

Honolulu, Hawaii

FEB 04 2019

RE: S.B. No. 331

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 S.B. No. 331 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, with at least one screening on a Saturday or Sunday, and eliminate the ability for theaters to offer personal closed captioning lightweight eyewear as a substitute for open captioning.

Your Committee received testimony in support of this measure from the Disability and Communication Access Board; Hawai'i Civil Rights Commission; Hawai'i State Commission on the Status of Women; AMVETS Hawaii Service Foundation Corp; Aloha State Association of the Deaf; Special Education Advisory Council; Hawaii Disability Rights Center; Isle Interpret, LLC; and over seventy individuals.

Your Committee finds that the open captioning requirement in Act 39, Session Laws of Hawaii 2015 (Act 39), which required movie theaters to provide closed captioning and a minimum of two open captioned showing per week, was considered landmark legislation for the deaf and hard of hearing community. It was the first of its kind in the nation and exceeded federal Americans with Disabilities Act requirements. Your Committee finds, however, that Act 211, Session Laws of Hawaii 2017, reduced the required

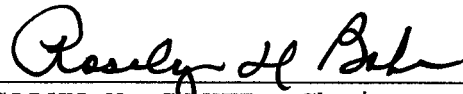


number of open captioned showings and effectively eliminated the open captioned showing requirement that had made the law so effective for ensuring equal access for the deaf and hard of hearing community.

Your Committee notes that this measure addresses the discriminatory effects of communication barriers at movie theaters and seeks to restore and make 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.

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. 331 and recommends that it pass Second Reading 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 H. BAKER, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

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

Bill / Resolution No.:* SB 331	Committee Referral: CPH, JDC	Date: 1/30/19			
<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 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)	✓				
CHANG, Stanley (VC)		✓			
KEOHOKALOLE, Jarrett	✓				
NISHIHARA, Clarence K.	✓				
RUDERMAN, Russell E.	✓				
THIELEN, Laura H.	✓				
FEVELLA, Kurt	✓				
TOTAL	6	1			
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