

---

---

# A BILL FOR AN ACT

RELATING TO 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 part to be appropriately designated and  
3 to read as follows:

4           **"PART           .   UNIVERSAL CHANGING ACCOMMODATIONS**

5           **§489-A Definitions.** As used in this part:

6           "New establishment" means a place of public accommodation  
7 or state building construction that is constructed after  
8 July 31, 2025.

9           "Restroom for public use" means a restroom for a place of  
10 public accommodation or state building construction that is  
11 accessible to persons, other than employees.

12           "State building construction" shall have the same meaning  
13 as defined in section 107-21.

14           "Universal changing accommodation" means a powered,  
15 height-adjustable adult changing station that is either floor or  
16 wall-mounted and installed within an enclosed restroom facility  
17 in a women's, men's, gender-neutral, or unisex family restroom.



1           **§489-B New establishments; criteria and application.** A  
2 place of public accommodation or state building construction  
3 shall be deemed to be constructed on either the date that a  
4 certificate of occupancy was issued or the first date of  
5 occupancy for public use, whichever is earlier, regardless of  
6 whether the place of public accommodation or state building  
7 construction has obtained a certificate of occupancy in  
8 compliance with applicable state and county laws.

9           **§489-C Universal changing accommodations; required.** (a)

10 On each floor containing restrooms for public use, each new  
11 establishment shall provide, at a minimum:

12           (1) Two universal changing accommodations; provided that  
13           one is accessible by women and one is accessible by  
14           men; or

15           (2) One universal changing accommodation that is  
16           accessible by persons of any gender identity or  
17           expression.

18           (b) Each new establishment shall post signage indicating  
19 the location of each universal changing accommodation.

20           (c) A violation of this section shall constitute an  
21 unlawful discriminatory practice.



1           **§489-D Construction documents.** Construction documents for  
2 each new establishment shall specify whether a restroom is a  
3 restroom for public use and the location of each universal  
4 changing accommodation within a restroom for public use as  
5 required under section 489-C(a). If a restroom is not specified  
6 as a restroom for public use on the construction documents but,  
7 subsequent to the issuance of the building permit authorizing  
8 the construction or renovation of the restroom, there is a  
9 change in the designation of the restroom to a restroom for  
10 public use, a universal changing accommodation shall be provided  
11 upon the change of designation if required under section 489-  
12 C(a).

13           **§489-E Hardship exemption.** A new establishment shall not  
14 be subject to the provisions of this part if compliance would  
15 create a hardship. Compliance shall be deemed to create a  
16 hardship if:

- 17           (1) No reasonable physical option exists for providing  
18           universal changing accommodations; or  
19           (2) The cost of providing universal changing  
20           accommodations exceeds ten per cent of the cost of



1           constructing, purchasing, or substantially modifying  
2           the new establishment.

3           **§489-F Violations; unlawful discriminatory practice;**  
4 **private cause of action.** Any person who is injured by an  
5 unlawful discriminatory practice under this part may bring  
6 proceedings to enjoin the unlawful discriminatory practice, and  
7 if the judgment is for the plaintiff, the plaintiff shall be  
8 awarded reasonable attorneys' fees, the cost of the suit, and a  
9 sum of \$100. Any action under this part shall be subject to the  
10 jurisdiction of the district courts as provided in chapter 604  
11 and may be commenced and conducted in the small claims division  
12 of the district court.

13           **§489-G Exclusion from civil rights commission.**  
14 Notwithstanding any other law to the contrary, this part shall  
15 not be subject to chapter 368 and shall not be enforced by the  
16 civil rights commission."

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

19           "**§107-27 Design of state buildings.** (a) No later than  
20 one year after the adoption of codes or standards pursuant to  
21 section 107-24(c), the design of all state building construction

1 shall be in compliance with the Hawaii state building codes [~~7~~  
2 ~~except~~]; provided that state building construction [~~shall be~~  
3 ~~allowed to~~] may be exempted from:

4 (1) County codes that have not adopted the Hawaii state  
5 building codes;

6 (2) Any county code amendments that are inconsistent with  
7 the minimum performance objectives of the Hawaii state  
8 building codes or the objectives enumerated in this  
9 part; or

10 (3) Any county code amendments that are contrary to code  
11 amendments adopted by another county.

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

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

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

21 (1) Maximize energy and water efficiency measures;



1 (2) Maximize energy generation potential; and

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

4 (e) Beginning July 1, 2025, where feasible and cost  
5 effective, bids for state building construction projects shall  
6 include universal changing accommodations pursuant to  
7 part of chapter 489."

8 SECTION 3. This Act does not affect rights and duties that  
9 matured, penalties that were incurred, and proceedings that were  
10 begun before its effective date.

11 SECTION 4. If any provision of this Act, or the  
12 application thereof to any person or circumstance, is held  
13 invalid, the invalidity does not affect other provisions or  
14 applications of the Act that can be given effect without the  
15 invalid provision or application, and to this end the provisions  
16 of this Act are severable.

17 SECTION 5. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect on July 1, 3000.



**Report Title:**

Equity; Universal Changing Accommodations; Public Accommodation;  
State Building Construction

**Description:**

Requires all places of public accommodation and state building constructions constructed after 7/31/2025, to provide universal changing accommodations that are equally accessible regardless of gender. Beginning 7/1/2025, requires bids for state building construction projects to include universal changing accommodations, when doing so is feasible and cost effective. Effective 7/1/3000. (HD2)

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

