

Honolulu, Hawaii

FEB 15 2017

RE: S.B. No. 1156

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 1156 entitled:

"A BILL FOR AN ACT RELATING TO MOVIE THEATERS,"

begs leave to report as follows:

The purpose and intent of this measure is to remove the sunset date of Act 39, Session Laws of Hawaii 2015, thereby making permanent the requirements for a public accommodation that owns, leases, leases to, or operates a motion picture theater in more than two locations in the State to provide open movie captioning during at least two showings per week of each motion picture that is produced and offered with open movie captioning and audio descriptions upon request for all motion pictures for which such accommodations are available and provide public notice if such accommodations are not available for certain movies.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, State Council on Developmental Disabilities, Disability and Communication Access Board, Aloha State Association of the Deaf, and over two hundred individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that Act 39, Session Laws of Hawaii 2015 (Act 39), requires a public accommodation that owns, leases, leases to, or operates a motion picture theater in more than two locations in the State to provide open movie captioning and audio descriptions upon request. Act 39 was intended to improve accessibility and address the discriminatory effects of



communication barriers at movie theaters encountered by individuals who are deaf, hard of hearing, deaf blind, or blind or have low vision. According to testimony received by your Committee, open movie captioning has enabled deaf, hard of hearing, and deaf blind consumers to enjoy movies in a similar manner as those who do not require open movie captioning.

Your Committee further finds that Act 39 is scheduled to be repealed on January 1, 2018. This measure removes the sunset date of Act 39, thus making permanent the motion picture accommodation requirements for Hawaii movie theaters. Your Committee notes that the accessibility requirements in Act 39 go beyond those specified in the recently-adopted United States Department of Justice final rules for movie theaters, which only provide for closed captioning. Removing the sunset date of Act 39 therefore ensures that Hawaii continues to support full access for persons with disabilities and meaningful accessibility requirements for movie theaters, even after the federal rules have gone into effect.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1156 and recommends that it pass Second Reading and be referred to your Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,



ROSALYN H. BAKER, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

| | | | | |
|--|---------------------|-----------------|---------------------|----------|
| Bill / Resolution No.:* | Committee Referral: | Date: | | |
| <i>SB 1156</i> | <i>CPH, JDL</i> | <i>2/9/17</i> | | |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: | | | | |
| <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| BAKER, Rosalyn H. (C) | / | | | |
| NISHIHARA, Clarence K. (VC) | / | | | |
| CHANG, Stanley | / | | | |
| ESPERO, Will | / | | | |
| IHARA, Jr., Les | | | | / |
| KIDANI, Michelle N. | | | | / |
| RUDERMAN, Russell E. | | | | / |
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| TOTAL | <i>4</i> | | | <i>3</i> |
| Recommendation: | | | | |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: | | | | |
| <i>Clarence K. Nishihara</i> | | | | |
| Distribution: | | | | |
| Original | Yellow | Pink | Goldenrod | |
| File with Committee Report | Clerk's Office | Drafting Agency | Committee File Copy | |

*Only one measure per Record of Votes