

JAN 17 2025

A BILL FOR AN ACT

RELATING TO EQUITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 489, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART . UNIVERSAL CHANGING ACCOMMODATIONS

5 §489-A Definitions. As used in this part:

6 "New establishment" means a place of public accommodation
7 or public entity construction that is constructed after July 31,
8 2026.

9 "Public entity" has the same meaning as defined in title 42
10 United States Code section 12131.

11 "Public entity construction" means any building
12 construction project or program initiated by a public entity or
13 requiring the use of public entity funds.

14 "Restroom for public use" means a restroom for a place of
15 public accommodation or public entity construction that is
16 accessible to persons, other than employees.



1 "Universal changing accommodation" means a powered, height-
2 adjustable adult changing station that is either floor or wall-
3 mounted and installed within an enclosed restroom facility in a
4 women's, men's, gender-neutral, or unisex family restroom.

5 **§489-B New establishments; criteria and application.** A
6 place of public accommodation or public entity construction
7 shall be deemed to be constructed on either the date that a
8 certificate of occupancy was issued or the first date of
9 occupancy for public use, whichever is earlier, regardless of
10 whether the place of public accommodation or public entity
11 construction has obtained a certificate of occupancy in
12 compliance with applicable state and county laws.

13 **§489-C Universal changing accommodations; required.** (a)
14 On each floor containing restrooms for public use, each new
15 establishment shall provide, at a minimum:

16 (1) Two universal changing accommodations; provided that
17 one is accessible by women and one is accessible by
18 men; or

19 (2) One universal changing accommodation that is
20 accessible by persons of any gender identity or
21 expression.



1 (b) Each new establishment shall post signage indicating
2 the location of each universal changing accommodation.

3 (c) A violation of this section shall constitute an
4 unlawful discriminatory practice.

5 **§489-D Construction documents.** Construction documents for
6 each new establishment shall specify whether a restroom is a
7 restroom for public use and the location of each universal
8 changing accommodation within a restroom for public use as
9 required under section 489-C(a). If a restroom is not specified
10 as a restroom for public use on the construction documents but,
11 subsequent to the issuance of the building permit authorizing
12 the construction or renovation of the restroom, there is a
13 change in the designation of the restroom to a restroom for
14 public use, a universal changing accommodation shall be provided
15 upon the change of designation if required under section
16 489-C(a).

17 **§489-E Hardship exemption.** A new establishment shall not
18 be subject to the provisions of this part if compliance would
19 create a hardship. Compliance shall be deemed to create a
20 hardship if:



- 1 (1) No reasonable physical option exists for providing
2 universal changing accommodations; or
3 (2) The cost of providing universal changing
4 accommodations exceeds ten per cent of the cost of
5 constructing, purchasing, or substantially modifying
6 the new establishment.

7 **§489-F Violations; unlawful discriminatory practice;**
8 **private cause of action.** Any person who is injured by an
9 unlawful discriminatory practice under this part may bring
10 proceedings to enjoin the unlawful discriminatory practice, and
11 if the judgment is for the plaintiff, the plaintiff shall be
12 awarded reasonable attorneys' fees, the cost of the suit, and a
13 sum of \$100. Any action under this part shall be subject to the
14 jurisdiction of the district courts as provided under
15 chapter 604 and may be commenced and conducted in the small
16 claims division of the district court.

17 **§489-G Exclusion from civil rights commission.**
18 Notwithstanding any other law to the contrary, this part shall
19 not be subject to chapter 368 and shall not be enforced by the
20 civil rights commission."



1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 3. If any provision of this Act, or the
5 application thereof to any person or circumstance, is held
6 invalid, the invalidity does not affect other provisions or
7 applications of the Act that can be given effect without the
8 invalid provision or application, and to this end the provisions
9 of this Act are severable.

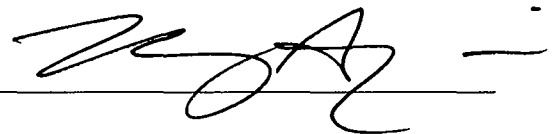
10 SECTION 4. In codifying the new sections added by
11 section 1 of this Act, the revisor of statutes shall substitute
12 appropriate section numbers for the letters used in designating
13 the new sections in this Act.

14 SECTION 5. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 6. This Act shall take effect on July 1, 2025.

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INTRODUCED BY: _____



Report Title:

Equity; Universal Changing Accommodations; Public Accommodation;
Public Entity Construction

Description:

Requires all places of public accommodation and public entity constructions constructed after 7/31/2026, to provide universal changing accommodations that are equally accessible regardless of gender.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

