

JAN 25 2017

A BILL FOR AN ACT

RELATING TO CIVIL RIGHTS.

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

1 SECTION 1. The legislature finds that Title IX of the
2 Education Amendments of 1972 (20 U.S.C. 1681 et. seq.), renamed
3 the Patsy Mink Equal Opportunity in Education Act in 2002, has
4 had an enormous impact in reducing discrimination on the basis
5 of sex in programs receiving federal funding. Here in Hawaii,
6 the generation that followed Congresswoman Mink has taken pride
7 in fostering diversity and equality: in the classroom, on the
8 sports field, and in the workplace. Hawaii is a place where all
9 are welcome and all are given the opportunity to succeed. Yet
10 notwithstanding the gains made over the last four and a half
11 decades, sex discrimination persists; indeed, recent public
12 rhetoric demonstrates that the dream of true equality requires
13 continued commitment at all levels of government. While the
14 federal government's faithfulness to the principles of equality
15 may ebb and flow with changing administrations, the legislature
16 seeks to guarantee Hawaii's dedication to the principles
17 articulated in Title IX.



1 Accordingly, the purpose of this Act is to ensure that the
2 protections that have been articulated in Title IX and its
3 attendant regulations continue here in Hawaii, notwithstanding
4 changes in federal administrations, and that Hawaii continues to
5 be a nationwide leader in promoting equality and opportunity.

6 SECTION 2. Section 368-1.5, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§368-1.5 Programs and activities receiving state**
9 **financial assistance.** (a) No otherwise qualified individual in
10 the State shall, [~~solely~~] by reason of [~~his or her~~] disability,
11 sex, including gender identity or expression, or sexual
12 orientation, be excluded from the participation in, be denied
13 the benefits of, or be subjected to discrimination by any state
14 [~~agencies,~~] agency, or under any program or activity receiving
15 state financial assistance.

16 (b) As used in this section, the [~~term "disability" means~~
17 ~~the state of having a physical or mental impairment which~~
18 ~~substantially limits one or more major life activities, having a~~
19 ~~record of such an impairment, or being regarded as having such~~
20 ~~an impairment.~~] terms "disability", "sex", "gender identity or



1 expression", and "sexual orientation" shall have the same
2 meanings as those terms are defined in section 378-1.

3 (c) As used in this section, "state financial assistance"
4 [~~means~~] shall be broadly construed and shall mean grants,
5 purchase-of-service contracts, or any other arrangement by which
6 the State provides or otherwise makes available assistance in
7 the form of funds to an entity for the purpose of rendering
8 services on behalf of the State. It does not include
9 procurement contracts, state insurance or guaranty contracts,
10 licenses, tax credits, or loan guarantees to private businesses
11 of general concern that do not render services on behalf of the
12 State."

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.
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S.B. NO. 1265

Report Title:

Discrimination; Sex; Gender Identity or Expression; Sexual Orientation

Description:

Prohibits a state agency or program or activity receiving state financial assistance from excluding from participation, denying benefits to, or discriminating against a qualified individual by reason of disability, sex, including gender identity or expression, or sexual orientation.

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