



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
March 1, 2023

The Honorable Senator Jarrett Keohokalole, Chair
Senate Committee on Commerce and Consumer Protection
And
The Honorable Senator Donovan M. Dela Cruz, Chair
Senate Committee on Ways and Means
The Thirty-Second Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Senator Keohokalole, Senator Dela Cruz, and Committee Members:

SUBJECT: SB389 RELATING TO EQUITY

The Hawaii State Council on Developmental Disabilities **SUPPORTS SB389**, which requires all places of public accommodation and state building construction constructed after 12/31/23 to provide universal changing accommodations that are equally accessible to men and women.

Families and caregivers of people with disabilities that require changing facilities want to participate in as many activities and outings as possible. At the same time, they must plan out or research their trip or daily activities to include accessible spaces along their path of travel, taking into consideration the disability-friendly rest areas that provides a safe and dignified toileting area along a certain route.

Implementing universal changing accommodations will ensure Intellectual and Developmental Disability (I/DD) community members have more equity in access, removing barriers to travel that currently affect full participation and integration in daily activities. This will greatly benefit the I/DD community's access to public spaces.

Thank you for the opportunity to submit testimony in **support of SB389**.

Sincerely,

Daintry Bartoldus
Executive Administrator

SB-389

Submitted on: 2/24/2023 7:02:46 PM

Testimony for CPN on 3/1/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Testifying for Hawaii Disability Rights Center	Support	Written Testimony Only

Comments:

We think this an excellent idea. Since 2016, federal law has required baby changing accommodations in both male and female restrooms in publicly-accessible federal buildings. Since then, some states have enacted laws creating Universal Changing Stations which allow changing accommodations to also include adults in public buildings. The problem quite simply is that many adults with disabilities are just too heavy for infant changing tables. Clearly, a person's inability to utilize conventional restroom facilities directly affects their ability to enjoy and fully participate in community based activities.

Many of Hawaii's restrooms have family bathrooms but these restrooms do not have adequate restroom facilities for larger children and seniors who need to change their incontinent supplies. The lack of access to accommodating changing stations limits a person's ability to leave home to engage and participate in daily activities. This legislation would really help to create a more inclusive environment in the community for those with disabilities.



HAWAI‘I CIVIL RIGHTS COMMISSION

KOMIKINA PONO KIWILA O HAWAI‘I

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 • PHONE: 586-8636 • FAX: 586-8655 • TDD: 568-8692

Wednesday, March 1, 2023
Rm. 211, 9:30 a.m.

To: The Honorable Senator Jarrett Keohokalole, Chair
The Honorable Senator Carol Fukunaga, Vice Chair
Members of the Senate Committee on Commerce and Consumer Protection

To: The Honorable Senator Donovan M. Dela Cruz, Chair
The Honorable Senator Gilbert S. C. Keith-Agaran, Vice Chair
Members of the Senate Committee on Ways and Means

From: Liann Ebesugawa, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. No. 1145

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights.

The HCRC offers these comments on S.B. 389, which requires all new establishments, defined as public accommodations or state building construction constructed after December 31, 2023, to provide universal adult changing accommodations that are equally accessible to men and women.

The measure proposes a new part to the statutes, and places it within Chapter 489. Noting that the HCRC has jurisdiction over discrimination in public accommodations under Chapter 489, Part I, the HCRC appreciates the placement of this new adult changing station requirement in a new part, expressly excluded from HCRC jurisdiction. In this respect, the new statutory requirement would be similar to Chapter 489, Part II, relating to Breastfeeding in Public Accommodations, which is also expressly placed outside of HCRC jurisdiction.

This measure would significantly aid those with disabilities who need help with toileting, by providing safe and sanitary facilities, and would allow them to join friends and family members on outings. The lack of access to changing facilities can limit those with disabilities from leaving home. This bill will aid them and their caregivers.

The measure defines universal changing accommodations as a “powered, height adjustable adult changing station that is either floor or wall mounted.” New Hampshire, California, and Arizona have enacted similar measures, that are more limited than this proposal. California’s statute is limited to places of public amusement such as sports arenas or theaters, and New Hampshire’s law is similarly limited to large establishments. Arizona’s statute is only applicable to buildings built with public monies. In comparison, this measure would require universal changing accommodations in a broader range of establishments.



February 26, 2023

Senator Jarrett Keohokalole, Chair, Commerce and Consumer Protection

Senator Donovan Dela Cruz, Chair, Ways and Means

Senator Carol Fukunaga, Vice Chair, Commerce and Consumer Protection

Senator Gilbert Keith-Agaran, Vice Chair, Ways and Means

Testimony to the joint Senate Committees on Commerce and Consumer Protection & Ways and Means

Wednesday, March 1, 2023; 9:30 am. State Capitol, Conf. Room 211 & Videoconference

RE: Senate Bill 389 – RELATING TO EQUITY

Aloha Chairs, Vice Chairs, and Members of Committees on Commerce and Consumer Protection and Ways and Means:

On behalf of the Epilepsy Foundation of Hawaii (EFH), we urge your **SUPPORT of Senate Bill 389**, RELATING TO EQUITY. This bill supports providing universal changing accommodations in all places of public accommodation and state building construction construction after 12/31/23.

The Epilepsy Foundation is the leading national voluntary health organization that speaks on behalf of the at least 3.4 million Americans with epilepsy and seizures. Epilepsy Foundation of Hawaii, advocates and provides services for the almost 14,000 individuals living with epilepsy throughout Hawaii. Collectively, we foster the wellbeing of children and adults affected by seizures through research programs, educational activities, advocacy, and direct services. Epilepsy is a medical condition characterized by seizures, which are sudden surges of electrical activity in the brain, that affects a variety of mental and physical functions. Approximately 1 in 26 Americans will develop epilepsy, and approximately 1 in 10 people will experience a seizure, at some point in their lifetime.

Epilepsy is a chronic medical problem that for many people can be successfully treated. Unfortunately, treatment doesn't work for everyone. AT LEAST 1 million people in the United States have uncontrolled epilepsy, which is considered a disability by the Social Security Administration (SSA). Epilepsy does not discriminate. It can affect anyone at any age, gender, ethnicity, or size, and is often times a comorbidity with other disease states. For many, their epilepsy is debilitating.

Universal changing stations are height adjustable and support weights up to 300+ pounds, alleviating the challenge of caregivers having to navigate changing kupuna, adults and older children with disabilities either in their cars or unsafe and unsanitary spaces. Universal changing stations in state and federal buildings would establish equity and inclusion to people who need a safe and sanitary space to change incontinent supplies in order for them to ensure continuity in community engagement in public spaces.

On behalf of the Epilepsy Foundation of Hawaii and our Board of Directors, we humbly thank you for the opportunity to testify and urge your **SUPPORT of Senate Bill 389**.

Our mission is to lead the fight to overcome the challenges of living with epilepsy and to accelerate therapies to stop seizures, find cures, and save lives. **Please learn more about our advocacy work at epilepsy.com/advocacy.**



Mahalo nui loa,

Naomi Manuel

Naomi Manuel
Executive Director
Epilepsy Foundation of Hawaii

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Testimony to the Senate Committees on Commerce and Consumer Protection and on
Ways and Means

Wednesday, March 1, 2023

9:30 a. m.

State Capitol Conference Room 211 and via videoconference

Re: SB 389 Relating to Equity

Dear Chair Keohokalole, Vice Chair Fukunaga, Honorable Members of the Senate Committee on Commerce and Consumer Protection, Chair Dela Cruz, Vice Chair Keith-Agaran, and Honorable Members of the Senate Committee on Ways and Means.

I am Gary Simon, a member of the board of the Hawaii Family Caregiver Coalition, whose mission is to improve the quality of life of those who give and receive care by increasing community awareness of caregiver issues through continuing advocacy, education, and training.

The Hawaii Family Caregiver Coalition supports SB 389, which requires all places of public accommodation and state building construction constructed after December 31, 2023 to provide universal changing accommodations that are equally accessible to men and women.

Disabled children, adolescents, and adults — over the height and weight limits of baby changing tables — requiring help with toileting cannot use regular handicapped-accessible bathrooms. Instead, there must be a choice to stay home from public spaces, be laid down on a restroom floor to be changed by their caregiver, or leave the public place or event as soon as they need the restroom to be changed inside a vehicle or return home. Universal changing spaces have height-adjustable, adult-size changing tables that accommodate everyone. These are necessary for public areas such as restaurants, hotels, venues, movie theaters, and zoos so that disabled individuals can have equal opportunities to engage in activities and travel. All disabled Americans deserve a safe, private, and dignified changing space.¹

We urge you to support SB 389, we urge you to recommend its passage, and we thank you for seriously considering the Bill.

Very sincerely,

A handwritten signature in black ink that reads "Gary Simon".

Gary Simon



Email gsimon@aarp.org

1. Myers, Rebecca. Changing Spaces for People With Disabilities: Where to Find Them? healthnews. <https://healthnews.com/family-health/rehabilitation/changing-spaces-for-people-with-disabilities/>. February 20, 2023.

SB-389

Submitted on: 2/25/2023 7:45:38 PM

Testimony for CPN on 3/1/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Testifying for Rainbow Family 808	Support	Written Testimony Only

Comments:

Rainbow Family 808 supports SB389. Please pass this bill.

Mike Golojuch, Sr., Secretary/Board Member

SB-389

Submitted on: 2/25/2023 6:17:04 AM

Testimony for CPN on 3/1/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jari S.K. Sugano	Individual	Support	Written Testimony Only

Comments:

Chairs Dela Cruz & Keohokalole, Vice Chairs Keith-Agaran & Fukunaga and members of the CPN and WAM committees

A person’s inability to utilize conventional restroom facilities directly affects their ability to enjoy and fully participate in community based activities. As you plan and govern over new construction in public buildings, we ask for your support in installing universal changing stations so all individuals (keiki to kupuna) can attend to their sanitary and hygienic needs in a dignified way.

2016, the Bathrooms Accessible In Every Situation Act (BABIES Act) requires baby changing accommodations in both male and female restrooms in publicly-accessible federal buildings.

Since then, Arizona, California, New Hampshire, have enacted laws creating Universal Changing Stations which allows changing accommodations to also include adults in public buildings.

Many of Hawaii’s restroom have family bathrooms but these restrooms do not have adequate restroom facilities for larger children and seniors who need to change their incontinent supplies. The lack of access to accommodating changing stations limits a person ability to leave home to engage and participate in every day activities. Family restrooms on Kauai are limited.

Yes, the installation of these units would increases the cost of new building constructions. However, I reached out to a company called Max Ability back in December 2022 for a quote on a unit called the Pressalit 3000. This unit is comparable to units used in airports around the country. With ocean freight, a unit into Hawaii would run \$12K. This would not include mounting and electrical connection by way of licensed contractors. I share these figures, with the hope that it provides an estimate of the cost involved. Units could be placed in gender neutral family restrooms in newly constructed buildings to be inclusive for all.

Appreciate the opportunity to provide testimony in strong support of this bill. These accommodations would greatly improve the lives of those with disabilities and our kupuna.

Much aloha, Jari Sugano, parent of 14 year old child who can't access restrooms in Hawaii

SB-389

Submitted on: 2/26/2023 8:46:53 PM

Testimony for CPN on 3/1/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Austen Kaneshiro	Individual	Support	Written Testimony Only

Comments:

Chairs Dela Cruz & Keohokalole, Vice Chairs Keith-Agaran & Fukunaga and members of the CPN and WAM committees

My name is Austen Kaneshiro and I am 17 years old. This bill is important because children like my sister MJ are heavier than babies who use the infant changing tables. So, without a place her to change her diaper, she's not able to be out for long periods of time and she doesn't like to stay home. So this bill will help children like my sister as well as people like grandparents who need a private place to use the bathroom.

Austen Kaneshiro

SB-389

Submitted on: 2/26/2023 10:05:42 PM

Testimony for CPN on 3/1/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Teves	Individual	Support	Written Testimony Only

Comments:

My name is Jennifer Teves and I am a middle school teacher here on the island of Kauai and a parent of an adolescent young male who has special needs. I am in need of your support to pass SB389 which requires all places of public accommodation and state building construction after 12/31/23 to provide universal changing accommodations that are equally accessible to men and women.

People who have multiple and complicated disabilities need universal changing stations in our public restrooms. As my son and his peers become young teenagers we are limited when it comes to using a bathroom that can accommodate our needs. Especially for our wheelchair bound friends because there are no bathrooms to change incontinent supplies.

Please help support SB389.

Thank you,

Jennifer Teves

SB-389

Submitted on: 2/27/2023 7:47:48 AM

Testimony for CPN on 3/1/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sarah Kern	Individual	Support	Written Testimony Only

Comments:

February 27, 2023

Aloha Chair Keahokalole, Chair Dela Cruz, Vice Chair Fukunaga, Vice Chair Keith-Agaran, and Committee Members,

My name is Sarah Kern and I am a resident of Lihue, Kauai. I am testifying in strong support of SB389 which requires all places of public accommodation and state building construction after 12/31/23 to provide universal changing accommodations that are equally accessible to men and women.

People who have multiple and complicated disabilities as well as our kupuna around the state need universal changing stations in our public restrooms. Those with physical disabilities are limited when it comes to using a bathroom that can accommodate their needs. The baby changing tables that currently exist in many public facilities are too small for elderly or wheelchair-bound adults and adolescents who may need to have their incontinence supplies changed. This bill would ensure that going forward, future restrooms are built to be more inclusive and accessible to all.

Thank you for the opportunity to testify in support of this bill.

Mahalo nui loa,

Sarah Kern

SB-389

Submitted on: 2/27/2023 8:08:09 AM

Testimony for CPN on 3/1/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Shana Metsch	Individual	Support	Written Testimony Only

Comments:

I am expressing my **strong support for SB 389**. You see, we have a daughter who has disabilities and is not able to use public restrooms, so when she is out in the community, we need to change her in our car or on the floor of a public bathroom which is not sanitary or safe for her or her caregivers. She is not always provided the opportunity to go places because of this barrier, which is an injustice to her and her peers.

Not having accessible bathrooms puts people with disabilities at a disadvantage in engaging in their communities. They already have plenty of extra steps to juggle, that access to safe restrooms in their community should not have to be one of them. We are within reach of making assessable restrooms for all community citizens within reach, and we appreciate your support in making it a reality.

Kind Regards,
Shana Metsch
shanametsch@yahoo.com
808.652.9206



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • TTY (808) 586-8162 • Fax (808) 586-8129

March 1, 2023

LATE

TESTIMONY TO THE SENATE COMMITTEES ON COMMERCE AND CONSUMER PROTECTION, AND WAYS AND MEANS

Senate Bill 389 – Relating to Equity

The Disability and Communication Access Board (DCAB) supports Senate Bill 389 – Relating to Equity. This bill requires places of public accommodation and state building construction constructed after 12/31/23 to provide universal changing accommodations that are equally accessible to men and women.

A fundamental goal of the Americans with Disabilities Act (ADA) is to ensure people with disabilities have an equal opportunity to participate in basic civic activities and everyday events, such as going to a restaurant or movie, shopping at a mall, or simply attending a high school sports event with friends and family. People with disabilities who cannot use a toilet should have access to universal changing accommodations that provides a safe, sanitary, and private space to be changed and cleaned by a caregiver when participating in civic activities and everyday events.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

LATE

SB-389

Submitted on: 2/28/2023 12:26:42 PM
Testimony for CPN on 3/1/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Minister, Hector Hoyos (aka) SisterFace	Individual	Support	Written Testimony Only

Comments:

Makes 100% Sense! I Support