

RÉSUMÉ DIGEST

ACT 288 (SB 15)

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Milligan

Prior law prohibited all of the following entities from purchasing telecommunications or video surveillance equipment as described in Section 889(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (National Defense Authorization Act) unless such equipment is from a manufacturer that is in compliance with this federal provision:

- (1) Public elementary, secondary, and postsecondary schools, institutions, and governing authorities.
- (2) Nonpublic elementary, secondary, and postsecondary schools, institutions, and governing authorities that receive state funds.
- (3) Proprietary schools that receive state funds.

New law broadens prior law to prohibit all agencies and certain educational entities of the state from procuring any prohibited telecommunications or video surveillance equipment or services as defined in new law.

Prior law required the vendor of such equipment to provide an affidavit that the equipment is from a manufacturer that is in compliance with such federal provisions. New law retains prior law and makes prior law applicable to the procurement of telecommunications or video surveillance equipment or services by state agencies.

New law defines "agency", "certain education entities", and "procure". Also defines "prohibited telecommunications or video surveillance equipment or services" to include all of the following:

- (1) Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, or any subsidiary or affiliate of such entities, as described in Section 889(f)(3)(A) of the National Defense Authorization Act.
- (2) Video surveillance equipment or telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, Dahua Technology Company, or any subsidiary or affiliate of such entities, as described in Section 889(f)(3)(B) of the National Defense Authorization Act.
- (3) Telecommunications or video surveillance equipment or services produced or provided by an entity found to be owned, controlled, or otherwise connected to the government of the People's Republic of China, as described in Section 889(f)(3)(D) of the National Defense Authorization Act.
- (4) Any product or equipment, regardless of manufacturer, containing as a component any equipment identified by Subparagraphs (1) through (3) above. This may include but is not limited to the following:
 - (a) Computers or other equipment containing a component which enables any form of network connectivity or telecommunications regardless of whether the equipment is regularly connected to a network.
 - (b) Building automation, environmental controls, access controls, or facility management, and monitoring systems.
 - (c) Voting machines, peripherals, and election systems that are a product, or a component thereof, that is identified as being produced by those prohibited listed in new law shall be prohibited telecommunications or video surveillance equipment.
- (5) Any services provided using any equipment identified by Subparagraphs (1) through (4) in this Subsection.

New law provides that any procurement of prohibited telecommunications or video surveillance equipment or services or other procurement in violation of new law shall be void.

New law repeals prior law provision that with respect to the procurement of telecommunications systems or services, present law supersedes conflicting provisions of prior law.

New law requires the chief information officer to report to the Joint Legislative Committee on Technology by October 1 of each year regarding the operational readiness and procurement requirements of the state in cybersecurity.

New law applies only to procurements initiated on or after August 1, 2021, by state agencies, certain educational entities, and their service providers.

Effective August 1, 2021.

(Amends R.S. 38:2237.1, R.S. 39:1753.1; adds R.S. 39:15.3(F) and 200(M); and repeals R.S. 39:1755(5))