

STAND. COM. REP. NO. 875

Honolulu, Hawaii

MAR 03 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,



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KARL RHOADS, Chair



