



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 21, 2023

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: SB389 SD1 HD1 RELATING TO EQUITY.

The Hawaii State Council on Developmental Disabilities **SUPPORTS SB389 SD1 HD1**, which requires all places of public accommodation constructed after 12/31/23, and state building construction projects bid after 6/30/24, to provide one or more universal changing accommodations at each family restroom; provided that state building construction projects shall only be required to provide universal changing accommodations where feasible and cost effective. Provides exemptions for hardship. Makes a violation of the universal changing accommodations requirement an unlawful discriminatory practice. Creates a private cause of action for a violation, with defined remedies.

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 HD1**.

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 21, 2023 at 2:00 p.m.
Room 325, and Videoconference

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

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

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

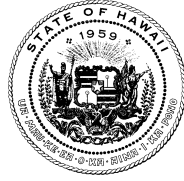
The HCRC offers these comments on S.B. 389, S.D.1, H.D.1 which requires all public accommodations constructed after 12/31/2023, and all state building construction projects bid after 6/30/24 to provide universal adult changing accommodations within all family restrooms. Exemptions are provided, and the measure provides a private right of action.

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. This exclusion is also expressly set forth in the proposed HRS § 489-G. 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, some more limited than this proposal, emphasizing large entertainment venues or state buildings. 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.

This is pioneering legislation that would aid those with disabilities, and their caregivers.



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 JUDICIARY & HAWAIIAN AFFAIRS
Tuesday, March 21, 2023
2:00 PM
Conference Room 325

By Stacey A. Aldrich
State Librarian

S.B. 389 SD1 HD1 RELATING TO EQUITY

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

The Hawaii State Public Library System (HSPLS) **supports the intent of S.B. 389 SD1 HD1**, which requires all public accommodations and state building construction constructed after December 31, 2023 and state building construction projects bid after June 30, 2024, to provide universal changing accommodations in public restrooms where feasible and cost effective.

The HSPLS supports the intent of this measure and the amendments proposed in the HD1 draft.

Thank you for the opportunity to provide 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 21, 2023

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Senate Bill 389 SD1 HD1 – Relating to Equity

The Disability and Communication Access Board (DCAB) supports Senate Bill 389 SD1 HD1 – Relating to Equity. This bill would require all places of public accommodation constructed after 12/31/23, and state building construction projects bid after 6/30/24, to provide one or more universal changing accommodations at each family restroom; provided that state building construction projects shall only be required to provide universal changing accommodations where feasible and cost effective. Also, this bill would provide exemptions for hardship, make a violation of the universal changing accommodations requirement an unlawful discriminatory practice, and create a private cause of action for a violation, with defined remedies.

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

SB-389-HD-1

Submitted on: 3/17/2023 6:18:13 PM

Testimony for JHA on 3/21/2023 2:00:00 PM

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.



March 18, 2023

Representative David A. Tarnas, Chair, Judiciary & Hawaiian Affairs

Representative Gregg Takayama, Vice Chair, Judiciary & Hawaiian Affairs

Testimony to the House Committee Judiciary & Hawaiian Affairs

Tuesday, March 21, 2023; 2:00 pm. State Capitol, Conf. Room 325 & Videoconference

RE: Senate Bill 389 SD1 HD1 – RELATING TO EQUITY

Aloha Chair Tarnas, Vice Chair Takayama, and Members of Committee:

On behalf of the Epilepsy Foundation of Hawaii (EFH), we urge your **SUPPORT of Senate Bill 389 SD1 HD1, 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 HD1**.

Mahalo nui loa,

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

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.**



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.**



Testimony to the House Committee on Judiciary and Hawaiian Affairs
Tuesday, March 21, 2023
2:00 p. m.

State Capitol Conference Room 325 and via videoconference

Re: SB 389 SD 1 HD 1 Relating to Equity

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

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 HD 1, which requires all places of public accommodation constructed after December 31, 2023 and state building construction projects bid after June 30, 2024 to provide one or more universal changing accommodations at each family restroom.

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 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

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-389-HD-1

Submitted on: 3/17/2023 10:16:02 PM

Testimony for JHA on 3/21/2023 2:00:00 PM

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

Comments:

Chair Tarnas, Vice Chair Takayama and members of the House Judiciary and Hawaiian Affairs

Mahalo for the opportunity to provide testimony in strong support of SB389.

My name is Jari Sugano and I am the parent of two children with special and ever changing abilities. 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 public construction projects, we humbly ask that you consider the installation of universal changing stations. These tables are larger than standard infant changing tables. They can withstand the weight of older children and adults.

We by no means intend to hold up current construction projects. We simply ask that you have the foresight like the Dept of Transportation to include universal changing tables in future family bathrooms.

Currently in the State of Hawaii, we could only locate one unit in the Daniel K. Inouye International Airport. We commend the Department of Transportation for having the foresight to include families like ours in their restroom design.

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.

Aloha, Jari Sugano

SB-389-HD-1

Submitted on: 3/17/2023 4:11:55 PM

Testimony for JHA on 3/21/2023 2:00:00 PM

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

Comments:

March 17, 2023

Aloha Chair Tarnas, Vice Chair Takayama, 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

SB-389-HD-1

Submitted on: 3/18/2023 8:25:49 AM

Testimony for JHA on 3/21/2023 2:00:00 PM

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-HD-1

Submitted on: 3/19/2023 9:25:33 AM

Testimony for JHA on 3/21/2023 2:00:00 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 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.

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 SB389 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

shanametsch@yahoo.com

808.652.9206

SB-389-HD-1

Submitted on: 3/20/2023 10:37:49 AM

Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaili	Individual	Support	Written Testimony Only

Comments:

i support SB 389 SD 1 please pass this bill thank you.