

Honolulu, Hawaii

MAR 22 2019

RE: H.B. No. 1009
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred H.B. No. 1009, H.D. 1, 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 permanently require motion picture theaters to offer open movie captioning showings at least two times per week for each motion picture that is produced with open captioning and eliminate theaters' ability to substitute lightweight eyewear personal closed captioning systems for open captioning.

Your Committee received testimony in support of this measure from the Disability and Communication Access Board, Hawai'i Civil Rights Commission, State Council on Developmental Disabilities, Office of Language Access of the Department of Health, Special Education Advisory Council, Aloha State Association of the Deaf, Aloha Independent Living Hawai'i, Hawaii Disability Rights Center, Hawaii Interpreting Services, and over one hundred individuals. Your Committee received testimony in opposition to this measure from the National Association of Theatre Owners.

Your Committee finds that the open captioning requirement in Act 39, Session Laws of Hawaii 2015 (Act 39), which required movie theaters to provide open movie captioning and a minimum of two



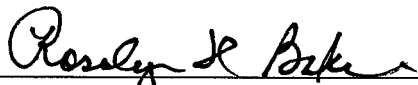
open captioned showings per week, was considered landmark legislation for the deaf and hard of hearing community. Act 211, Session Laws of Hawaii 2017, effectively eliminated the open captioned showing requirement by requiring only one open captioned showing per week and permitting a theater to forego any open captioned showings if the theater provided lightweight eyewear as an alternative.

However, your Committee notes from the testimony on this measure that the lightweight eyewear captioning systems have not been well received by the deaf and hard of hearing community and may not be appropriate for all deaf and hard of hearing individuals, therefore leaving a segment of the population without adequate accommodation. Your Committee further finds that this measure addresses the discriminatory effects of communication barriers at movie theaters and restores and makes permanent the requirements originally contemplated by Act 39, which will enable deaf and hard of hearing consumers an equal opportunity to attend and enjoy movies in a similar manner as those who do not require open movie captioning.

Your Committee has amended this measure by inserting an effective date of July 1, 2019.

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 H.B. No. 1009, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1009, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

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

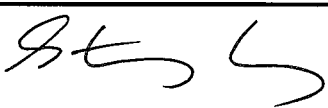


ROSALYN N. BAKER, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

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

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1009, HD1	CPH, JDC	3/15/19		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" 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)	✓			
CHANG, Stanley (VC)		✓		
KEOHOKALOLE, Jarrett				✓
NISHIHARA, Clarence K.	✓	WR		
RUDERMAN, Russell E.	✓	WR		
THIELEN, Laura H.				✓
FEVELLA, Kurt				✓
TOTAL	3	1		3
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes