



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 14, 2023

The Honorable Representative Scot Z. Matayoshi, Chair
House Committee on Labor and Government Operations
The Thirty-Second Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Matayoshi and Committee Members:

SUBJECT: SB389 SD1 RELATING TO EQUITY

The Hawaii State Council on Developmental Disabilities **SUPPORTS SB389 SD1**, 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 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 SB389 SD1**.

Sincerely,

Daintry Bartoldus
Executive Administrator



HAWAI‘I CIVIL RIGHTS COMMISSION

KOMIKINA PONO KĪWILA O HAWAI‘I

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 • PHONE: 586-8636 • FAX: 586-8655 • TDD: 568-8692

Tuesday, March 14, 2023 at 9:30 a.m.
Room 309, and Videoconference

To: The Honorable Scot Z. Matayoshi, Chair
The Honorable Andrew Takuya Garrett, Vice Chair
Members of the House Committee on Labor & Government Operations

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

Re: S.B. No. 389, S.D.1

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 S.B. 389, S.D.1 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.

This measure would significantly aid those with disabilities who need help with toileting, by providing safe and sanitary facilities, and would allow them to join friends

and family members on outings. The lack of access to changing facilities can limit those with disabilities from leaving home. This bill will aid them and their caregivers.

The measure defines universal changing accommodations as a “powered, height adjustable adult changing station that is either floor or wall mounted.” New Hampshire, California, and Arizona have enacted similar measures, that are 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. In comparison, this measure would require universal changing accommodations in a broader range of establishments.



STATE OF HAWAII
HAWAII STATE PUBLIC LIBRARY SYSTEM
'OIHANA HALE WAIHONA PUKE AUPUNI O KA MOKU'ĀINA O HAWAII
OFFICE OF THE STATE LIBRARIAN
44 MERCHANT STREET
HONOLULU, HAWAII 96813

HOUSE COMMITTEE ON LABOR AND GOVERNMENT OPERATIONS

Tuesday, March 14, 2023

9:30 AM

Conference Room 309

**By Stacey A. Aldrich
State Librarian**

S.B. 389 S.D.1 RELATING TO EQUITY

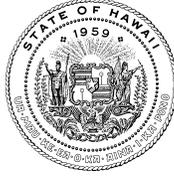
To: Rep. Scot Z. Matayoshi, Chair
Rep. Andrew Takuya Garrett, Vice Chair
Members of the House Committee on Labor and Government Operations

The Hawaii State Public Library System (HSPLS) **supports the intent of S.B. 389 S.D.1 and provides comments** on S.B. 389 S.D.1, which requires all public accommodations and state building construction constructed after December 31, 2023, to provide universal changing accommodations in public restrooms.

The HSPLS supports the intent of this measure, but notes that the December 31, 2023 timeline referenced in the definition of “new establishment” means that the measure will apply to buildings that completed final design 1-2 years ago. This may require significant change orders to redesign a previously finalized design and could delay the construction schedule for the project. Instead, we suggest that the Legislature consider a benchmark that could reasonably be met by the end of this year or change the timeline to buildings constructed after **December 31, 2024**.

Thank you for the opportunity to provide comments on H.B. 364.

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 HAWAII'Ī | KA MOKU'ĀINA O HAWAII'Ī
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES | KA 'OIHANA LOIHELU A LAWELAWÉ 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 LABOR & GOVERNMENT OPERATIONS

MARCH 14, 2023, 9:30 AM
CONFERENCE ROOM 309 AND VIA VIDEOCONFERENCE, STATE CAPITOL

S. B. 389, S.D. 1

RELATING TO EQUITY.

Chair Matayoshi, Vice Chair Garrett, and Members of the Committees thank you for the opportunity to submit **comments** on S.B. 389, S.D. 1 which requires all places of public accommodation and state building construction constructed after 12/31/23 to provide universal changing accommodations in that are equally accessible to men and women.

The Department of Accounting and General Services (DAGS) requests the following amendment be made in the proposed language contained in lines 20 – 21 on page 5 of the bill:

“ (e) Where feasible and cost effective, state building construction projects bid after June 30, 2024, shall include universal changing accommodations pursuant to part of Chapter 489.”

The addition of this amendment allows agencies to reasonably redesign projects already in process to meet this requirement and to minimize the claims for hardship due to unreasonable time constraints.

Thank you for the opportunity to submit comments on this measure.



DISABILITY AND COMMUNICATION ACCESS BOARD

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

March 14, 2023

TESTIMONY TO THE HOUSE COMMITTEE ON LABOR & GOVERNMENT OPERATIONS

Senate Bill 389 SD1 – Relating to Equity

The Disability and Communication Access Board (DCAB) supports Senate Bill 389 SD1 – Relating to Equity. This bill 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.

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 provides 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 the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW
Executive Director



Testimony to the House Committee on Labor & Government Operations
Tuesday, March 14, 2023
9:30 a. m.

State Capitol Conference Room 309 and via videoconference

Re: SB 389 SD 1 Relating to Equity

Dear Chair Matayoshi, Vice Chair Garrett, Honorable Members of the House Committee on Labor and Government Operations,

I am Gary Simon, a member of the board of the Hawaii 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 Hawaii Family Caregiver Coalition supports SB 389 SD 1, which requires all places of public accommodation and state building construction constructed after December 31, 2023 to provide universal changing accommodations that are equally accessible to men and women.

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.¹

We urge you to support SB 389 SD 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

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/>. February 20, 2023.



March 13, 2023

House Representative Scot Matayoshi, Chair, Labor & Government Operations
House Representative Andrew Takuya Garrett, Vice Chair, Labor & Government Operations
Testimony to the House Committee on Labor & Government Operations
Tuesday, March 14, 2023; 9:30 am. State Capitol, Conf. Room 309 & Videoconference

RE: Senate Bill 389 SD1 – RELATING TO EQUITY

Aloha Chair Matayoshi, Vice Chair Garrett, and Members of Committee:

On behalf of the Epilepsy Foundation of Hawaii (EFH), we urge your **SUPPORT of Senate Bill 389 SD1, RELATING TO EQUITY**. This bill supports providing universal changing accommodations in all places of public accommodation and state building construction after 12/31/23.

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 and inclusion to people who need a safe and sanitary space to change incontinent supplies in order for them to ensure 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 389 SD1**.

Mahalo nui loa,

A handwritten signature in blue ink that reads "Naomi Mameaf".



Naomi Manuel
Executive Director
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.**

SB-389-SD-1

Submitted on: 3/10/2023 7:20:01 PM

Testimony for LGO on 3/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Austen Kaneshiro	Individual	Support	Written Testimony Only

Comments:

Mr. Chair, Mr Vice Chair and members of the committee.

My name is Austen Kaneshiro.

This bill 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 for the opportunity to testify. I strongly support Senate Bill 389. Mahalo.

SB-389-SD-1

Submitted on: 3/10/2023 7:20:49 PM

Testimony for LGO on 3/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
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.

SB-389-SD-1

Submitted on: 3/10/2023 7:25:45 PM

Testimony for LGO on 3/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jari S.K. Sugano	Individual	Support	In Person

Comments:

Chair Matayoshi, Vice Chair Garett and Honorable Members of the Labor and Government Operations Committee

My name is Jari Sugano and I am the parent of two children with special and ever changing needs.

Children like my daughter and seniors who are incontinent can not utilize or access the restrooms in many state buildings.

As you fund and govern over new state buildings, we humbly ask that you consider the installation of universal changing stations. Universal changing stations can withstand heavier weights and can provide a safe and hygienic place for seniors and older children with a disability to change incontinent supplies. Without a place to use the restroom, many individuals have to decide how long they can stay away from home, change in their personal cars, change on the restroom floor or stay home completely.

We were encouraged to see a Pressalit Changing Table in the Interisland Terminal at the Honolulu International Airport. Its the first adult changing table we have seen in Hawaii.

A person's inability to utilize conventional restroom facilities directly affects their ability to enjoy and fully participate in community based activities. Thank you for the opportunity to provide strong support of HB1145.

SB-389-SD-1

Submitted on: 3/12/2023 8:26:23 PM

Testimony for LGO on 3/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
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

SB-389-SD-1

Submitted on: 3/13/2023 9:23:29 AM

Testimony for LGO on 3/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sarah Kern	Individual	Support	Written Testimony Only

Comments:

March 13, 2023

Aloha Chair Matayoshi, Vice Chair Garrett, and Committee Members,

My name is Sarah Kern and I am a resident of Lihue, Kauai. I am testifying in strong support of SB389 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