

STAND. COM. REP. NO. 1041

Honolulu, Hawaii

FEB 28 2025

RE: S.B. No. 1496
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1496, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CIVIL RIGHTS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish that it is an unlawful discriminatory practice for places of public accommodation to deny a person with a disability full and equal enjoyment of information related to their services, facilities, privileges, advantages, or accommodations using information and communication technology intended for use by the general public as applicants, participants, customers, clients, or visitors; and
- (2) Establish exceptions.

Your Committee received testimony in support of this measure from the State Council on Developmental Disabilities, Disability and Communication Access Board, Hawai'i Civil Rights Commission, National Federation of the Blind of Hawaii, Hawaii State Committee of Blind Vendors, Hawaii Disability Rights Center, and seven individuals.



Your Committee received comments on this measure from the Department of Human Services and one individual.

Your Committee finds that the technological revolution has fundamentally changed how providers of public accommodations communicate with customers and the public. Providers now provide much of their information and services electronically, including using websites and digital applications to allow customers to make reservations, view menus, place orders, and view product information. Electronic access to public accommodations has therefore become increasingly important to persons with disabilities in the State. This measure promotes equity and inclusion by ensuring that individuals with disabilities have equal access to digital information and services.

Your Committee notes that in *Robles v. Domino's Pizza*, 913 F.3d 898 (2019), the Ninth Circuit Court of Appeals held that the Americans with Disabilities Act (ADA) applied to the Domino's website and app because it "impede[d] access to the goods and services of its physical pizza franchises—which are places of public accommodation." The court emphasized that the "nexus between [the] website and app and physical restaurants...is critical" to the public accommodation analysis. Although the *Robles* decision dealt with the federal ADA and not the Hawaii public accommodations law, your Committee respectfully requests that the subsequent Committees to which this measure is referred consider this issue.

Your Committee also notes that while this measure would provide an exemption to digital public accommodations in situations of undue hardship, that exemption is not extended to physical accommodations as well. Your Committee respectfully requests that the subsequent Committees to which this measure is referred also consider this issue.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1496, S.D. 1, and recommends that it pass Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



