic fund transfer as defined in the Electronic Fund Transfer Act (15 USC subsection 1693a).</p>	HRS 490:4A-108	Approved by Governor on 4/16/13 as Act 16
SB0548 SD1 HD2 CD1 (CCR 79)	<p>RELATING TO TELEMEDICINE. Introduced by: Espero W, Baker R</p> <p>Amends provisions related to license required; exceptions. Exempts from the licensing requirement to practice medicine in the State any commissioned medical officer or commissioned employed by the US Department of Defense, while providing direct telemedicine support or services to neighbor island beneficiaries with a Hawaii</p>	HRS §§ 453-1.3, 453-2, 465-3	Passed legislature on 4/30/13

Bill No.	Description	Sections Affected	Current Status
	national guard armory on the island of Hawaii national guard armory on the islands of Kauai, Hawaii, Molokai, or Maui; provided that the commissioned medical officer or the commissioned employed by the US Department of Defense is credentialed by Tripler Army Medical Center. -- Amends provisions related to exempts for psychologists. Exempts from the licensing requirements in the State any psychologist employed by the US Department of Defense, while engaged in the discharge of the psychologist's official duty and providing direct telemedicine support or services to neighbor island beneficiaries with a Hawaii national guard armory on the island of Hawaii national guard armory on the islands of Kauai, Hawaii, Molokai, or Maui; provided that the psychologist employed by the US Department of Defense is credentialed by Tripler Army Medical Center.		
SB1003 SD2 HD1 CD1 (CCR 84)	RELATING TO INFORMATION TECHNOLOGY. Introduced by: Kim D (BR) Establishes additional duties of the chief information officer relating to security of government information. Requires the officer to provide for periodic security audits of all executive branch departments and agencies regarding the protection of government databases and data communications.	HRS § 27- (1 SECTION) ADDITIONAL DUTIES OF THE CHIEF INFORMATION OFFICE RELATING TO SECURITY OF GOVERNMENT INFORMATION	Passed legislature on 4/30/13
HB0120 HD2 SD2 CD1 (CCR 145)	RELATING TO HEALTH. Introduced by: Morikawa D, Thielen C, Carroll M, Kobayashi B, Fukumoto B Establishes provisions relating to inspections; public notice. Beginning with inspections occurring on January 1, 2015, requires the department of health to post on its website electronic copies of reports for all inspections it performs for state licensed care facilities; post each report on the departments website within 5 days of the conclusion of each inspection and each report posted a violation committed by a state licensed care facility to be removed from the website after 3 years from the date the report was posted. Establishes a working group on licensed care facilities under the department of health to develop an inspection form to be posted online with information that is fair to the care home operator and	HRS § 321- (1 SECTION) INSPECTIONS	Passed legislature on 4/30/13

Bill No.	Description	Sections Affected	Current Status
	useful to the public. Report to the legislature. Working group to dissolve on June 30, 2014 (sunset). Appropriation to the department of health to fund computer equipment, website and database development, and staff support, including 2 full time equivalent position (2.0 FTE).		
HB0632 HD2 SD2 CD1 (CCR 115)	<p>RELATING TO OPEN DATA. Introduced by: Tsuji C, Say C, Takayama G, Ito K, Oshiro M</p> <p>Establishes provisions relating to electronic data set availability; updates. Requires each executive branch department to use reasonable efforts to make appropriate and existing electronic data sets maintained by the department electronically available to the public through the State's open data portal, provided that nothing shall require departments to create new electronic data sets or to make datasets available upon demand, and provided further that data licensed to the state by another person or entity shall not be made public unless the person or entity licensing the data agrees to the public disclosure. Prohibits any personally identifiable information from being posted online unless the posting has been consented to by the individual or is necessary to fulfill the lawful purposes or duties of the department. Requires each department to update its electronic data sets as often as is necessary to preserve the integrity and usefulness of the data sets. -- Establishes provisions relating to state liability for data sets. Requires that data sets be available for informational purposes only. Exempts the State from warranting the fitness of any data set for a particular purpose and being liable for any deficiencies in the completeness or accuracy of any data set, except where the State's conduct would constitute gross negligence, wilful and wanton misconduct, or intentional misconduct. -- Establishes provisions relating to data set licensing. Allows the chief information officer of the office of information management and technology to make data sets available to 3rd parties pursuant to a license, which may require the licensee to allow any user to copy, distribute, display, or create derivative works at no cost and with an appropriate level of conditions placed on the use. -- Establishes data set policies and procedures. Requires the chief information officer, in consultation with the office of information practices, to develop policies and procedures to implement the open data initiative, including which data sets are appropriate for public</p>	HRS § 27-5 (5 SECTIONS) DEFINITIONS	Passed legislature on 4/30/13

Bill No.	Description	Sections Affected	Current Status
	disclosure provided that the standards shall not require the departments to post information that is otherwise required to be disclosed ; but is personally identifiable information, information that may pose a personal or public security risk, is of minimal public interest, or is otherwise inappropriate for online disclosure as part of a data set. Appropriation for 1 full time equivalent position within the office of information practices.		
HB0635 HD2 SD1 CD1 (CCR 58)	RELATING TO BROADBAND. Introduced by: Yamashita K, Ito K, Jordan J, Hashem M, Oshiro M, Takayama G, Har S, Yamane R, Ichiyama L Establishes provisions relating to broadband related permits; automatic approval. Requires the State to approve, approve with modification, or disapprove all applications for broadband related permits within 60 business days of submission of a complete permit application and full payment of any applicable fee; provided that the application is not for a conservation district use for broadband facilities. Provides that if on the 61st business day an application is not approved, approved with modification, or disapproved, it shall be deemed approved by the State. Requires the State to approve, approve with modification, or disapprove use applications for broadband facilities within the conservation district within 45 days of submission of a complete application and full payment of any applicable fee. Provides that if on the 46th day, an application is not approved, approved with modification or disapproved by the State, the application shall be deemed approved by the State. Requires an applicant and a public utility to comply with all applicable safety and engineering requirements relating to the installation, improvement, construction, or development of infrastructure relating to broadband service or broadband technology. Prohibits prosecution against the State, its officials, or employees on account of actions taken in reviewing, approving modifying, or disapproving a permit application or against public utilities resulting from such actions. Requires the State to notify the applicant if the application is incomplete. – Establishes provisions relating to broadband related permits; automatic approval by a county. Requires the county to approve, approve with modification, or disapprove all applications for broadband related permits within 60 business days of submission of a complete	HRS §§ 27- (1 SECTION), 46- (1 SECTION), ACT 151 2011	Passed legislature on 4/30/13

Bill No.	Description	Sections Affected	Current Status
	<p>permit application and full payment of any applicable fee. Provides that if on the 61st business day an application is not approved, approved with modification, or disapproved, it shall be deemed approved by the county. Requires an applicant and a public utility to comply with all applicable safety and engineering requirements relating to the installation, improvement, construction, or development of infrastructure relating to broadband service or broadband technology. Prohibits prosecution against any county, its officials, or employees on account of actions taken in reviewing, approving modifying, or disapproving a permit application or against public utilities resulting from such actions. Requires the county to notify the applicant if the application is incomplete. -- Amends Act 151, session laws of 2011. Requires an applicant to comply with all applicable safety and engineering requirements relating to the installation, improvement, construction, or development of infrastructure relating to broadband service. -- Provides that the overall weight load on the utility pole does not exceed maximum utility pole safe weight capacities established by the Federal Communications Commission and the public utilities commission. Act to be repealed on June 30, 2018 (sunset).</p>		
HB0651 HD1 (HSCR 807)	<p>RELATING TO ELECTRONIC PRESCRIPTIONS. Introduced by: Belatti D</p> <p>Amends the uniform controlled substances act. Allows a practitioner to provide a pharmacy with an electronic prescription for a schedule II, III, IV or V controlled substance; provided that the information to be communicated only between the prescribing practitioner and the pharmacy of the patient's choice; the information to be communicated in a retrievable, recognizable format acceptable to the intended recipient; no electronic system, software, or other intervening mechanism or pay to alter the practitioner's prescription; the prescription information processing system to provide for confidentiality safeguards required by any applicable federal or state law; and prescribing practitioners and pharmacists shall exercise prudent and professional judgment regarding the accuracy, validity, and authenticity of any electronic prescription information. Amends provision relating to prohibited acts C penalties. Replaces the term physician's to practitioner's. -- Includes the unauthorized use of a practitioner's electronic</p>	<p>HRS §§ 329-1, 329-38, 329-42</p>	<p>Approved by Governor on 4/18/13 as Act 20</p>

Bill No.	Description	Sections Affected	Current Status
	prescription application; or by the unauthorized transmission of an electronic prescription and electronically transmitted.		
HB0726 HD1 S2 CD1 (CCR 180)	<p>RELATING TO FILM AND DIGITAL MEDIA INDUSTRY DEVELOPMENT.</p> <p>Introduced by: Tsuji C, Oshiro M, Say C, Har S, Ito K</p> <p>Amends provisions relating to the motion picture, digital media, and film production income tax credit. Increases the percentage of tax credits for a county with a population over 700,000 and for a county with a population of 700,000 or less and increases the credit limit per qualified production. Allows information to be reported from the department of business, economic development, and tourism to the legislature in redacted form. Annual report to the legislature. -- Amends Act 88 session laws of 2006, relating to the motion picture, digital media, and film production income tax credit by extending the sunset date to January 1, 2019.</p>	HRS § 235-17, ACT 88 2006	Passed legislature on 4/30/13
HB0925	<p>RELATING TO THE EMPLOYMENT SECURITY APPEALS REFEREE'S OFFICE.</p> <p>Introduced by: Souki J (BR)</p> <p>Amends provisions relating to appeals, filing, and hearing under employment security law. Allows the department of labor and industrial relations at least 12 days prior to the initial hearing date to mail a written notice of a hearing to the claimant's or party's last known address. Provides upon application to, and approval by, the employment security appeals referee's office, allows a claimant or party to an appeal to elect to receive hearing notices, decisions, and other appeal document in electronic format in lieu of notice by mail.</p>	HRS § 383-38	Approved by Governor on 4/16/13 as Act 15
HB0980 HD2 SD2 (SSCR 1403)	<p>RELATING TO HIGHWAY SAFETY.</p> <p>Introduced by: Souki J (BR)</p> <p>Establishes provisions relating to mobile electronic devices (cell phone, cellular phone, mobile telephone, wireless telephone). Prohibits a person from operating a motor vehicle while using a mobile electronic device. Prohibits a person under 18 years of age to operate a motor vehicle while utilizing a hands free mobile electronic device, except for the sole purpose of making a 911 emergency communication. Provides the use of a mobile electronic device for the sole purpose of making a 911 emergency</p>	HRS §§ 291C-(1 SECTION), 286-108	Received by Governor on 4/29/13

Bill No.	Description	Sections Affected	Current Status
	communication shall be an affirmative defense to this law. Exempts emergency responders using a mobile electronic device while in the performance and scope of their official duties; drivers using 2 way radios or a private land mobile radio system while in the performance and scope of their work related duties and who are operating fleet vehicles or who possess a commercial vehicle license; or and drivers holding a valid amateur radio operator license issued by the federal communications commission and using a ½ duplex 2 way radio. Establishes fines. Requires that if a person violates this law while operating a motor vehicle in a school zone or construction area, the fines imposed will be doubled.		

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