STAND. COM. REP. NO.

Honolulu, Hawaii

MAR 0 3 2023

RE: S.B. No. 753 S.D. 2

Honorable Ronald D. Kouchi President of the Senate Thirty-Second State Legislature Regular Session of 2023 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 753, S.D. 1, 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 retail establishments 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;
- (2) Exempt retail establishments and employees from civil liability in allowing an eligible customer to use an employee toilet facility in certain circumstances; and
- (3) Establish fines.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission and three individuals. Your Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii.

Your Committee finds that people who suffer from certain diseases such as inflammatory bowel disease and Crohn's disease often need urgent and sudden access to a toilet facility. Ally's law requires retail establishments to allow customers access to employee-only bathrooms if the customer has an eligible medical condition requiring immediate access to a toilet and has been passed in numerous other states. This measure joins those states and adopts Ally's law in Hawai'i.

Your Committee has amended this measure by:

- (1) Deleting language that would have exempted retail establishments and employees from civil liability in allowing an eligible customer to use an employee toilet facility in certain circumstances; 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 753, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 753, S.D. 2.

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

Hal Rhood

KARL RHOADS, Chair

The Senate Thirty-Second Legislature State of Hawaiʻi

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*		Committee Referral:			Date:	
5B 753 5DI	HHS, JDC			2/24/23		
The Committee is reconsidering its previous decision on this measure.						
If so, then the previous decision was to:						
The Recommendation is:						
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313						
Members		Aye	Aye (WR)	Nay	Excused	
RHOADS, Karl (C)		V_{\prime}				
GABBARD, Mike (VC)		V/				
ELEFANTE, Brandon J.C.	V/	/				
SAN BUENAVENTURA, Joy	V/					
AWA, Brenton			 		· .	
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TOTAL		<u> </u>				
Recommendation: Adopted Not Adopted						
Chair's or Designee's Signature:						
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Distribution: Original File with Committee R	Yellow Pink Goldenrod port Clerk's Office Drafting Agency Committee File Co					

*Only one measure per Record of Votes