



# HAWAI‘I CIVIL RIGHTS COMMISSION

## KOMIKINA PONO KIWILA O HAWAI‘I

830 PUNCHBOWL STREET, ROOM 411, HONOLULU, HI 96813 · PHONE: (808) 586-8636 · FAX: (808) 586-8655 · TDD: (808) 586-8692

Tuesday, March 12, 2024

9:30am

Conference Room 309 & Videoconference  
State Capitol, 415 South Beretania Street

To: The Honorable Scot Z. Matayoshi, Chair  
The Honorable Andrew Takuya Garrett, Vice Chair  
Members of the House Committee on Labor & Government Operations

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

### Re: S.B. 2503 SD2

**The Hawai‘i Civil Rights Commission (HCRC) support the intent of the bill and offers these comments on S.B. 2503 SD2**, which requires new establishments of places of public accommodations and new state buildings to provide universal changing accommodations equally accessible regardless of gender. This new part of Chapter 489 will be expressly excluded from HCRC jurisdiction.

As background, the HCRC has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment (Chapter 378, Part I, HRS), housing (Chapter 515, HRS), public accommodations (Chapter 489, HRS), and access to state and state-funded services (section 368-1.5, HRS). The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

The measure proposes a new part to the statutes 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 separate 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 that would allow them to join friends and family members on social outings. The lack of access to changing facilities can limit those with disabilities from leaving home which would lead to less access to engaging with the community. This bill will aid them and their caregivers, regardless of gender, by providing support that would allow them to partake in social interaction, connection, and sense of belonging.

The measure defines universal changing accommodations as a “powered, height adjustable adult changing station that is either floor or wall-mounted.” Several other states, including New Hampshire, California, and Arizona have enacted similar measures, some more limited than this proposal, emphasizing the need for these accommodations in large entertainment venues or state buildings. For example, California’s statute is limited to places of public amusement such as sports arenas or theaters. Arizona’s statute is only applicable to buildings built with public monies. New Hampshire’s law applies to all public buildings. This measure would require universal changing accommodations in a broader range of establishments in the state of Hawai’i. This is pioneering legislation that would aid those with disabilities and their caregivers.

S.B. 2503 SD2 appears to limit the effectiveness of the original bill by adding the language “where feasible and cost effective”, where “cost effective” is not defined. The bill already has a “hardship exemption” section which discusses costs and feasibility, and the additional language in the subsequent drafts appear unnecessary. Thank you for the opportunity to provide these comments.



**STATE OF HAWAII**  
**KA MOKU'ĀINA O HAWAII**  
**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**  
**'A'UNIKE MOKU'ĀPUNI NO KA NĀ KĀWAI KULA**  
PRINCESS VICTORIA KAMĀMALU BUILDING  
1010 RICHARDS STREET, Room 122  
HONOLULU, HAWAII 96813  
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543

March 12, 2024

The Honorable Representative Scot Z. Matayoshi, Chair  
House Committee on Labor & Government Operations  
The Thirty-Second Legislature  
State Capitol  
State of Hawai'i  
Honolulu, Hawai'i 96813

Dear Representative Matayoshi and Committee Members:

**SUBJECT: SB2503 SD2 RELATING TO EQUITY**

The Hawaii State Council on Developmental Disabilities **STRONGLY SUPPORTS SB2503 SD2**, which requires all places of public accommodation and state building constructions constructed after 12/31/24 to provide universal changing accommodations that are equally accessible regardless of gender. Requires state building construction projects that are bid after 6/30/2025 to include universal changing accommodations that are equally accessible regardless of gender, when doing so is feasible and cost effective. Takes effect 7/1/2040. (SD2)

This legislation is crucial in ensuring equitable access to essential facilities for individuals with disabilities, particularly those in the Intellectual and Developmental Disability (I/DD) community. Families and caregivers of individuals with disabilities often face challenges in finding accessible spaces during outings or daily activities. They must meticulously plan their routes to include disability-friendly rest areas that offer safe and dignified toileting options along the way.

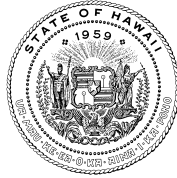
By implementing universal changing accommodations, we can alleviate the burden on families and caregivers, enabling them to participate more fully in various activities and outings. Moreover, this initiative will promote the integration of individuals with disabilities into public spaces, fostering a sense of inclusion and belonging. Accessible facilities are essential for ensuring the dignity and independence of individuals with disabilities, and SB2503 SD2 represents a significant step towards achieving equity in access to public accommodations for all members of our community. This creates a more accessible and inclusive environment for individuals with disabilities, ultimately enhancing their quality of life and promoting greater social integration.

Thank you for the opportunity to submit testimony in **strong support of SB2503 SD2**.

Sincerely,

Daintry Bartoldus  
Executive Administrator

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



KEITH A. REGAN  
COMPTROLLER  
KA LUNA HO'OMALU HANA LAULĀ  
  
MEOH-LENG SILLIMAN  
DEPUTY COMPTROLLER  
KA HOPE LUNA HO'OMALU HANA LAULĀ

**STATE OF HAWAI'I | KA MOKU'ĀINA O HAWAI'I**  
**DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES | KA 'OIHANA LOIHELU A LAWELAWE LAULĀ**  
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

WRITTEN TESTIMONY  
OF  
KEITH A. REGAN, COMPTROLLER  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
TO THE  
  
**COMMITTEE ON LABOR & GOVERNMENT OPERATIONS**

MARCH 12, 2024, 9:30 A.M.  
CONFERENCE ROOM 309 AND VIA VIDEOCONFERENCE, STATE CAPITOL

S.B. 2503, S.D. 2

RELATING TO EQUITY.

Chair Matayoshi, Vice Chair Garrett, and Members of the Committee, thank you for the opportunity to submit testimony on S.B 2503, S.D.2.

The Department of Accounting and General Services (DAGS) **supports** S.B. 2503, S.D. 2 which requires all places of public accommodation constructed after 12/31/24 to provide universal changing accommodations that are equally accessible regardless of gender and requires state building construction projects that are bid after 6/30/2025 to include universal changing accommodations that are equally accessible regardless of gender, when doing so is feasible and cost effective.

Thank you for the opportunity to submit comments on this measure.



## DISABILITY AND COMMUNICATION ACCESS BOARD

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

**LATE**

March 12, 2024

TESTIMONY TO THE HOUSE COMMITTEE ON LABOR AND GOVERNMENT OPERATIONS

Senate Bill 2503 SD2 – Relating to Equity

The Disability and Communication Access Board (DCAB) supports the intent of Senate Bill 2503 SD2 – Relating to Equity.

This bill would require all places of public accommodation and state building constructions constructed after 12/31/24 to provide universal changing accommodations that are equally accessible regardless of gender. Requires state building construction projects that are bid after 6/30/2025 to include universal changing accommodations that are equally accessible regardless of gender, when doing so is feasible and cost effective.

SB 2503 provided a hardship exemption for public accommodations and state buildings. Senate Draft 2 includes a provision that states, "Where feasible and cost effective, state building construction projects bid after June 30, 2025, shall include universal changing accommodations pursuant to part \_\_\_\_\_ of chapter 489." However, "feasible and cost effective" are not defined. Therefore, DCAB suggests either (1) defining "feasible and cost effective" to the same extent as the hardship exemption to clarify the intent of the provision, without which the provision could be subject to inconsistent interpretation and applied differently due to its vagueness; or (2) removing the provision because invoking the hardship exemption should achieve the same result.

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 provide 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 considering our position.

Respectfully submitted,

KIRBY L. SHAW  
Executive Director

**SB-2503-SD-2**

Submitted on: 3/8/2024 8:26:58 PM

Testimony for LGO on 3/12/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael Golojuch Jr	Stonewall Caucus of the Democratic Party of Hawai'i	Support	Remotely Via Zoom

Comments:

Aloha Representatives,

The Stonewall Caucus of the Democratic Party of Hawai'i; Hawai'i's oldest and largest policy and political LGBTQIA+ focused organization fully supports SB 2503 SD 2.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

Michael Golojuch, Jr. (he/him)  
Chair and SCC Representative  
Stonewall Caucus of the Democratic Party of Hawai'i

**SB-2503-SD-2**

Submitted on: 3/10/2024 6:36:21 AM

Testimony for LGO on 3/12/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael Golojuch	Rainbow Family 808	Support	Written Testimony Only

Comments:

Rainbow Family 808 supports SB2503. Please pass this bill.

Mike Golojuch, Sr. Secretary/Board Member



March 11, 2024

House Representative Scot Matayoshi, Chair  
House Representative Andrew Takuya, Vice Chair  
Testimony to the House Committee on Labor & Government Operations  
Tuesday, March 12, 2024; 9:30 am. State Capitol, Conf. Room 309 & Videoconference

RE: Senate Bill 2503 SD2 – RELATING TO EQUITY

Aloha Chair Matayoshi, Vice Chair Takuya, and Members of the Committee on Labor & Government Operations:

On behalf of the Epilepsy Foundation of Hawaii (EFH), we urge your **SUPPORT of Senate Bill 2503 SD2, RELATING TO EQUITY**. This bill supports providing universal changing accommodations in all places of public accommodation and state building construction after 12/31/24.

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 affect 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, the 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 of any age, gender, ethnicity, or size and is often comorbid 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 for people who need a safe and sanitary space to change incontinent supplies and will ensure inclusion and continuity in community engagement in public spaces.

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](https://www.epilepsy.com/advocacy).**





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 2503 SD2.**

Mahalo nui loa,

Kristina Hulama

A handwritten signature in black ink that reads "Kristina Hulama". The signature is enclosed in a thin black rectangular border.

Program Coordinator  
Epilepsy Foundation of Hawaii

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](http://epilepsy.com/advocacy).**



**TESTIMONY OF TINA YAMAKI, PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
March 12, 2024  
SB 2503 SD2 RELATING TO EQUITY**

Good morning, Chair Matayoshi and members of the House Committee on Labor and Government Operations. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901 and is a statewide, not for profit trade organization committed to supporting the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, on-line sellers, local, national, and international retailers, chains, and everyone in between.

We support the intent of SB 2503 SD2 Relating to Equity. This measure requires all places of public accommodation and state building constructions constructed after 12/31/24 to provide universal changing accommodations that are equally accessible regardless of gender; requires state building construction projects that are bid after 6/30/2025 to include universal changing accommodations that are equally accessible regardless of gender, when doing so is feasible and cost effective; and takes effect 7/1/2040.

**We would like to suggest that the construction date of 12/31/2024 be moved to a later date or replace this construction date with that of the first filing of the permit.** While we understand the urgent want for a measure like this, we would like to point out that building permits are taking longer than usual to process. Many plans are already waiting approval, and some are in the final stages. **To have to do a change order will cost businesses a lot of time and money, especially if the architects must reconfigure the existing plan to accommodate for a larger or additional bathroom area as well as delaying or having to refile the permitting process over again and not to mention the delayed construction to name a few.**

**In addition, we also wonder why bars would have to have universal changing accommodations in their public restrooms if no one under the age of twenty-one is allowed inside the establishment.**

Mahalo again for this opportunity to testify.

**SB-2503-SD-2**

Submitted on: 3/8/2024 3:53:29 PM

Testimony for LGO on 3/12/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Leimomi Khan	Individual	Support	Written Testimony Only

Comments:

Support.

**SB-2503-SD-2**

Submitted on: 3/8/2024 4:05:21 PM

Testimony for LGO on 3/12/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jari S.K. Sugano	Individual	Support	In Person

Comments:

Dear Chair Matayoshi, Vice Chair Takuya, and House Labor and Government Committee members,

My name is Jari Sugano and I am writing in strong support of Senate bill 2503. My daughter is 15 and has severe developmental delays. Her ability to go out in public is limited as there are no public facilities in our community that have an accessible bathroom for her to change her incontinent supplies.

Arizona, California, New Hampshire, Michigan and Pennsylvania have enacted laws creating Universal Changing Stations in public buildings granting access to individuals with disabilities.

Universal changing stations are height adjustable and support weights up to 300+ pounds. Adults and older children with disabilities, need a safe, sanitary and dignified place to change their incontinent supplies so they can actively engage in civic and community based activities. Infant tables can not support her weight. We are often forced to change her on bathroom floors or in the back of our vehicle.

According to the Center on Disease Control and Prevention (CDC), approximately 19% of Hawai'i adults have a disability. Per the CDC, one in 5 adults in Hawai'i are caregivers for adults who provide personal care to a friend or a family member with a health problem or disability.

Moreover, the Hawai'i State Plan on Aging, estimates by 2030 nearly 28% of adults in Hawai'i will be over the age of 60. There will be a 32% increase in adults over the age of 85 during the same period. These accommodations can help a broader and growing community

A change in law would heighten inclusiveness and ultimately could improve the quality of life for those with a disability in Hawai'i. These accommodations will also benefit caregivers, seniors or kupuna, as well.

***We do not intend to hold up construction of buildings already in the design and construction phase. However, it would be nice to see these accommodation one day at the capitol and other state facilities.***

Mahalo for the opportunity to provide support,  
Jari Sugano



**SB-2503-SD-2**

Submitted on: 3/9/2024 1:16:49 PM

Testimony for LGO on 3/12/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael EKM Olderr	Individual	Support	Written Testimony Only

Comments:

I support this common sense bill.

**SB-2503-SD-2**

Submitted on: 3/10/2024 9:58:40 AM

Testimony for LGO on 3/12/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alika Valdez	Individual	Support	Written Testimony Only

Comments:

I support this agenda.

**SB-2503-SD-2**

Submitted on: 3/10/2024 11:23:11 AM

Testimony for LGO on 3/12/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Support	Written Testimony Only

Comments:

Please support SB2503 SD2.



**SB-2503-SD-2**

Submitted on: 3/10/2024 3:33:56 PM

Testimony for LGO on 3/12/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Teri Heede	Individual	Support	Remotely Via Zoom

Comments:

This is a reasonable accommodation for people that are aging, have disabilities or any person that needs a changing table.

If you don't need the use of a changing table like this now, you or someone you love, will.

Please pass this all important bill.

**SB-2503-SD-2**

Submitted on: 3/10/2024 3:42:49 PM

Testimony for LGO on 3/12/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Louis Erteschik	Individual	Support	Written Testimony Only

Comments:

This would really help more people with disabilities have greater access to the community as it would give them a sanitary, dignified place to change their incontinent supplies. It would improve their life and is an excellent idea.

**SB-2503-SD-2**

Submitted on: 3/10/2024 9:57:18 PM

Testimony for LGO on 3/12/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Abby Simmons	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and esteemed Committee,

Please support SB2503 SD2.

Mahalo nui loa,

Abby Simmons

**SB-2503-SD-2**

Submitted on: 3/11/2024 9:26:10 AM

Testimony for LGO on 3/12/2024 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Renee Rabb	Individual	Support	Written Testimony Only

Comments:

Thank you for the opportunity to testify in support of SB2503 by Senator De La Cruz which requires universal changing accommodations regardless of gender be provided in new state buildings. Everyone, regardless of how they identify, should have a place to change their clothes without harassment.

Mahalo,

Renee Rabb

Hawaiian Paradise Park

Keaau, HI 96749