

Honolulu, Hawaii

FEB 18 2022

RE: S.B. No. 2913  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 2913  
entitled:

"A BILL FOR AN ACT RELATING TO ACCESSIBILITY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require a retail establishment with an employee toilet facility to allow a customer suffering from an eligible medical condition to use that restroom during normal business hours, under certain conditions; and
- (2) Exempt a retail establishment and employees from civil liability in allowing an eligible customer to use an employee toilet facility.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Big Island Ostomy Group, and three individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association for Justice and Retail Merchants of Hawaii. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that individuals with certain medical conditions, including Crohn's disease and inflammatory bowel disease, may experience urgent restroom needs. This is especially



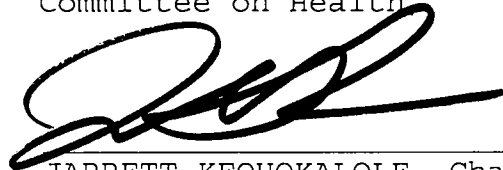
problematic while the individual is in a retail location where there are no public restrooms. A model law entitled Ally's law, requires retail establishments to allow patrons access to employees only bathrooms if the patron has a legitimate medical condition and urgent need. This measure adopts Ally's law in Hawaii.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2913, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2913, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Health



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JARRETT KEOHOKALOLE, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

Record of Votes  
Committee on Health  
HTH

Bill / Resolution No.:* <b>SB2913</b>	Committee Referral: <b>HTH, JDC</b>	Date: <b>2-11-2022</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"><div><input type="checkbox"/> Pass, unamended 2312</div><div><input checked="" type="checkbox"/> Pass, with amendments 2311</div><div><input type="checkbox"/> Hold 2310</div><div><input type="checkbox"/> Recommit 2313</div></div>				
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALO, Jarrett (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SAN BUENAVENTURA, Joy A.	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>5</b>	<b>—</b>	<b>—</b>	<b>—</b>
Recommendation: <div style="display: flex; justify-content: space-around; align-items: center;"><div><input checked="" type="checkbox"/> Adopted</div><div><input type="checkbox"/> Not Adopted</div></div>				
Chair's or Designee's Signature: <div style="text-align: center; font-family: cursive; font-size: 1.2em; margin-top: 10px;">Rosalyn H Baker</div>				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"><div>Original File with Committee Report</div><div>Yellow Clerk's Office</div><div>Pink Drafting Agency</div><div>Goldenrod Committee File Copy</div></div>				

\*Only one measure per Record of Votes