

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 753
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred S.B. No. 753 entitled:

"A BILL FOR AN ACT RELATING TO ACCESSIBILITY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require a retail establishment with an employee toilet facility to allow a customer suffering from an eligible medical condition to use that restroom during normal business hours under certain conditions;
- (2) Exempt retail establishments and employees from civil liability in allowing an eligible customer to use an employee toilet facility in certain circumstances; and
- (3) Establish fines for retail establishments and employees of retail establishments who violate the requirement.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission and four individuals. Your Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii and Hawaii Association for Justice.



Your Committee finds that individuals with certain medical conditions, including Crohn's disease and inflammatory bowel disease, may experience urgent restroom needs. This is especially problematic while the individual is in a retail location where there are no public restrooms. A model law entitled Ally's law, requires retail establishments to allow patrons access to employees-only bathrooms if the patron has a legitimate medical condition and urgent need. This measure adopts Ally's law in Hawaii. Your Committee notes this measure represents a good starting point warranting additional consideration. Accordingly, your Committee acknowledges the importance of this measure and urges its supporters to consider requesting a resolution encouraging further development of this legislation.

Your Committee has amended this measure by inserting an effective date of December 31, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 753, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 753, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,

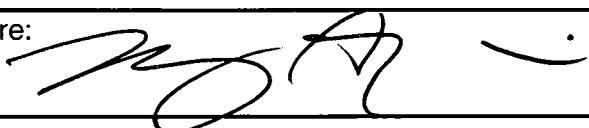


JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:*	Committee Referral:	Date:	
SB 753	HHS, JDC	02/15/23	
<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
SAN BUENAVENTURA, Joy A. (C)	✓		
AQUINO, Henry J.C. (VC)	✓		
MORIWAKI, Sharon Y.	✓		
SHIMABUKURO, Maile S.L.	✓		
AWA, Brenton	✓		
TOTAL	5		
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