

JAN 23 2026

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# A BILL FOR AN ACT

RELATING TO CIVIL RIGHTS.

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

1 SECTION 1. The legislature finds that the information age  
2 is changing how providers of public accommodations and public  
3 services communicate with their customers. Many service  
4 providers use websites, software applications, and other  
5 technologies to take reservations, display menus, take orders,  
6 make sales, and provide product information.

7 The legislature recognizes that ready access to, and the  
8 ability to use, information and communication technology is  
9 essential to allow all citizens to fully engage with and enjoy  
10 public goods, services, facilities, privileges, advantages, and  
11 accommodations. However, the legislature is aware that some  
12 websites and applications used by public accommodation providers  
13 in the State are not accessible to persons with disabilities,  
14 denying them full and equal access.

15 The legislature also recognizes that existing state and  
16 federal laws that prohibit discrimination in public  
17 accommodations based on disability could better inform providers



1 of public accommodations and benefit persons with disabilities  
2 by clarifying requirements for electronic access.

3 Accordingly, the purpose of this Act is to make it an  
4 unlawful discriminatory practice for a place of public  
5 accommodation to deny a person with a disability full and equal  
6 enjoyment of, or information related to, their goods, services,  
7 facilities, privileges, advantages, or accommodations by  
8 requiring the use of information and communication technology  
9 that is not accessible to the person.

10 SECTION 2. Section 489-2, Hawaii Revised Statutes, is  
11 amended by adding four new definitions to be appropriately  
12 inserted and to read as follows:

13 ""Accessible"" means the ability to receive, use, and  
14 manipulate data, and operate any controls included in  
15 information and communication technology, in a manner equivalent  
16 to that of a person who does not have a disability.

17 "Information and communication technology" means electronic  
18 information, software, systems, or equipment used in the  
19 creation, manipulation, storage, display, or transmission of  
20 data, including internet and intranet systems, websites and  
21 interfaces, software applications, operating systems, video and



1 multimedia, telecommunications products, kiosks, information  
2 transaction machines, copiers, printers, smartphones, tablets,  
3 and desktop and portable computers.

4        "Software application" means software that is designed to  
5        run on a device, including a smartphone, tablet, self-service  
6        kiosk, wearable technology item, laptop or desktop computer, or  
7        another device, and that performs or helps the user perform a  
8        specific task.

9            "Website" means any collection of related web pages,  
10          images, videos, or other digital assets placed in one or more  
11          computer server-based file archives so that the collection can  
12          be accessed over the internet or through a private computer  
13          network."

**14** SECTION 3. Section 489-5, Hawaii Revised Statutes, is  
**15** amended to read as follows:

16 "§489-5 Other discriminatory practices. (a) It [is]  
17 shall be a discriminatory practice for two or more persons to  
18 conspire[+] to:

19 (1) [To retaliate] Retaliate or discriminate against a  
20 person because the person has opposed an unfair  
21 discriminatory practice;



1                   (2) ~~To aid,~~ Aid, abet, incite, or coerce a person to  
2                   engage in a discriminatory practice; or  
3                   (3) Wilfully~~, to~~ obstruct~~to~~ or prevent~~to~~ a person from  
4                   complying with this chapter.

5                   (b) It ~~is~~ shall be a discriminatory practice to deny a  
6                   person the full and equal enjoyment of the goods, services,  
7                   facilities, privileges, advantages, and accommodations of a  
8                   place of public ~~accommodations~~ accommodation because of the  
9                   known disability of an individual with whom the person is known  
10                  to have a relationship or association.

11                  (c) It shall be a discriminatory practice to deny a person  
12                  with a disability full and equal enjoyment of the goods,  
13                  services, facilities, privileges, advantages, or accommodations  
14                  of a place of public accommodation, or information related to  
15                  the goods, services, facilities, privileges, advantages, or  
16                  accommodations by requiring the use of information and  
17                  communication technology that is not accessible to the person.

18                  (d) Beginning July 1, 2026, each place of public  
19                  accommodation shall ensure that all:

20                  (1) Information and communication technology used to  
21                  communicate with applicants, participants, customers,



1           clients, visitors, and other members of the public is  
2           accessible to persons with disabilities; and  
3        (2)   Communications and interactions carried out through  
4           information and communication technology with  
5           applicants, participants, customers, clients,  
6           visitors, and other members of the public who have  
7           disabilities are as accessible and effective as  
8           communications and interactions with individuals  
9           without disabilities.

10       (e)   For the purposes of this section, a website that meets  
11       or exceeds the most current version of the World Wide Web  
12       Consortium Web Content Accessibility Guidelines shall be deemed  
13       accessible.

14       (f)   A place of public accommodation shall not be deemed to  
15       be in violation of this section if compliance would impose an  
16       undue burden or fundamentally alter the nature of the  
17       information and communication technology used."

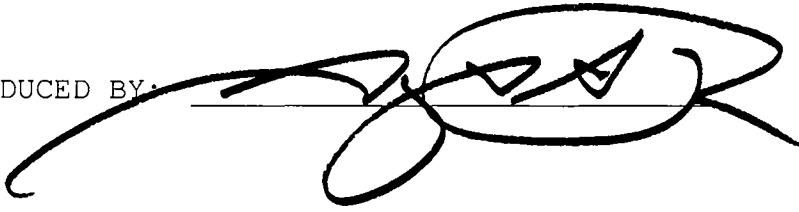
18           SECTION 4. This Act does not affect rights and duties that  
19       matured, penalties that were incurred, and proceedings that were  
20       begun before its effective date.



1 SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.

4

INTRODUCED BY: 



# S.B. NO. 2852

**Report Title:**

Discrimination in Public Accommodations; Persons with Disabilities; Discriminatory Practices; Places of Public Accommodation

**Description:**

Establishes it as an unlawful discriminatory practice for a place of public accommodation to deny a person with a disability full and equal enjoyment of information related to their services, facilities, privileges, advantages, or accommodations by requiring use of information and communication technology that is not accessible to the person. Establishes exceptions.

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