



# HAWAI‘I CIVIL RIGHTS COMMISSION

## KOMIKINA PONO KĪWILA O HAWAI‘I

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Wednesday, February 8, 2023  
Rm. 325, 2:00 p.m.

To: The Honorable David A. Tarnas Chair  
The Honorable Gregg Takayama, Vice Chair  
Members of the House Committee on Judiciary and Hawaiian Affairs

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

Re: H.B. No. 1145

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights.

**The HCRC offers these comments on H.B. No. 1145, which requires all new establishments, defined as public accommodations or state building construction constructed after December 31, 2023, to provide universal adult changing accommodations that are equally accessible to men and women.**

The measure proposes a new part to the statutes, and places it 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 new 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.

The measure defines universal changing accommodations as a “powered, height adjustable adult changing station that is either floor or wall mounted.” HCRC has no information on the need for this proposed measure, noting that only New Hampshire, California and Arizona have enacted similar measures, and all three are significantly more limited than this proposal. California’s statute is limited to places of public amusement such as sports arenas or theaters, and New Hampshire’s law is similarly limited to large establishments. Arizona’s statute is only applicable to buildings built with public monies.



**STATE OF HAWAII**  
STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES  
1010 RICHARDS STREET, Room 122  
HONOLULU, HAWAII 96813  
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543  
February 8, 2023

The Honorable Representative David A. Tarnas, Chair  
House Committee on Judiciary & Hawaiian Affairs  
The Thirty-Second Legislature  
State Capitol  
State of Hawai'i  
Honolulu, Hawai'i 96813

Dear Representative Tarnas and Committee Members:

SUBJECT: HB1145 RELATING TO EQUITY

The Hawaii State Council on Developmental Disabilities **SUPPORTS HB1145**, which requires all places of public accommodation and state building construction constructed after 12/31/23 to provide universal changing accommodations that are equally accessible to men and women.

Families and caregivers of people with disabilities that require changing facilities want to participate in as many activities and outings as possible. At the same time, they must plan out or research their trip or daily activities to include accessible spaces along their path of travel, taking into consideration the disability-friendly rest areas that provides a safe and dignified toileting area along a certain route.

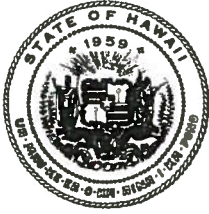
Implementing universal changing accommodations will ensure our Intellectual and Developmental Disability (I/DD) community members have more equity in access, removing barriers to travel that currently affect full participation and integration in daily activities. This will greatly benefit the I/DD community's access to public spaces.

Thank you for the opportunity to submit testimony in **support of HB1145**.

Sincerely,

A handwritten signature in blue ink that reads "Daintry Bartoldus".

Daintry Bartoldus  
Executive Administrator



## DISABILITY AND COMMUNICATION ACCESS BOARD

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1010 Richards Street, Room 118 • Honolulu, Hawaii 96813  
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February 8, 2023

### TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

#### House Bill 1145 – Relating to Equity

The Disability and Communication Access Board (DCAB) supports House Bill 1145 – Relating to Equity. This bill requires places of public accommodation and state building construction constructed after 12/31/23 to provide universal changing accommodations that are equally accessible to men and women.

A fundamental goal of the ADA is to ensure people with disabilities have an equal opportunity to participate in basic civic activities and every day 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 provides a safe, sanitary, and private space to be changed and cleaned by a caregiver when participating in civic activities and every day events.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW  
Executive Director

**HB-1145**

Submitted on: 2/6/2023 2:06:08 PM

Testimony for JHA on 2/8/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael Golojuch Jr	Stonewall Caucus of the Democratic Party of Hawaii	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 HB 1145.

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

Mahalo nui loa,

Michael Golojuch, Jr.  
Chair and SCC Representative  
Stonewall Caucus for the DPH

**HB-1145**

Submitted on: 2/6/2023 3:52:40 PM

Testimony for JHA on 2/8/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Louis Erteschik	Hawaii Disability Rights Center	Support	Written Testimony Only

Comments:

We think this an excellent idea. Since 2016, federal law has required baby changing accommodations in both male and female restrooms in publicly-accessible federal buildings. Since then, some states have enacted laws creating Universal Changing Stations which allow changing accommodations to also include adults in public buildings. The problem quite simply is that many adults with disabilities are just too heavy for infant changing tables. Clearly, a person's inability to utilize conventional restroom facilities directly affects their ability to enjoy and fully participate in community based activities.

Many of Hawaii's restrooms have family bathrooms but these restrooms do not have adequate restroom facilities for larger children and seniors who need to change their incontinent supplies. The lack of access to accommodating changing stations limits a person's ability to leave home to engage and participate in daily activities. This legislation would really help to create a more inclusive environment in the community for those with disabilities.

**HB-1145**

Submitted on: 2/6/2023 7:30:20 PM

Testimony for JHA on 2/8/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jari S.K. Sugano	Individual	Support	In Person

Comments:

Chair Tarnas, Vice Chair Takayama, and members of the Judiciary and Hawaiian Affairs.

In 2016, the Bathrooms Accessible In Every Situation Act (BABIES Act) requires baby changing accommodations in both male and female restrooms in publicly-accessible federal buildings.

Since then, Arizona, California, New Hampshire, have enacted laws creating Universal Changing Stations which allows changing accommodations to also include adults in public buildings.

A person's inability to utilize conventional restroom facilities directly affects their ability to enjoy and fully participate in community based activities.

At the minimum, public restrooms should be equipped such that a person (or a caregiver) can attend to their sanitary and hygienic needs in a dignified way.

My daughter is 14 years old and has a rare and catastrophic form of epilepsy, called Dravet Syndrome. On good days she enjoys being at the mall but when she goes, she can't stay long, as she still wears diapers. She is too heavy for infant changing tables.

Many of Hawaii's restroom have family bathrooms but these restrooms do not have adequate restroom facilities for larger children and seniors who need to change their incontinent supplies. The lack of access to accommodating changing stations limits a person ability to leave home to engage and participate in every day activities such as attending community activities, going to doctor appointments, running everyday errands, etc.

We appreciate legislative support to bring about much needed changes to create an inclusive and safer environment for those with disabilities. Please support HB1145.

Much aloha, Jari Sugano



**HB-1145**

Submitted on: 2/6/2023 2:12:16 PM

Testimony for JHA on 2/8/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
cheryl Burghardt	Individual	Support	Written Testimony Only

Comments:

I SUPPORT this bill which requires all places of public accommodation and state building construction constructed after 12/31/23 to provide universal changing accommodations that are equally accessible to men and women.

It is 2023 and we know that this is the best path forward for our islands. I believe this bill can go further to state that all public accommodations that can be converted without construction or little issue should do so immediately.

**HB-1145**

Submitted on: 2/6/2023 7:38:22 PM

Testimony for JHA on 2/8/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Austen KAneshiro	Individual	Support	Written Testimony Only

Comments:

Chair Tarnas, Vice Chair Takayama, and members of the Judiciary and Hawaiian Affairs

My name is Austen and I am a junior at Mililani high school.

HB1145 is important because children like my sister MJ are heavier than babies who use the infant changing tables. So, without a place her to change her diaper, she's not able to be out for long periods of time and she doesn't like to stay home. So this bill will help children like my sister as well as seniors like grandparents who need a private place to use the bathroom.

Thank you, Austen Kaneshiro (17)

**HB-1145**

Submitted on: 2/6/2023 9:20:56 PM

Testimony for JHA on 2/8/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jennifer Teves	Individual	Support	Written Testimony Only

Comments:

Please help support SB389 and its companion bill HB1145.

My name is Jennifer Teves and I am a middle school teacher here on the island of Kauai and a parent of an adolescent young male who has special needs. I am in need of your support to pass SB289 which requires all places of public accommodation and state building construction after 12/31/23 to provide universal changing accommodations that are equally accessible to men and women.

People who have multiple and complicated disabilities need universal changing stations in our public restrooms. As my son and his peers become young teenagers 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 SB389 and its companion bill HB1145.

Sincerely,

Jennifer Teves

**HB-1145**

Submitted on: 2/7/2023 12:07:58 AM

Testimony for JHA on 2/8/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mary Smart	Individual	Oppose	Written Testimony Only

Comments:

Do not pass HB1145.

It is no wonder it costs so much to build anything in Hawaii. There are too many unnecessary demands by our non-economy minded state leaders. We need separate men's and women's bathroom as well as family bathrooms to help the young, elderly, disabled, and those desiring other types of special accommodation, etc..

What are changing rooms and universal changing rooms? There is no clear definition. Why are they needed? Those who contract for a building should not be mandated by government to provide "extras" that are not necessary for their business model.

Provide clear verbiage about what "equity" has to do with anything mentioned in this bill.

Current building codes are more than adequate to meet resident needs. Do not add complexity that increases costs.

Vote NO on HB1145.

**HB-1145**

Submitted on: 2/7/2023 7:29:40 AM

Testimony for JHA on 2/8/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nikki-Ann Yee	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and Committee Members,

I am testifying in strong support of HB1145 which requires all places of public accommodation and state building construction after 12/31/23 to provide universal changing accommodations that are equally accessible to men and women.

While bathrooms have become more accessible to families by providing baby changing accommodations, they are not suitable for all, especially the elderly and wheelchair-bound adults and adolescents. This bill would ensure that going forward, future restrooms are built to be more inclusive and accessible to all.

Mahalo for the opportunity to testify in support of this bill.

Nikki-Ann Yee

**HB-1145**

Submitted on: 2/7/2023 12:30:10 PM

Testimony for JHA on 2/8/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lisa Ann Kaneshiro	Individual	Support	Written Testimony Only

Comments:

House Bill 1145: Equity; Universal Changing Accommodations; Public Accommodation; State Building Construction

Aloha

There are millions of people who are either non-ambulatory or have self-care issues that need a safe clean place to be changed. No one should ever be forced to be changed on a cramped infant changing table that is too small, or on a public restroom floor.

My niece, MJ, is 14 years old and she has grown too big for infant changing tables. A powered height adjustable adult changing tables in family restrooms will help provide a safe and clean environment, where we will be able to change her diaper. We need to make this change to our family restrooms to make life better and easier for people with special needs.

One of the many things my niece enjoys is getting an opportunity to adventure outside of the house. But without Universal Changing Accommodations, there may not be a safe and clean area for her, and her adventure for the day will come to an end. If there is an adjustable adult changing table for her, she will feel clean and dry and will be able to stay out longer.

I humbly ask for your support of this important bill, which will help our family care for my niece.

Mahalo for your consideration,

Lisa Ann Kaneshiro

**HB-1145**

Submitted on: 2/7/2023 3:58:43 PM

Testimony for JHA on 2/8/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sarah Kern	Individual	Support	Written Testimony Only

Comments:

**February 7, 2023**

**Aloha Chair Tarnas, Vice Chair Takayama, and Committee Members,**

**My name is Sarah Kern and I am a resident of Lihue, Kauai. I am testifying in strong support of HB1145 which requires all places of public accommodation and state building construction after 12/31/23 to provide universal changing accommodations that are equally accessible to men and women.**

**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**

**HB-1145**

Submitted on: 2/7/2023 7:38:53 PM

Testimony for JHA on 2/8/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Melissa Ka'onohi-Camit	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am mother of three keiki, one that has a dissability. I am also blessed to be a Special Education Educational Assistant. I have serviced many children in the twenty three years and counting in the public school system. Within those years I have worked with children who need accessible and adequate changing facilities in public bathrooms.

Working in a Fully Self-Contained classroom that provides education through community based instruction, it is crucial to have changing tables in public restrooms. Many times I have had to change my student in the stroller. Or we could only provide community instruction based around the one area we knew that had a larger changing table. This is not okay.

I completely support this bill. Having access to a bathroom whether in Federal buildings or other places for all those who can not use the convetional bathroom is definitiely part of quality of life. I hope that you can see the importance of this bill.

Mahalo,

Melissa Ka'onohi-Camit



**HB-1145**

Submitted on: 2/7/2023 8:38:58 PM

Testimony for JHA on 2/8/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lacey Shimabukuro	Individual	Support	Written Testimony Only

Comments:

In support of increasing equity and improving the quality of life for families needing changing accommodations to more safely enjoy and participate in community activities.

**HB-1145**

Submitted on: 2/7/2023 10:34:03 PM

Testimony for JHA on 2/8/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shannon Alivado	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama and committee members,

I am writing in support of HB 1145 which will provide proper access to public changing accommodations for women and men who may not be able to use existing restrooms due to their disability. This bill is applicable to new construction which will allow design professionals to adequately prepare plans that would incorporate changing stations into future construction. Equity and inclusion is important for physical accommodations and provides those with special needs the ability to participate more fully in all activities and have the ability to live full lives. Please pass this bill to address how our community can be more accessible and inclusive.

**HB-1145**

Submitted on: 2/8/2023 12:23:36 PM

Testimony for JHA on 2/8/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shana Metsch	Individual	Support	Written Testimony Only

Comments:

Dear Representative and Committee Members:

I am writing to express **my support for HB1145**, which requires universal changing accommodations. As a Hawaii resident, this bill is essential for promoting accessibility and inclusiveness for all individuals.

Providing universal changing accommodations is necessary to ensure that everyone, regardless of their abilities, has equal access to public spaces and services. Living with a teenage daughter with cerebral palsy, we know how difficult it can be to provide sanitary care when we are on the go. HB1145 will help support families with children, individuals with disabilities, and elderly individuals who may require changing facilities.

HB1145 is a well-thought-out bill that will significantly impact the lives of many individuals in Hawaii. I urge you to support it and help make our state a more accessible and inclusive place for everyone.

Thank you for your time and consideration.

Sincerely,

Shana Metsch  
shanametsch@yahoo.com  
808.652.9206