

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

March 28, 2024

TESTIMONY TO THE HOUSE COMMITTEE ON FINANCE

Senate Bill 2503 SD2 HD2 – Relating to Equity

The Disability and Communication Access Board (DCAB) supports the intent of Senate Bill 2503 SD2 HD2 – Relating to Equity.

This bill would require 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.

The bill provides a hardship exemption for public accommodations and state buildings. The bill further provides, “(e) Beginning July 1, 2025, where feasible and cost effective, bids for state building construction projects 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



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 28, 2024

The Honorable Representative Kyle Yamashita, Chair
House Committee on Finance
The Thirty-Second Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Yamashita and Committee Members:

SUBJECT: SB2503 SD2 HD2 RELATING TO EQUITY

The Hawaii State Council on Developmental Disabilities **STRONGLY SUPPORTS SB2503 SD2 HD2**, which requires all places of public accommodation and state building constructions constructed after December 31, 2024, to provide universal changing accommodations that are equally accessible regardless of gender. Requires state building construction projects that are bid after June 30, 2025, to include universal changing accommodations that are equally accessible regardless of gender, when doing so is feasible and cost effective.

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 HD1 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.

The Council supports the Disability and Communication Access Board's (DCAB) suggested amendment regarding the definition or removal of "feasible and cost effective" on page 6 line 1. The Council defers to the DCAB for any other substantive comments or recommendations.

Thank you for the opportunity to submit testimony in **strong support of SB2503 SD2 HD2**.

Sincerely,

Daintry Bartoldus Executive Administrator



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 28, 2024

3:30pm

Conference Room 308 & Videoconference
State Capitol, 415 South Beretania Street

To: The Honorable Kyle T. Yamashita, Chair
The Honorable Lisa Kitagawa, Vice Chair
Members of the House Committee on Finance

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

Re: S.B. 2503 SD2 HD2

The Hawai‘i Civil Rights Commission (HCRC) supports the intent of the bill and offers these comments on S.B. 2503 SD2 HD2, 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

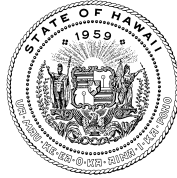
appreciates the placement of this new adult changing station requirement in a separate part, expressly excluded from HCRC jurisdiction. In this respect, the new statutory requirement would be similar to Chapter 489, Part II, relating to Breastfeeding in Public Accommodations, which is also expressly 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.

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

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 FINANCE

THURSDAY, MARCH 28, 2024, 3:30 P.M.
CONFERENCE ROOM 308 AND VIA VIDEOCONFERENCE, STATE CAPITOL

S.B. 2503 S.D. 2

RELATING TO EQUITY.

Chair Yamashita, Vice Chair Kitagawa, 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 12/31/2024 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 testify on this matter.

SB-2503-HD-2

Submitted on: 3/25/2024 5:48:52 PM

Testimony for FIN on 3/28/2024 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Hawaii Disability Rights Center	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.



Testimony to the House Committee on Finance
Thursday, March 28, 2024
3:30 p. m.
State Capitol Conference Room 308 and via videoconference

Re: SB 2503 SD 2 HD 2 Relating to Equity

Dear Chair Yamashita, Vice Chair Kitagawa, and Honorable Members of the House Committee on Finance:

I am Gary Simon, a member of the board of the Hawai'i 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 Hawai'i Family Caregiver Coalition strongly supports SB 2503 SD 2 HD 2, which requires all places of public accommodation and state building constructions constructed after July 31, 2025 to provide universal changing accommodations that are equally accessible regardless of gender; and beginning July 1, 2025, requires bids for state building construction projects to include universal changing accommodations, when doing so is feasible and cost effective.

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 universal changing accommodations and SB 2503 SD 2 HD 2, 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/> March 14, 2023.

SB-2503-HD-2

Submitted on: 3/26/2024 1:11:51 PM

Testimony for FIN on 3/28/2024 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
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 HD 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-HD-2

Submitted on: 3/26/2024 11:45:57 PM

Testimony for FIN on 3/28/2024 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Carolyn M Golojuch	Rainbow Familh 808	Support	In Person

Comments:

Rainbow Family 808 supports SB2503 to bring Hawai`i into the 21st century. A cultured society needs equity in dealing with person care accommodations. Let's move forward with this respect for families in Hawai`i. Thank you,

Carolyn Martinez Golojuch, MSW

Founder/President Rainbow Family 808

Hawai`i Representtative, Freedom From Religion Foundation

Graduate of Honolulu Police Citizen's Academy



March 27, 2024

House Representative Kyle Yamashita, Chair
House Representative Lisa Kitagawa, Vice Chair
Testimony to the House Committee on Finance
Thursday, March 28, 2024; 3:30 pm. State Capitol, Conf. Room 308 & Videoconference

RE: Senate Bill 2503 SD2 HD2 – RELATING TO EQUITY

Aloha Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee on Finance:

On behalf of the Epilepsy Foundation of Hawaii (EFH), we urge your **SUPPORT of Senate Bill 2503 SD2 HD2, RELATING TO EQUITY**. This bill supports providing universal changing accommodations in all places of public accommodation and state building construction after 7/31/2025.

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 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.

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 HD2**.

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,

Kristina Hulama

Kristina Hulama
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.**

SB-2503-HD-2

Submitted on: 3/26/2024 5:58:44 AM

Testimony for FIN on 3/28/2024 3:30:00 PM

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

Comments:

Good afternoon Chair, Vice Chair, and members of the House Finance committee.

My name is Austen Kaneshiro. Thank you for the opportunity to provide strong support of Senate bill 2503.

Installing universal changing tables in public buildings like the Capitol would allow people like my sister and grandmother to have place to use the restroom rather than having to rush home or change their clothes in the back of the car.

This bill is important because everyone should be able to come to the Capitol or go to state buildings and not have to worry about using the restroom.

Please support SB2503. Thank you for the opportunity to testify today. Austen Kaneshiro

Dear Chair Yamashita, Vice Chair Kitagawa, and members of the House Committee on Finance

My name is Jari Sugano and I am writing in strong support of SB 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.

Ideally, these accommodations should be placed in gender neutral restrooms so individuals of all genders would not be limited to binary restroom limitations, especially when assisting older children of who may not be the same gender as the parent.

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.

Estimated cost of these changing tables (Ex. Pressalit 3000) in 2023 was approximately \$12k via ocean freight to Hawaii. This price does not include the cost for installation. This system is similar to the unit at the Honolulu International Airport in the 'Ohana restroom in the interisland terminal.

Appreciate your consideration of our family's request,
Jari Sugano

SB-2503-HD-2

Submitted on: 3/26/2024 9:36:44 AM

Testimony for FIN on 3/28/2024 3:30:00 PM

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

Comments:

March 26, 2024

Aloha Chair Yamashita, Vice Chair Kitagawa, 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 7/31/25 to provide universal changing accommodations that are equally accessible regardless of gender.

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-2503-HD-2

Submitted on: 3/26/2024 4:27:27 PM

Testimony for FIN on 3/28/2024 3:30:00 PM

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

Comments:

Please help support SB2503.

My name is Jennifer Teves and I live on the island of Kauai and I am a parent of an adolescent young male who has special needs. I am in need of your support to pass SB2503 which will install a universal changing table in all new state constructed facilities. These tables are larger than infant tables and can withstand more weight. The bonus is that it may create more gender neutral restrooms across the state which would allow families to go into the restroom with someone of a different gender such as an older child, caregiver. kupuna, keiki.

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

Please help support SB2503.

Sincerely,

Jennifer Teves

SB-2503-HD-2

Submitted on: 3/26/2024 5:33:28 PM

Testimony for FIN on 3/28/2024 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Abby Simmons	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and esteemed Committee,

My name is Abby Simmons from Big Island. I support this measure.

Mahalo nui loa for your consideration

SB-2503-HD-2

Submitted on: 3/26/2024 9:10:02 PM

Testimony for FIN on 3/28/2024 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Tina Egan	Individual	Support	Written Testimony Only

Comments:

Testimony on Senate Bill No. 2503

RELATING TO EQUITY

Thursday, March 28, 2024 at 3:30pm

Conference Room 308 & Videoconference

State Capitol

415 South Beretania Street

Honorable Members of the Committee,

My name is Tina Egan, and I am writing to express my **STRONG SUPPORT** for SB 2503. The bill seeks to ensure equity and accessibility in public accommodations by providing universal changing facilities that are equally accessible regardless of gender. As a member of our community committed to promoting equality and inclusivity, I believe that access to safe and inclusive changing facilities is a fundamental human right. Traditional gender-specific changing rooms often fail to accommodate the needs of individuals who do not fit within binary gender categories or who may feel uncomfortable or unsafe in gender-segregated spaces. This disparity disproportionately affects transgender and non-binary individuals, as well as caregivers of different genders, creating barriers to participation in essential activities such as recreation, fitness, and childcare.

SB 2503 represents a critical step towards addressing these inequities by mandating the provision of universal changing accommodations in public spaces. By ensuring that changing facilities are designed to be accessible and welcoming to all individuals, regardless of gender identity or expression, this legislation promotes inclusivity, dignity, and respect for all members of our community.

Furthermore, SB 2503 aligns with our shared values of equity and social justice. By removing barriers to equal participation and fostering a more inclusive environment, this legislation

promotes the well-being and safety of individuals from diverse backgrounds, while also promoting community cohesion and understanding.

I urge you to support SB 2503 and take meaningful action to advance equity and accessibility in public accommodations. By passing this legislation, we can demonstrate our commitment to building a more inclusive and just society where everyone has the opportunity to thrive.

Mahalo for your attention to this important matter.

Sincerely,

Tina Egan

Mountain View, HI



Dear Chairman Tarnas and members of the JHA Committee,

My name is Rachel Untalan and I am a second-year graduate public health student at the University of Hawai'i at Mānoa. I am writing to express my enthusiastic support for S.B. No. 2503 HD2 regarding Equity, Universal Changing Accommodations, Public Accommodation, and State Building Construction. As a concerned citizen and advocate for inclusivity and accessibility, I firmly believe that this bill represents a crucial step forward in ensuring equal rights and dignity for all individuals, regardless of their gender identity or physical abilities.

I recently had the responsibility of caring for my wheelchair-bound auntie during her medical referral in Honolulu, I experienced firsthand the challenges of navigating public spaces that lacked proper accommodations. Every trip out meant facing the daunting task of finding accessible restroom facilities where I could assist my auntie comfortably and with dignity. We often had to resort to lengthy trips back and forth from her hotel room or forgo certain activities together, simply because we couldn't find a restroom equipped to fit her needs.

Universal changing accommodations are not merely a matter of convenience; they are a fundamental necessity for many members of our community. For individuals with disabilities, elderly citizens, parents with young children, and individuals of diverse gender identities, accessing appropriate restroom facilities can often be a daunting experience. By mandating the inclusion of universal changing accommodations in all new places of public accommodation and state building constructions, this bill sends a powerful message of inclusion and respect for every person's right to dignity and autonomy.

Moreover, the provisions outlined in this bill not only address the immediate needs of our community but also reflect a commitment to sustainable infrastructure development. By incorporating universal changing accommodations into state construction projects, we are not only ensuring accessibility for all but also promoting a more inclusive and equitable society.

Additionally, insisting that bids for state building projects include plans for universal changing accommodations shows that we're serious about both saving money and moving society forward. By making sure these accommodations are part of our public spaces from the get-go, we're investing in a future where everyone, no matter their abilities or how they identify, can join in on public activities without any barriers.

In conclusion, I urge you to support this bill wholeheartedly. By passing this legislation, we have the opportunity to make a profound and lasting impact on the lives of countless individuals in our community. Let us stand together in support of equity, inclusivity, and dignity for all.

Thank you for your attention to this important matter.

Sincerely,

Rachel Untalan

SB-2503-HD-2

Submitted on: 3/28/2024 1:10:11 PM

Testimony for FIN on 3/28/2024 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Teri Heede	Individual	Support	Written Testimony Only

Comments:

Pass this.

It's the RIGHT thing to do!