

EXECUTIVE ORDER NO. 18-02

WHEREAS, the people of Hawai'i expect and rely on the freedom to be connected to all websites, applications and content they desire, without filtering, blocking, prioritization, or throttling of content by Internet Service Providers (ISPs) – a guiding principle called, “net neutrality”; and

WHEREAS, net neutrality preserves the First Amendment right of free speech -- the right for people of the Aloha State to communicate and access information freely online; and

WHEREAS, Hawai'i's citizens rely on a free and open internet to participate in the democratic process, research important family and personal decisions, learn and be entertained; and

WHEREAS, net neutrality creates an equal playing field for access to information for our keiki and students for their educational attainment, giving them a chance to thrive while closing the digital divide; and

WHEREAS, net neutrality closes Hawai'i's distance between other states and countries, connecting our islands, which are located in the middle of the Pacific Ocean, to the rest of the world, benefiting our economy, commerce and communities by keeping our state open to innovation and economic growth; and

WHEREAS, Hawai'i's government delivers many services through the internet, and imposing restrictions on internet services may affect the quality and availability of such services to its citizens; and

WHEREAS, the Federal Communications Commission (FCC) recently decided to end net neutrality protections; and

WHEREAS, the FCC has indicated that violations of net neutrality principles are best viewed through federal and state trade and business practice laws, which can be enforced by state governments; and

WHEREAS, the State of Hawai'i has a responsibility to ensure the efficient procurement of goods and services for the State and its political subdivisions, and the principles of net neutrality are inherently tied to the provision of high quality and high speed services on the Internet for the State; and

WHEREAS, The State of Hawai'i is a significant purchaser of Internet services;

NOW, THEREFORE, by the authority vested in me by the United States Constitution and laws of the State of Hawai'i, and in order to preserve the basic principle of the free and open exchange of information, secured by a free and open Internet without interference by ISPs for the people of Hawai'i, I, DAVID Y. IGE, Governor of the State of Hawai'i, do hereby determine and order as follows:

1. I direct all State government agencies to contract Internet-related services only with ISPs who demonstrate and contractually agree to support and practice net neutrality principles where all Internet traffic is treated equally.
2. I direct all State agencies, including the Department of Accounting and General Services and the State Procurement Office, as the lead procurement agency, to add contract language and provisions to State procurement requirements that suppliers of telecommunications, Internet, broadband, and data communication services shall abide by net neutrality principles, as described herein.

“Net neutrality principles” means the adherence of ISPs to the following:

- provide access to all lawful content and applications regardless of the source, treat all data fairly without favoring or blocking particular products or websites and without hindering, throttling, restricting, or prioritizing internet content, applications, or certain data streams; and
- treat all data on the Internet the same and not discriminate or charge differently by user, content, website, platform, application, service, type of attached equipment, method of communication, source, or ownership.

All contracts entered into, renewed, or extended with ISPs, their agents, or related procuring entities on or after of the effective date of this Executive Order shall include contract requirements as provided herein.

IN WITNESS WHEREOF, I have hereunto set my hand and cause to be affixed the Great Seal of the State of Hawai'i.

DONE at the State Capitol, Honolulu,
State of Hawai'i, this 5th day of
February, 2018.



DAVID Y. IGE
Governor of Hawai'i

APPROVED AS TO FORM:



RUSSELL A. SUZUKI
Acting Attorney General