



LATE

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 13, 2024

The Honorable Senator Joy A. San Buenaventura, Chair
Senate Committee on Health and Human Services
The Honorable Senator Angus L.K. McKelvey, Chair
Senate Committee on Government Operations
The Thirty-Second Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Senator San Buenaventura, Senator McKelvey, and Committee Members:

SUBJECT: SB2503 RELATING TO EQUITY

The Hawaii State Council on Developmental Disabilities **STRONGLY SUPPORTS SB2503**, which requires all places of public accommodation constructed after 12/31/24 and state building construction completed after 12/31/24 to provide universal changing accommodations that are equally accessible regardless of gender.

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 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.

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

Sincerely,

Daintry Bartoldus
Executive Administrator



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

February 13, 2024

TESTIMONY TO THE SENATE COMMITTEES ON HEALTH AND HUMAN SERVICES, AND GOVERNMENT OPERATIONS

Senate Bill 2503 – Relating to Equity

The Disability and Communication Access Board (DCAB) supports Senate Bill 2503 – Relating to Equity.

This bill would require all places of public accommodation constructed after 12/31/24 and all state building construction completed after 12/31/24 to provide universal changing accommodations in public restrooms that are equally accessible regardless of gender.

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 considering our position.

Respectfully submitted,

KIRBY L. SHAW
Executive Director



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, February 13, 2024

3:45pm

Conference Room 225 & Videoconference
State Capitol, 415 South Beretania Street

To: The Honorable Angus L.K. McKelvey, Chair
The Honorable Mike Gabbard, Vice Chair
Members of the Senate Committee on Government Operations

The Honorable Joy. A. San Buenaventura, Chair
The Honorable Henry J.C. Aquino, Vice Chair
Members of the Senate Committee on Health and Human Services

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

Re: S.B. 2503

The Hawai‘i Civil Rights Commission (HCRC) offers these comments on S.B. 2503, 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, 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 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.



LATE

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

SENATE COMMITTEES ON HEALTH AND HUMAN SERVICES AND GOVERNMENT OPERATIONS

Tuesday, February 13, 2024

3:45 p.m.

Conference Room 225

**By Stacey A. Aldrich
State Librarian**

S.B. 2503 RELATING TO EQUITY

To: Sen. Joy A. San Buenaventura, Chair
Sen. Henry, J.C. Aquino, Vice Chair
Members of the Senate Committee on Health and Human Services

Sen. Angus A.K. McKelvey, Chair
Sen. Mike Gabbard, Vice Chair
Members of the Senate Committee on Government Operations

The Hawaii State Public Library System (HSPLS) **supports the intent of S.B. 2503 and provides comments** on the bill, which requires all places of public accommodation constructed after 12/31/24 and state building construction completed after 12/31/24 to provide universal changing accommodations that are equally accessible regardless of gender.

The HSPLS supports the intent of this measure, but notes that the December 31, 2024 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 without significantly impacting projects that are nearing final design.

Thank you for the opportunity to provide supporting testimony on S.B. 2503.

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 | KA MOKU'ĀINA O HAWAII
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 COMMITTEES ON

GOVERNMENT OPERATIONS
HEALTH AND HUMAN SERVICES

FEBRUARY , 2024, 3:45 P.M.
CONFERENCE ROOM 225 AND VIA VIDEOCONFERENCE, STATE CAPITOL

S.B. 2503

RELATING TO EQUITY

Chairs McKelvey and San Buenaventura, Vice Chairs Gabbard and Aquino, and Members of the Committees, thank you for the opportunity to submit **comments** on S.B 2503 which requires all places of public accommodation constructed after 12/31/24 and state building construction completed after 12/31/24 to provide universal changing accommodations that are equally accessible regardless of gender.

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, 2025, 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.



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Second Legislature, 2024 Regular Session

Senate Committee on Government Operations

Senator Angus L.K. McKelvey, Chair

Senator Mike Gabbard, Vice Chair

Senate Committee on Health and Human Services

Senator Joy A. San Buenaventura, Chair

Senator Henry J.C. Aquino, Vice Chair

Tuesday, February 13, 2024, 3:45 PM.

State Capitol, Conference Room 225 & Via Videoconference

By:

Rodney A. Maile

Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2503, Relating to Equity.

Purpose: Requires all places of public accommodation constructed after 12/31/24 and state building construction completed after 12/31/24 to provide universal changing accommodations that are equally accessible regardless of gender.

Judiciary’s Position:

The Judiciary appreciates the intent of Senate Bill No. 2503 and offers the following comments and concerns.

Respectfully, this measure should not apply to State projects that have applied for building permits or projects that will have applied for building permits as of the effective date of the bill, even if they will be constructed after December 31, 2024.

As currently written, this bill would apply to and adversely impact the development of First Circuit's Wahiawā District Court. Wahiawā District Court's design is complete and the project is soon entering the building permit process. Indeed, the design documents have been offered for bidding and the project was awarded. Unfortunately, there is no room in the current design for universal changing accommodations and it would be costly to add the design at this late stage.

Thank you for the opportunity to testify on Senate Bill No. 2503.



Testimony to the Senate Committee on Government Operations
and to the Senate Committee on Health and Human Services
Tuesday, February 13, 2024
3:45 p. m.
State Capitol Conference Room 225 and via videoconference

Re: SB 2503 Relating to Equity

Dear Chair McKelvey, Vice Chair Gabbard, Honorable Members of the Senate Committee on Government Operations, Chair San Buenaventura, Vice Chair Aquino, and Honorable Members of the Senate Committee on Health and Human Services:

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, which requires all places of public accommodation constructed after December 31, 2024 and State building construction completed after December 31, 2024 to provide universal changing accommodations that are equally accessible regardless of gender.

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 universal changing accommodations and SB 2503, 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/> March 14, 2023.

SB-2503

Submitted on: 2/9/2024 6:34:49 PM

Testimony for HHS on 2/13/2024 3:45:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch Jr	Testifying for Stonewall Caucus of the Democratic Party of Hawai‘i; Hawai‘i	Support	Remotely Via Zoom

Comments:

Aloha Senators,

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.

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 for the DPH



February 13, 2024

Senator San Buenaventura, Chair

Senator Aquino, Vice Chair

Testimony to the Senate Committee on Health and Human Services

Senator McKelvey, Chair

Senator Gabbard, Vice Chair

Testimony to the Senate Committee on Government Operations

Tuesday, February 13, 2024; 3:45 pm. State Capitol, Conf. Room 225 & Videoconference

RE: Senate Bill 2503 – RELATING TO EQUITY

Aloha Chair San Buenaventura, Chair McKelvey, Vice Chair Aquino, Vice Chair Gabbard and Members of the Committees:

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

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](https://www.epilepsy.com/advocacy).**



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**.

Mahalo nui loa,

A handwritten signature in black ink that reads "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.**

SB-2503

Submitted on: 2/12/2024 3:33:16 PM

Testimony for HHS on 2/13/2024 3:45:00 PM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Testifying for 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

Submitted on: 2/12/2024 1:26:03 PM

Testimony for HHS on 2/13/2024 3:45:00 PM

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

Comments:

Dear Honorable Members of the Hawaii State Legislature,

I am writing to express my **strong support for SB2503**, which requires all places of public accommodation and state building construction after 12/31/24 to provide universal changing accommodations that are equally accessible to men and women.

As a parent of a child with a disability, I understand firsthand the challenges individuals with disabilities face when accessing public restrooms and changing facilities. It is crucial that we provide equal access and accommodations to all individuals.

This bill would ensure that public spaces in Hawaii are inclusive and accessible to everyone, regardless of physical ability. I urge you to pass SB2503 and help ensure that all individuals in Hawaii have access to safe, inclusive, and accessible facilities. Thank you for your time and consideration.

Sincerely,

Shana Metsch

SB-2503

Submitted on: 2/12/2024 4:40:16 PM

Testimony for HHS on 2/13/2024 3:45:00 PM

Submitted By	Organization	Testifier Position	Testify
Teri Heede	Individual	Support	In Person

Comments:

Mahalo for the opportunity to voice my support for this bill.

To accommodate our disabled and aging population is not an unreasonable ask. I was just in a public restroom a few weeks ago and watched a lady in her 50's assisting her mother in changing. There was no way and no place the older lady could get on the floor. They had to try and balance her against a wall and change standing up.

If this doesn't personally affect you now you might not understand the stress and discomfort this causes but, more than likely you will when it happens to you or a loved one.

Don't let that Karma Train hit you! Get this bill on the fast track!!

Respectfully Submitted,

Teri Heede

SB-2503

Submitted on: 2/10/2024 6:04:04 PM

Testimony for HHS on 2/13/2024 3:45:00 PM

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

Comments:

Dear Chairs San Buenaventura and McKelvey, Vice Chairs Aquino and Gabbard, and Senate Heath and Human Services and Government Operations

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.

According to the Center on Disease Control and Prevention (CDC), approximately 19% of Hawaii adults have a disability. Per the CDC, one in 5 adults in Hawaii are caregivers for adults who provide personal care to a friend or a family member with a health problem or disability.

Moreover, the Hawaii State Plan on Aging, estimates by 2030 nearly 28% of adults in Hawaii will be over the age of 60. There will be a 32% increase in adults over the age of 85 during the same period. These accommodations may help a broader and growing community with comparable issues.

Airports across the USA, including the Honolulu International Airport are creating Universal Changing Stations to allow those with disabilities access to travel. We hope senate bill SB2503 will be the start of increasing access to destinations within our community, across the county, and beyond.

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

Appreciate your consideration of our family's request.

Aloha, Jari Sugano

SB-2503

Submitted on: 2/10/2024 3:52:00 PM

Testimony for HHS on 2/13/2024 3:45:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael EKM Olderr	Individual	Support	Written Testimony Only

Comments:

I support this bill