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STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELawe KANAKA
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TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

February 5, 2025

TO: The Honorable Senator Joy A. San Buenaventura, Chair Senate
Committee on Health and Human Services

The Honorable Senator Henry J.C. Aquino, Chair
Senate Committee on Labor and Technology

FROM: Ryan I. Yamane, Director

SUBJECT: **SB 1496 – RELATING TO CIVIL RIGHTS.**

Hearing: Friday, February 7, 2025, 1:05 p.m.
Conference Room 225 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent, defers to the Civil Rights Commission, and provides comments.

PURPOSE: The purpose of the bill is to establish that it is an unlawful discriminatory practice for public accommodations 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. Establishes exceptions.

Access to digital information and communication technology is critical for individuals with disabilities to fully participate in society, engage in commerce, and access essential services. As technology continues to evolve, businesses and service providers increasingly rely on websites, applications, and digital platforms to interact with the public. However, many of these digital spaces remain inaccessible, creating significant barriers for individuals with disabilities, including those with visual, auditory, motor, and cognitive impairments.

This bill aligns with the intent of both the Americans with Disabilities Act (ADA) and Hawaii's existing anti-discrimination laws by clarifying and reinforcing the requirement for digital accessibility in places of public accommodation. By defining accessibility standards in alignment with the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) 2.1 Level AA, this bill ensures clear guidance for businesses and organizations while safeguarding equal access for persons with disabilities.

As a state agency dedicated to supporting individuals with disabilities in achieving meaningful employment and independence, the Division of Vocational Rehabilitation (DVR) recognizes that digital accessibility directly impacts economic participation. When individuals with disabilities are unable to access online job applications, training programs, or e-commerce platforms, they face exclusion from opportunities that are readily available to others. This bill supports workforce inclusion by eliminating digital barriers and fostering a more equitable economic environment.

DVR acknowledges that ensuring compliance with digital accessibility standards may require investments in technology, training, and policy adjustments. Departments will likely need additional resources to become trained and proficient to meet the 2026 start date. DHS asks that any appropriation not replace or reduce priorities identified in the administration budget.

However, the long-term benefits—greater inclusion, expanded customer bases for businesses, and enhanced compliance with existing civil rights laws—far outweigh the costs. Additionally, the bill includes provisions for exceptions where compliance would impose an undue burden, ensuring a balanced approach to implementation.

This legislation highlights steps to ensure that individuals with disabilities in Hawaii have equal access to digital information and services, aligning with our collective commitment to equity, inclusion, and civil rights.

Thank you for the opportunity to provide comments in support of this measure.



STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
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

February 7, 2025

The Honorable Senator Joy A. San Buenaventura, Chair
Senate Committee on Health and Human Services
The Honorable Henry J.C. Aquino, Chair
Senate Committee on Labor and Technology
The Thirty-Third Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Senator San Buenaventura, Senator Aquino, and Committee Members:

SUBJECT: SB1496 Relating to Civil Rights

The Hawai'i State Council on Developmental Disabilities **SUPPORTS SB1496**, which establishes 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. Establishes exceptions.

Access to information is fundamental to ensuring the full participation of individuals with intellectual and developmental disabilities (I/DD) in society. In an increasingly digital world, the ability to obtain information through websites, online portals, and other digital resources is critical for securing essential services, engaging in community life, and exercising basic rights. However, many individuals with disabilities face persistent barriers due to inaccessible digital platforms that limit their ability to navigate public accommodations effectively.

For individuals with I/DD, accessible digital information means the difference between independence and exclusion. Many rely on assistive technologies, plain language formats, screen readers, and other accessibility features to communicate, access resources, and make informed decisions. When these tools are unavailable, individuals are denied their right to fully participate in programs, services, and opportunities available to the general public. We need this measure to become a law in order to promote inclusion, autonomy, and self-determination for individuals of all abilities.

Thank you for the opportunity to submit testimony in **support of SB1496**.

Sincerely,

Daintry Bartoldus, Executive Administrator

National Federation of the Blind of Hawaii testimony
Submitted by James Gashel, legislative chair

Senate Health and Human Services (HHS) and Labor and Technology (LBT) committees

Thirty-third legislature, 2025 regular session

February 7, 2025, 1:05 pm, hearing on SB1496

Good afternoon Chair, Vice Chair, and members. I am James Gashel, National Federation of the Blind (NFB) of Hawaii, legislative chair, strongly supporting SB1496, requiring information technology used by public accommodations to be accessible to persons with disabilities.

The purpose of this Act is to establish that it is an unlawful discriminatory practice for public accommodations 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.

State and federal laws already require equal access in the use of public accommodations without discrimination based on disability but need to be up dated and more specific to insure that use of information technology is clearly covered.

Despite clear language in both HRS chapter 489 and section 302 of the Americans with Disabilities Act, covering all goods, services, facilities, privileges, advantages, and accommodations of public accommodations, most websites and applications used by public accommodations to inform and make their products and services available to the public still contain significant barriers to full and equal use by individuals with disabilities. These disability barriers deny access, but are often not understood as discriminatory. Without equal access to websites and applications, many individuals with disabilities are excluded from equal participation in and equal access to all aspects of society, and are treated as second-class citizens; defeating the purpose of HRS chapter 489.

What SB1496 Will Do

SB1496 clarifies and strengthens the obligations of public accommodations by:

- Defining accessibility in the digital age -- The bill explicitly includes information and communications technology under the definition of public accommodations, ensuring that digital services are held to the same non-discrimination standards as physical spaces.
- Requiring compliance with established accessibility standards -- Public accommodations will be required to ensure that their websites, applications, and other

digital technologies meet Web Content Accessibility Guidelines (WCAG) 2.1 Level AA, a widely recognized standard for digital accessibility.

- Providing flexibility for businesses -- Recognizing that some entities may face challenges, the bill includes reasonable exemptions for cases where compliance would impose an undue burden or fundamentally alter the nature of the technology.

Importance of Digital Accessibility

Technology has the power to bridge gaps or deepen divides. When digital platforms are inaccessible, individuals with disabilities face barriers to employment, healthcare, education, and essential services. Ensuring accessibility is not just a legal obligation--it is a moral imperative that affirms the dignity and equality of all members of our community.

By passing SB1496, Hawaii will demonstrate its commitment to inclusive innovation and equal opportunity. This bill modernizes our public accommodation laws to reflect the realities of the digital world while upholding the principles of fairness and accessibility.

SB1496 will make Hawaii a national leader in equal access to the digital world. Mahalo for hearing this bill today.

Testimony of Donald Sakamoto

Senate Health and Human Services (HHS) and Labor and Technology (LBT)
committees

Thirty-third legislature, 2025 regular session

February 7, 2025, 1:05 pm, hearing on SB1496

Good afternoon Chair, Vice Chair, and members. I am Donald Sakamoto, supporting SB1496, requiring information technology used by public accommodations to be accessible to persons with disabilities.

The Importance of Digital Accessibility Technology has the power to bridge gaps or deepen divides. When digital platforms are inaccessible, individuals such as myself who is blind or others with disabilities face barriers to employment, healthcare, education, and essential services. Ensuring accessibility is not just a legal obligation, it is a moral imperative that affirms the dignity and equality of all members of our population.

By passing SB1496, Hawaii will demonstrate its commitment to inclusive innovation and equal opportunity. Furthermore, this bill modernizes our public accommodation laws to reflect the realities of the digital world while upholding the principles of fairness and accessibility.

I urge you all to prepare in supporting SB1496 to be passed to proceed on. Famous “failing to prepare, you are preparing to fail” by Benjamin Franklin.

Mahalo for allowing me the opportunity to testify.

February 7, 2025

Testimony of Eleanor Macdonald
Submitted to the Health & Human Services, and
Labor and Technology Committees

Honorable Senators Joy San Buena Ventura & Henry J.C. Aquino Chairs
Honorable Senator Chris Lee, Vice Chair

Re: SB 1496, RELATING TO CIVIL RIGHTS

Dear Chairs Sen. San Buena Ventura & Aquino, Vice-Chair Chris Lee and Members,

I would like to whole heartedly support SB 1496, Relating to Civil Rights to “establish that its unlawful discriminatory practice for places of public accommodation to deny a person with a disability (to) have full and equal enjoyment of information...”

This critical legislation requires agencies receiving federal, state and county dollars to provide equal availability of information, meaning that a variety of modes of communication are provided to the general public for full and equal access to what is going on in their home state. This includes digital text to speech and the conversion of documents without graphs or pictures to enable braille readers to have access.

People who are deaf, hard of hearing and deaf-blind may have unique needs and may contact individual agencies to advise them of their special needs. This would require staff who are trained to “listen” to individuals with communication barriers and respond in a dignified and respectful manner.

Please pass this very important civil rights bill.

Mahalo,

Eleanor Macdonald, M.Ed., CRC (ret.)

SB-1496

Submitted on: 2/5/2025 3:45:00 PM

Testimony for HHS on 2/7/2025 1:05:00 PM

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

Comments:

makes it illegal for public accommodations to deny individuals with disabilities full and equal access to information about their services, facilities, and benefits when using information technology available to the general public.

Existing laws, including Hawaii's HRS Section 489-3 (amended in 2018) and the Americans with Disabilities Act (ADA) Section 302 (1990), prohibit discrimination against individuals with disabilities. However, the rise of modern information technology--such as websites and mobile applications--has led to widespread inaccessibility, often not recognized as discrimination. Many businesses still use inaccessible digital platforms, preventing equal participation for individuals with disabilities.

SB-1496

Submitted on: 2/6/2025 12:48:55 PM

Testimony for HHS on 2/7/2025 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
PL Fritz	Individual	Comments	Remotely Via Zoom

Comments:

I would ask that the Committee take notice of the following.

This purpose of this bill appears to be to add accessibility of a business website to Chapter 489, HRS.

It should be noted that under the ADA, whether or not a website is accessible within the meaning of Title III of the ADA is not settled. Some courts in the Ninth Circuit have held that a business's website is not subject to the nondiscrimination provisions of Title III of the ADA. Other Ninth Circuit District Courts have held that websites are accessible. Other courts have held that a website must be accessible if the website is an extension of a brick-and-mortar business with a physical presence in the state. It is not clear which websites are to intended to be covered by this bill.

Jurisdiction over Websites.

What is unanswered by this bill is whether the website of a business, that is solely online with no physical presence in Hawaii be subject to the provisions of this bill. Does a business have enough minimum contacts in Hawaii to be subject to its jurisdiction.

I am not aware of any case that has opined on the minimum contacts with respect to disability issues; however, the issue of nexus for taxing purposes was considered in *South Dakota v. Wayfair, Inc.*, 138 S. Ct. 2080 (2018). In that case, the US Supreme Court allowed found that economic activity can rise to a level to provide taxing jurisdiction. It is not at all certain that a small business, located in another state and doing business through its website would have the minimum contacts with Hawaii to be subject to Hawaii's jurisdiction.

SB-1496

Submitted on: 2/5/2025 8:59:12 AM

Testimony for HHS on 2/7/2025 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Keao Wright	Individual	Support	Remotely Via Zoom

Comments:

"Testimony of Keao Wright

Senate Health and Human Services (HHS) and Labor and Technology (LBT) committees

Thirty-third legislature, 2025 regular session

February 7, 2025, 1:05 pm, hearing on SB1496

Good afternoon Chair, Vice Chair, and members. I am Keao supporting SB1496, requiring information technology used by public accommodations to be accessible to persons with disabilities. ."

When I go in to new restaurants, I hear people using touch screens that are not accessible to me or my fellow blind peers.

I would like kiosks, and other technology that is used in hotels, restaurants, and other places to have some kind of screen reader access using speech, braille, or low vision software.

When ever I go in to banks to sign, they have touch screens, but I don't know where to sign for digital signatures, this create a barier for me, and I am in full support of this bill.

SB-1496

Submitted on: 2/5/2025 3:05:06 PM

Testimony for HHS on 2/7/2025 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Ann Lemke	Individual	Comments	Written Testimony Only

Comments:

Hello Committee Chair, Vice Chair and members,

My name is Ann Lemke and I am submitting written testimony to support SB1496; This law will require digital content accessibility by public entities for their digital content, whether it is on a website, application, kiosk, or device such as a tablet or ipad that customers might be handed to use at the place of business. These changes would assure our state's alignment with national best practices as set forth in the latest web content accessibility guidelines.

I am a blind retired resident of Kaneohe. Often, restaurants want you to make reservation in advance through online sites that might not be accessible. I've gone to crowded noisy restaurants only to be told to use an app or device that is not accessible.

In the past when such things happened, business owners might offer to have someone help me; increasingly, businesses are short-staffed or self-service.

Anything from buying a pair of shoes to scheduling a hair appointment can be made either tedious or impossible by these kinds of problems.

Respectfully,

Ann Lemke

SB-1496

Submitted on: 2/4/2025 8:14:22 PM

Testimony for HHS on 2/7/2025 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara J. Service	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs San Buenaventura and Aquino,

I am Barbara Service, a resident of SD9 and HD19 and I'm writing in strong support of SB1496.

Please do all you can to ensure that disabled individuals are able to enjoy the same rights and privileges that non-disabled individuals enjoy and any attempt to disallow this would be unlawful.

Thank you for the opportunity to testify!

Barbara J. Service MSW

Child Welfare Supervisor (ret.)

SB-1496

Submitted on: 2/4/2025 11:23:39 PM

Testimony for HHS on 2/7/2025 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this important bill. Mahalo.

SB-1496

Submitted on: 2/5/2025 4:11:51 PM

Testimony for HHS on 2/7/2025 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Meriah Nichols	Individual	Support	Written Testimony Only

Comments:

As a profoundly deaf person with neurodivergence, I support this bill. from captions in movies (or audio descriptions) to brain-safe lighting, discrimination is rampant in Hawai'i. Added to that, in Hilo, sidewalks are scarce, forcing people with mobility disabilities to stay at home, or limit themselves to the small stretches of sidewalk that exist, OR, use their wheelchairs in the roads, alongside cars. This is highly dangerous. Public transportation is rarely accessible.

This needs to change, and the passing of this bill will help.

Testimony of Virgil Stinnett

Senate Health and Human Services (HHS) and Labor and Technology (LBT) committees

Thirty-third legislature, 2025 regular session

February 7, 2025, 1:05 pm, hearing on SB1496

Good afternoon, Chair, Vice Chair, and members. My name is Virgil Stinnett, a blind businessman and President of the National Federation of the Blind of Hawaii, strongly supporting SB1496, requiring information technology used by public accommodations to be accessible to persons with disabilities.

I stand in strong support of the testimony submitted by James Gashel, legislative chair of the National Federation of the Blind of Hawaii.

Daily I use digital accessibility Technology in my personal and business life. In my business I have 81 employees. My business for over 23 years is in government contracting which requires me to use the digital platforms of all government entities; city, state and federal.

I face barriers to some of the necessary documents to serve and comply with my contracts. By passing SB1496, Hawaii will strengthen my ability to serve my contracts and demonstrate commitment to inclusive innovation and equal opportunity.

SB1496 modernizes our public accommodation laws to reflect the realities of the digital world.

Mahalo for hearing my testimony today.

Brandon Young

2/5/2025

Testimony on SB1496

Dear Chair and Vice Chair,

My name is Brandon Young and I am submitting testimony on behalf of the National Federation of the Blind of Hawaii. I am in support of SB1496. This bill would help blind people in Hawaii to have greater access to places of business in their community. Have you visited a place where they give you a tablet to order something? Well, if you have, then you know that these establishments are impossible for blind people to interact with. This bill would create opportunities for blind people to interact with these places of business. Blind people should have the same type of access to their community as all other citizens in the state of Hawaii. I urge you pass this bill. Thank you for your time and energy on this matter. I hope you have a wonderful day.

SB-1496

Submitted on: 2/5/2025 8:50:53 PM

Testimony for HHS on 2/7/2025 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Marie Kouthoofd	Individual	Support	Written Testimony Only

Comments:

in support of and testimony for SB1496

Dear Chair, Vice Chair, and Committee Members

I am writing in support of SB1 496. This bill, which seeks to prohibit the use of inaccessible communications technology by providers of public accommodations, addresses a critical issue for me as a blind resident of Hawaii.

As a retired professor and entrepreneur, I would not have been able to reach this stage in my life without accessible technology. Technology has opened the world to me and many others, enabling us to overcome barriers that once seemed insurmountable. Now, as I enjoy my retirement years, it is more important than ever to ensure that I can continue living a healthy, independent, and productive life without unnecessary barriers.

My son, a computer programmer who also resides in Hawaii, often helps me navigate technology, and I see firsthand how small changes to accessibility features can make a world of difference. However, too often, accessibility is overlooked. Many websites and apps used by public accommodations providers remain inaccessible, unintentionally excluding individuals with disabilities. With a little effort and mindfulness, these barriers could be significantly reduced, enabling people like me to participate fully in our community and continue contributing to the world around us.

By addressing this issue through SB1496, we can ensure that Hawaii stays ahead in fostering inclusion and accessibility. I am deeply grateful for the opportunities I've had in life and for the advancements that have made my independence possible. Now, I ask for your help to make sure this progress continues for me and countless others bypassing SB1496.

Thank you for receiving my testimony.

Sincerely,

Marie Kouthoofd

Testimony of Katie Keim

Senate Health and Human Services (HHS) and Labor and Technology (LBT) committees

Thirty-third legislature, 2025 regular session

February 7, 2025, 1:05 pm, hearing on SB1496

Good afternoon, Chair, Vice Chair, and members. My name is Katie Keim, a blind business woman and proud leader in the National Federation of the Blind of Hawaii, strongly supporting SB1496, requiring information technology used by public accommodations to be accessible to persons with disabilities.

I stand in strong support of the testimony submitted by James Gashel, legislative chair of the National Federation of the Blind of Hawaii.

Blindness came to me in my late 30's aborting a career that often-included traveling and visually accessing information. It was not even a thought that information might not be accessible to me. Today as a blind professional, public access is always on my mind in business and my personal life. Will I be able to access the information I need and want to be a fully integrated citizen in my community, or will I have to coordinate an alternate means to gather the information. Besides the inaccessibility, it often includes relinquishing personal and private confidential information to the person assisting accessing the data I need. SB1496 would modernize our public accommodation laws to reflect the realities of the digital world, enabling me and others to retain our dignity, gain information privately and confidentially, necessary to participate fully in our community.

Mahalo for hearing my testimony and seriously considering passing SB1496 into law.



**STATE HEALTH PLANNING
AND DEVELOPMENT AGENCY**
DEPARTMENT OF HEALTH - KA 'OIHANA OLAKINO

JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII

KENNETH S. FINK, MD, MGA, MPH
DIRECTOR OF HEALTH
KA LUNA HO'OKELE

JOHN C. (JACK) LEWIN, M.D.
ADMINISTRATOR

1177 Alakea St., #402, Honolulu, HI 96813 Phone: 587-0788 Fax: 587-0783 www.shpda.org

February 3, 2025



To: Senate Committee on Health and Human Services:
Senator Joy San Buenaventura, Chair;
Senator Henry JC Aquino, Vice Chair; and
Honorable Members

From: John C (Jack) Lewin MD, Administrator, SHPDA; and Senior Advisor to
Governor Green MD on Healthcare Innovation

Re: SB 1496 – RELATING TO CIVIL RIGHTS – IT ACCESS

Position: SUPPORT

Testimony:

SB establishes 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. Establishes exceptions.

SHPDA fully supports this bill. IT access and communications technology access is critically important for a productive, satisfying life, and for the ability to fully participate in community, employment opportunities, and activities of daily living. This kind of access is a basic civil right in our modern society.

Mahalo for the opportunity to testify.