



**STATE OF HAWAII**  
STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES  
1010 RICHARDS STREET, Room 122  
HONOLULU, HAWAII 96813  
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543  
March 19, 2024

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: SB2503 SD2 HD1 RELATING TO EQUITY

The Hawaii State Council on Developmental Disabilities **STRONGLY SUPPORTS SB2503 SD2 HD1**, which requires all places of public accommodation and state building constructions constructed after December 31, 2024, to provide universal changing accommodations that are equally accessible regardless of gender. Requires state building construction projects that are bid after June 30, 2025, to include universal changing accommodations that are equally accessible regardless of gender, when doing so is feasible and cost effective.

This legislation is crucial in ensuring equitable access to essential facilities for individuals with disabilities, particularly those in the Intellectual and Developmental Disability (I/DD) community. Families and caregivers of individuals with disabilities often face challenges in finding accessible spaces during outings or daily activities. They must meticulously plan their routes to include disability-friendly rest areas that offer safe and dignified toileting options along the way.

By implementing universal changing accommodations, we can alleviate the burden on families and caregivers, enabling them to participate more fully in various activities and outings. Moreover, this initiative will promote the integration of individuals with disabilities into public spaces, fostering a sense of inclusion and belonging. Accessible facilities are essential for ensuring the dignity and independence of individuals with disabilities, and SB2503 SD2 HD1 represents a significant step towards achieving equity in access to public accommodations for all members of our community. This creates a more accessible and inclusive environment for individuals with disabilities, ultimately enhancing their quality of life and promoting greater social integration.

The Council supports the Disability and Communication Access Board's (DCAB) suggested amendment regarding the definition or removal of "feasible and cost effective" on page 6 line 1. The Council defers to the DCAB for any other substantive comments or recommendations.

Thank you for the opportunity to submit testimony in **strong support of SB2503 SD2 HD1**.

Sincerely,

Daintry Bartoldus Executive Administrator



# **HAWAI‘I CIVIL RIGHTS COMMISSION** **KOMIKINA PONO KIWILA O HAWAI‘I**

830 PUNCHBOWL STREET, ROOM 411, HONOLULU, HI 96813 · PHONE: (808) 586-8636 · FAX: (808) 586-8655 · TDD: (808) 586-8692

Tuesday, March 19, 2024

2:00pm

Conference Room 325 & Videoconference  
State Capitol, 415 South Beretania Street

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

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

## **Re: S.B. 2503 SD2 HD1**

**The Hawai‘i Civil Rights Commission (HCRC) support the intent of the bill and offers these comments on S.B. 2503 SD2 HD1**, which requires new establishments of places of public accommodations and new state buildings to provide universal changing accommodations equally accessible regardless of gender. This new part of Chapter 489 will be expressly excluded from HCRC jurisdiction.

As background, the HCRC has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment (Chapter 378, Part I, HRS), housing (Chapter 515, HRS), public accommodations (Chapter 489, HRS), and access to state and state-funded services (section 368-1.5, HRS). The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

The measure proposes a new part to the statutes 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 separate 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.

This measure would significantly aid those with disabilities who need help with toileting, by providing safe and sanitary facilities that would allow them to join friends and family members on social outings. The lack of access to changing facilities can limit those with disabilities from leaving home which would lead to less access to engaging with the community. This bill will aid them and their caregivers, regardless of gender, by providing support that would allow them to partake in social interaction, connection, and sense of belonging.

The measure defines universal changing accommodations as a “powered, height adjustable adult changing station that is either floor or wall-mounted.” Several other states, including New Hampshire, California, and Arizona have enacted similar measures, some more limited than this proposal, emphasizing the need for these accommodations in large entertainment venues or state buildings. For example, California’s statute is limited to places of public amusement such as sports arenas or theaters. Arizona’s statute is only applicable to buildings built with public monies. New Hampshire’s law applies to all public buildings. This measure would require universal changing accommodations in a broader range of establishments in the state of Hawai‘i. This is pioneering legislation that would aid those with disabilities and their caregivers.

S.B. 2503 SD2 appears to limit the effectiveness of the original bill by adding the language “where feasible and cost effective”, where “cost effective” is not defined. The bill already has a “hardship exemption” section which discusses costs and feasibility, and the additional language in the subsequent drafts appear unnecessary. Thank you for the opportunity to provide these comments.



## DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813  
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

March 19, 2024

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

#### Senate Bill 2503 SD2 HD1– Relating to Equity

The Disability and Communication Access Board (DCAB) supports the intent of Senate Bill 2503 SD2 HD1 – Relating to Equity.

This bill would require all places of public accommodation and state building constructions constructed after 12/31/24 to provide universal changing accommodations that are equally accessible regardless of gender. Requires state building construction projects that are bid after 6/30/2025 to include universal changing accommodations that are equally accessible regardless of gender, when doing so is feasible and cost effective.

SB 2503 provided a hardship exemption for public accommodations and state buildings. Senate Draft 2 includes a provision that states, "Where feasible and cost effective, state building construction projects bid after June 30, 2025, shall include universal changing accommodations pursuant to part of chapter 489." However, "feasible and cost effective" are not defined. Therefore, DCAB suggests either (1) defining "feasible and cost effective" to the same extent as the hardship exemption to clarify the intent of the provision, without which the provision could be subject to inconsistent interpretation and applied differently due to its vagueness; or (2) removing the provision because invoking the hardship exemption should achieve the same result.

A fundamental goal of the Americans with Disabilities Act (ADA) is to ensure people with disabilities have an equal opportunity to participate in basic civic activities and everyday 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 provide a safe, sanitary, and private space to be changed and cleaned by a caregiver when participating in civic activities and everyday events.

Thank you for considering our position.

Respectfully submitted,

KIRBY L. SHAW  
Executive Director

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



KEITH A. REGAN  
COMPTROLLER  
KA LUNA HO'OMALU HANA LAULĀ  
  
MEOH-LENG SILLIMAN  
DEPUTY COMPTROLLER  
KA HOPE LUNA HO'OMALU HANA LAULĀ

**STATE OF HAWAI'I | KA MOKU'ĀINA O HAWAI'I**  
**DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES | KA 'OIHANA LOIHELU A LAWELAWE LAULĀ**  
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

WRITTEN TESTIMONY  
OF  
KEITH A. REGAN, COMPTROLLER  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
TO THE  
  
**COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS**

TUESDAY, MARCH 19, 2024, 2:00 P.M.  
CONFERENCE ROOM 325 AND VIA VIDEOCONFERENCE, STATE CAPITOL

S.B. 2503 S.D. 2

RELATING TO EQUITY.

Chair Tarnas, Vice Chair Takayama, and members of the Committee, thank you for the opportunity to submit testimony on S.B. 2503 S. D. 2.

The Department of Accounting and General Services (DAGS) **supports** S. B. 2503 S. D. 2, which requires all places of public accommodation constructed after 12/31/2024 to provide universal changing accommodations that are equally accessible regardless of gender and requires state building construction projects that are bid after 6/30/2025 to include universal changing accommodations that are equally accessible regardless of gender, when doing so is feasible and cost effective.

Thank you for the opportunity to testify on this matter.

**SB-2503-HD-1**

Submitted on: 3/16/2024 5:21:57 PM

Testimony for JHA on 3/19/2024 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 Hawai‘i	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 SB 2503 HD 1.

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

Mahalo nui loa,

Michael Golojuch, Jr. (he/him)  
Chair and SCC Representative  
Stonewall Caucus of the Democratic Party of Hawai‘i



**TESTIMONY OF TINA YAMAKI, PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
March 12, 2024  
SB 2503 SD2 RELATING TO EQUITY**

Good afternoon, Chair Tarnas and members of the House Committee on Judiciary and Hawaiian Affairs. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901 and is a statewide, not for profit trade organization committed to supporting the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, on-line sellers, local, national, and international retailers, chains, and everyone in between.

We support the intent of SB 2503 SD2 Relating to Equity. This measure requires all places of public accommodation and state building constructions constructed after 12/31/24 to provide universal changing accommodations that are equally accessible regardless of gender; requires state building construction projects that are bid after 6/30/2025 to include universal changing accommodations that are equally accessible regardless of gender, when doing so is feasible and cost effective; and takes effect 7/1/2040.

We would like to request reconsideration of the proposed construction date of 12/31/2024 be pushed ahead a couple of years. While we understand the urgent want for such legislation, we urge you to extend the construction deadline to a later date due to the significant challenges currently facing businesses in obtaining building permits.

The prolonged processing times for building permits have created substantial delays in construction projects across our state. Many businesses have already invested considerable time and resources in the planning and approval stages of their projects, with some projects nearing finalization. Requiring a change order to accommodate the proposed changes outlined in this measure would impose undue burdens on these businesses, leading to additional costs and delays as their construction start date could be pushed to ahead

Mahalo again for this opportunity to testify.



Testimony to the House Committee on Judiciary and Hawaiian Affairs  
Tuesday, March 19, 2024  
2:00 p. m.  
State Capitol Conference Room 325 and via videoconference

Re: SB 2503 SD 2 HD 1 Relating to Equity

Dear Chair Tarnas, Vice Chair Takayama, and Honorable Members of the House Committee on Judiciary and Hawaiian Affairs:

I am Gary Simon, a member of the board of the Hawai'i Family Caregiver Coalition, whose mission is to improve the quality of life of those who give and receive care by increasing community awareness of caregiver issues through continuing advocacy, education, and training.

The Hawai'i Family Caregiver Coalition supports SB 2503 SD 2 HD 1, which requires all places of public accommodation and state building constructions constructed after December 31, 2024 to provide universal changing accommodations that are equally accessible regardless of gender and requires state building construction projects that are bid after June 30, 2025 to include universal changing accommodations that are equally accessible regardless of gender, when doing so is feasible and cost effective.

*Disabled children, adolescents, and adults — over the height and weight limits of baby changing tables — requiring help with toileting cannot use regular handicapped-accessible bathrooms. Instead, there must be a choice to stay home from public spaces, be laid down on a restroom floor to be changed by their caregiver, or leave the public place or event as soon as they need the restroom to be changed inside a vehicle or return home. Universal changing spaces have height-adjustable, adult-size changing tables that accommodate everyone. These are necessary for public areas such as restaurants, hotels, venues, movie theaters, and zoos so that disabled individuals can have equal opportunities to engage in activities and travel. All disabled Americans deserve a safe, private, and dignified changing space.<sup>1</sup>*

We urge you to support universal changing accommodations and SB 2503 SD 2 HD 1, we urge you to recommend its passage, and we thank you for seriously considering the bill.

Very sincerely,

A handwritten signature in black ink that reads "Gary Simon".

Gary Simon



Email [gsimon@aarp.org](mailto:gsimon@aarp.org)

1. Myers, Rebecca. Changing Spaces for People With Disabilities: Where to Find Them? healthnews. <https://healthnews.com/family-health/rehabilitation/changing-spaces-for-people-with-disabilities/> March 14, 2023.

**SB-2503-HD-1**

Submitted on: 3/15/2024 9:05:23 PM

Testimony for JHA on 3/19/2024 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:

This would really help more people with disabilities have greater access to the community as it would give them a sanitary, dignified place to change their incontinent supplies. It would improve their life and is an excellent idea.

**SB-2503-HD-1**

Submitted on: 3/16/2024 9:03:29 PM

Testimony for JHA on 3/19/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mike Golojuch	Rainbow Family 808	Support	Written Testimony Only

Comments:

Rainbow Family 808 supports SB2503. Please pass this bill.

Mike Golojuch, Sr. Secretary/Board Member



March 18, 2024

House Representative David Tarnas, Chair

House Representative Gregg Takayama, Vice Chair

Testimony to the House Committee on Judiciary & Hawaiian Affairs

Tuesday, March 19, 2024; 2:00 pm. State Capitol, Conf. Room 325 & Videoconference

RE: Senate Bill 2503 SD2 HD1 – RELATING TO EQUITY

Aloha Chair Tarnas, Vice Chair Takayama, and Members of the Committee on Judiciary & Hawaiian Affairs:

On behalf of the Epilepsy Foundation of Hawaii (EFH), we urge your **SUPPORT of Senate Bill 2503 SD2 HD1, RELATING TO EQUITY**. This bill supports providing universal changing accommodations in all places of public accommodation and state building construction after 12/31/24.

The Epilepsy Foundation is the leading national voluntary health organization that speaks on behalf of the at least 3.4 million Americans with epilepsy and seizures. Epilepsy Foundation of Hawaii, advocates and provides services for the almost 14,000 individuals living with epilepsy throughout Hawaii. Collectively, we foster the wellbeing of children and adults affected by seizures through research programs, educational activities, advocacy, and direct services. Epilepsy is a medical condition characterized by seizures, which are sudden surges of electrical activity in the brain, that affects a variety of mental and physical functions. Approximately 1 in 26 Americans will develop epilepsy, and approximately 1 in 10 people will experience a seizure, at some point in their lifetime.

Epilepsy is a chronic medical problem that for many people can be successfully treated. Unfortunately, treatment doesn't work for everyone. AT LEAST 1 million people in the United States have uncontrolled epilepsy, which is considered a disability by the Social Security Administration (SSA). Epilepsy does not discriminate. It can affect anyone at any age, gender, ethnicity, or size, and is often times a comorbidity with other disease states. For many, their epilepsy is debilitating.

Universal changing stations are height adjustable and support weights up to 300+ pounds, alleviating the challenge of caregivers having to navigate changing kupuna, adults and older children with disabilities either in their cars or unsafe and unsanitary spaces. Universal changing stations in state and federal buildings would establish equity for people who need a safe and sanitary space to change incontinent supplies and will ensure inclusion and continuity in community engagement in public spaces.

On behalf of the Epilepsy Foundation of Hawaii and our Board of Directors, we humbly thank you for the opportunity to testify and urge your **SUPPORT of Senate Bill 2503 SD2 HD1**.

Our mission is to lead the fight to overcome the challenges of living with epilepsy and to accelerate therapies to stop seizures, find cures, and save lives. **Please learn more about our advocacy work at [epilepsy.com/advocacy](http://epilepsy.com/advocacy).**



Mahalo nui loa,

*Kristina Hulama*

Kristina Hulama  
Program Coordinator  
Epilepsy Foundation of Hawaii

Our mission is to lead the fight to overcome the challenges of living with epilepsy and to accelerate therapies to stop seizures, find cures, and save lives. **Please learn more about our advocacy work at [epilepsy.com/advocacy](http://epilepsy.com/advocacy).**

**SB-2503-HD-1**

Submitted on: 3/16/2024 5:25:14 AM

Testimony for JHA on 3/19/2024 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:

Dear Chair Targas, Vice Chair Takayama, and members of the House Committee on Judiciary & Hawaiian Affairs

My name is Jari Sugano and I am writing in strong support of Senate bill 2503.

My daughter is 15 and has severe developmental delays. Her ability to go out in public is limited as there are no public facilities in our community that have an accessible bathroom for her to change her incontinent supplies.

Arizona, California, New Hampshire, Michigan and Pennsylvania have enacted laws creating Universal Changing Stations in public buildings granting access to individuals with disabilities.

Universal changing stations are height adjustable and support weights up to 300+ pounds. Adults and older children with disabilities, need a safe, sanitary and dignified place to change their incontinent supplies so they can actively engage in civic and community based activities. Infant tables can not support her weight. We are often forced to change her on bathroom floors or in the back of our vehicle.

Ideally, these accommodations should be placed in gender neutral restrooms so parents of all genders would not be limited to binary restroom limitations, especially when assisting older children of who may not be the same gender as the parent.

A change in law would heighten inclusiveness and ultimately could improve the quality of life for those with a disability in Hawaii. These accommodations will also benefit caregivers, seniors or kupuna, as well.

We do not intend to hold up construction of buildings already in the design and construction phase. However, it would be nice to see these accommodation one day at the capitol and other state facilities.

Estimated cost of these changing tables (Ex. Pressalit 3000) in 2023 was approximately \$12k via ocean freight to Hawaii. This price does not include the cost for installation.

Appreciate your consideration of our family's request, Jari Sugano

**SB-2503-HD-1**

Submitted on: 3/18/2024 11:53:47 AM

Testimony for JHA on 3/19/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
James Labrie	Individual	Support	In Person

Comments:

I am in strong support of this bill being that people with disabilities need a safe and dignifying place for hygiene reasons because when people with disabilities are at malls and they need a place to change. Most bathrooms dont have adult hanging tables. It would be useful to place changing tables into bathrooms because it would prevent them from having bed sores and skin irritation. It would greatly be important to me because if I have toileting needs while in public places, I would feel safe knowing that there is a place for me to do personal hygiene.

**SB-2503-HD-1**

Submitted on: 3/17/2024 7:47:33 PM

Testimony for JHA on 3/19/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Abby Simmons	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and esteemed Committee,

Please support SB2503 SD2 HD1.

Mahalo nui loa,  
Abby Simmons

**SB-2503-HD-1**

Submitted on: 3/18/2024 10:00:09 AM

Testimony for JHA on 3/19/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Renee Rabb	Individual	Support	Written Testimony Only

Comments:

Thank you for allowing me to testify in support of SB2503 by Senator De La Cruz which requires universal changing accomodations in new state buildings. Both men and women should have easy access to changing the babies in their charge.

Mahalo,

Renee Rabb

Hawaiian Paradise Park

Keaau, HI 96749

**SB-2503-HD-1**

Submitted on: 3/18/2024 3:58:04 PM

Testimony for JHA on 3/19/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Teri Heede	Individual	Support	Remotely Via Zoom

Comments:

EVERYBODY will benefit from passing this bill. You may think that a changing table won't make a difference until it's you or a loved one that has to use a bathroom floor.

Pass the bill!

**SB-2503-HD-1**

Submitted on: 3/19/2024 8:28:36 AM

Testimony for JHA on 3/19/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael EKM Olderr	Individual	Support	Written Testimony Only

Comments:

Please support this common sense bill