

JAN 18 2023

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# A BILL FOR AN ACT

RELATING TO GENDER EQUITY.

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

1 SECTION 1. Chapter 489, Hawaii Revised Statutes, is  
2 amended by adding a new section to part I to be appropriately  
3 designated and to read as follows:

4 "§489- Equal speed of access to toilets. (a) Any pair  
5 of separate-gender public restrooms or separate-gender toilet  
6 facilities of any public amusement facility constructed,  
7 renovated, retrofitted, or installed after January 1, 2024,  
8 shall have:

9 (1) Two exclusively female-use toilets for each  
10 exclusively male-use toilet; and

11 (2) Two exclusively female-use toilets for each  
12 exclusively male-use urinal;

13 provided that this section shall not apply to any restroom,  
14 groups of toilets, or portable toilet facilities intended to be  
15 used by more than one gender.

16 (b) For purposes of this section:



1       "Public amusement facility" means any zoo, theater,  
2 convention center, lecture hall, concert hall, sports arena,  
3 stadium, state park, county park, amusement or theme park,  
4 fairground, or carnival.

5       "Renovated" means any structural remodeling, improvement,  
6 or alteration of an existing restroom involving fifty per cent  
7 or more of the square footage of the restroom. "Renovated" does  
8 not include:

- 9       (1) Reroofing;  
10       (2) Cosmetic remodeling, including painting or the  
11       installation of wall covering, paneling, floor  
12       covering, or suspended ceilings; or  
13       (3) Alteration to an electrical or mechanical system.

14       "Retrofitted" means any project that:

- 15       (1) Includes the modification or replacement of any  
16       existing toilet, faucet, sink, urinal, or light with  
17       technology that was not readily or economically  
18       available at the time of installation of the existing  
19       toilet, faucet, sink, urinal, or light; and  
20       (2) Has a total cost in excess of \$ \_\_\_\_\_ .



1       "Separate-gender toilet facilities" includes groups of  
2 portable toilets and other temporary toilet facilities intended  
3 to be used by a single gender and installed for an event and  
4 intended to be removed after the event."

5       SECTION 2. Section 107-27, Hawaii Revised Statutes, is  
6 amended to read as follows:

7       "**§107-27 Design of state buildings.** (a) No later than  
8 one year after the adoption of codes or standards pursuant to  
9 section 107-24(c), the design of all state building construction  
10 shall be in compliance with the Hawaii state building codes,  
11 except state building construction shall be allowed to be  
12 exempted from:

- 13       (1) County codes that have not adopted the Hawaii state  
14             building codes;
- 15       (2) Any county code amendments that are inconsistent with  
16             the minimum performance objectives of the Hawaii state  
17             building codes or the objectives enumerated in this  
18             part; or
- 19       (3) Any county code amendments that are contrary to code  
20             amendments adopted by another county.



1 (b) Exemptions shall include county ordinances allowing  
2 the exercise of indigenous Hawaiian architecture adopted in  
3 accordance with section 46-1.55.

4 (c) The State shall consider hurricane resistant criteria  
5 when designing and constructing new public schools for the  
6 capability of providing shelter refuge.

7 (d) Beginning July 1, 2023, where feasible and cost-  
8 effective, the design of all new state building construction  
9 shall:

10 (1) Maximize energy and water efficiency measures;

11 (2) Maximize energy generation potential; and

12 (3) Use building materials that reduce the carbon  
13 footprint of the project.

14 (e) State building construction that is constructed or  
15 substantially modified after January 1, 2024, shall include the  
16 installation of a gender-neutral bathroom with at least three  
17 stalls; provided that the state building construction is not  
18 more than five thousand square feet in floor area."

19 SECTION 3. This Act does not affect rights and duties that  
20 matured, penalties that were incurred, and proceedings that were  
21 begun before its effective date.




# S.B. NO. 137

1 SECTION 4. New statutory material is underscored.

2 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to be "ASL", is written over a horizontal line.

# S.B. NO. 137

**Report Title:**

Gender Equity; Public Restrooms

**Description:**

Requires that restrooms and toilet facilities of public amusement facilities constructed, renovated, retrofitted, or installed after 1/1/2024 have two female-use toilets for each male-use toilet or urinal. Requires certain state building construction that is constructed or substantially modified after 1/1/2024 to provide for the installation of a gender-neutral bathroom with at least three stalls.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

