



**STATE OF HAWAI'I  
KA MOKU'ĀINA O HAWAI'I  
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES  
'A'UNIKE MOKU'ĀPUNI NO KA NĀ KĀWAI KULA**

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February 4, 2026

The Honorable Senator Joy A. San Buenaventura, Chair  
Senate Committee on Health and Human Services  
The Honorable Senator Brandon J.C. Elefante, Chair  
Senate Committee on Labor and Technology  
The Thirty-Third Legislature  
State Capitol  
State of Hawai'i  
Honolulu, Hawai'i 96813

Dear Chairs San Buenaventura and Elefante, and Committee Members:

**SUBJECT: SB2852 RELATING TO CIVIL RIGHTS**

The Hawai'i State Council on Developmental Disabilities (DDC) submits testimony **in SUPPORT of SB2852** which, 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.

As more services, transactions, and interactions move to digital platforms, access to information and communication technology has become essential to full participation in community life. For people with intellectual and developmental disabilities (I/DD), inaccessible websites, applications, kiosks, and other digital systems can function as complete barriers to accessing goods and services that are otherwise available to the public. These barriers undermine independence, dignity, and equal opportunity.

While state and federal civil rights laws prohibit discrimination based on disability, the lack of explicit statutory guidance regarding digital accessibility has led to inconsistent practices and preventable exclusion. By aligning expectations with recognized accessibility standards and acknowledging existing exceptions for undue burden and fundamental alteration, the measure provides a balanced, workable framework for compliance while reinforcing longstanding civil rights protections.

Civil rights protections must evolve alongside how services are delivered. This measure helps ensure that people with disabilities are not excluded from full participation in public life simply because access has shifted to digital platforms.

For these reasons, the Hawai'i State Council on Developmental Disabilities **supports SB2852.**

Thank you for the opportunity to submit testimony.

Sincerely,

A handwritten signature in blue ink, reading "Daintry Bartoldus".

Daintry Bartoldus  
Executive Administrator



# **HAWAI‘I CIVIL RIGHTS COMMISSION**

## **KOMIKINA PONO KĪWILA O HAWAI‘I**

830 PUNCHBOWL STREET, ROOM 411, HONOLULU, HI 96813 · PHONE: (808) 586-8636 · FAX: (808) 586-8655 · TDD: (808) 586-8692

DATE: Wednesday, February 4, 2026  
TIME: 1:00 PM  
PLACE: Conference Room 225 & Videoconference  
State Capitol  
415 South Beretania Street  
TIMESLOT: HHS

To:

[COMMITTEE ON HEALTH AND HUMAN SERVICES](#)

Senator Joy A. San Buenaventura, Chair

Senator Angus L.K. McKelvey, Vice Chair

[COMMITTEE ON LABOR AND TECHNOLOGY](#)

Senator Brandon J.C. Elefante, Chair

Senator Rachele Lamosao, Vice Chair

**Re: SB 2852 Relating to Civil Rights**  
**Testimony in SUPPORT with Comments**

**The Hawai‘i Civil Rights Commission (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. HCRC enforces laws protecting the people of Hawai‘i from discrimination in the areas of housing, employment, public accommodations, and in state and state-funded services.

SB 2852 has been updated from last years’ S.B. 1496 S.D. 1, H.D. 1 and its purpose is to establish that it is an unlawful discriminatory practice for places 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 using information and communication technology intended for use by the general public as applicants, participants, customers, clients, or visitors.

As the agency tasked with enforcing laws protecting the people of Hawai'i in public accommodations, HCRC recognizes the importance of this expanded coverage. Accessibility benefits everyone. This bill recognizes the present and future reality that public accommodations are no longer confined to physical brick-and-mortar structures, and including digital places in the definition of "place of public accommodation" better reflects Hawaii's foundational values of inclusivity, dignity and equality.

It appears that SB 2852 took into consideration the feedback from community stakeholders that ascribing to the standard set by WCAG 2.2 (or whatever the latest version is) may have some negative unintended effects such as burdening businesses and imposing a standard beyond that required by the Department of Justice or any current Hawai'i State law.

SB 2852 includes the more generalized standard that "a website that meets or exceeds the most current version of the World Wide Web Consortium Web Content Accessibility Guidelines shall be deemed accessible". Although this approach prevents collective failure and rewards standouts, a concern remains that this standard sets the bar too high, too soon for meaningful progress to accessibility. A more graduated or flexible compliance model may have more success.

The HCRC supports SB 2852 and welcomes further dialogue to identify the most effective way to improve accessibility for individuals with disabilities in our community.

Thank you for hearing this bill.

**SB-2852**

Submitted on: 1/30/2026 6:56:59 PM

Testimony for HHS on 2/4/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Testifying for Hawaii Disability Rights Center	Support	Written Testimony Only

Comments:

It is our understanding that much of federal law has evolved to acknowledge the role of technology and websites in our daily life and to incorporate provisions into disability law to protect individuals with disabilities. We certainly support the effort of the state to enact similar protections.

National Federation of the Blind of Hawaii  
Testimony submitted by James Gashel, legislative chair

Senate joint committee hearing  
Health and Human Services (HHS) Committee, and  
Labor and Technology (LBT) Committee

Thirty-third legislature, 2026 regular session  
February 4, 2026, 1:00 pm, hearing on SB2852

Good afternoon chairs San Buenaventura and Elefante, vice chairs McKelvey and Lamosao, and members. I am James Gashel, National Federation of the Blind (NFB) of Hawaii, legislative chair, strongly supporting SB2852, requiring information technology used by public accommodations to be accessible to persons with disabilities.

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

State and federal laws require equal access to places of public accommodation without discrimination based on disability but need updating to include specifics about digital, not just physical, access. Physical access was the original focus of our public accommodations laws, but digital access has now become equally and at times even more important.

Despite broad language in both HRS chapter 489 and section 302 of the Americans with Disabilities Act, requiring access to places of public accommodation, websites and mobile applications they use today far too often have barriers to access by persons with disabilities. These disability barriers deny access, but are often not understood as discriminatory. Without equal access to websites and applications, many individuals with disabilities are excluded from equal participation in and equal access to all aspects of society, and are treated as second-class citizens; defeating the purpose of HRS chapter 489.

#### What This Bill Will Do

SB2852 clarifies and strengthens the obligations of public accommodations by:

- Defining accessibility in the digital age -- The bill explicitly includes information and communications technology under the definition of public accommodations, ensuring that digital services are held to the same non-discrimination standards as physical spaces.
- Requiring compliance with established accessibility standards -- Places of public accommodation will be required to ensure that their websites, applications, and other digital

technologies meet Web Content Accessibility Guidelines (WCAG) 2.1 Level AA, including subsequent revisions. This is a widely recognized standard for digital accessibility.

- Providing flexibility for businesses -- Recognizing that some entities may face challenges, the bill includes reasonable exemptions for cases where compliance would impose an undue burden or fundamentally alter the nature of the technology.

### Importance of Digital Accessibility

Technology has the power to bridge gaps or deepen divides. When digital platforms are inaccessible, individuals with disabilities face barriers to employment, healthcare, education, and essential services. Ensuring accessibility is not just a legal obligation--it is a moral imperative that affirms the dignity and equality of all members of our community.

By passing SB2852 Hawaii will once again demonstrate its commitment to inclusive innovation and equal opportunity. This bill modernizes our public accommodation laws to reflect the realities of the digital world while upholding the principles of fairness and accessibility.

This bill will make Hawaii a national leader in equal access to the digital world. Mahalo for hearing SB2852 today.

**SB-2852**

Submitted on: 1/31/2026 8:38:35 PM

Testimony for HHS on 2/4/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marie Kouthoofd	Individual	Support	In Person

Comments:

Written Testimony in Support of SB2852

Relating to Accessible Public Accommodations Technology

Before the Senate Committees on Health and Human Services (HHS) and Labor and Technology (LBT)

My name is Marie Kouthoofd, and I am submitting testimony in support of SB2852.

I am blind, and I encounter barriers when information is delivered through digital systems that are not usable with assistive technology. Today, public accommodations rely on websites, mobile apps, kiosks, reservation platforms, and online communication tools. When those systems are not usable, I cannot independently obtain information that others can easily retrieve.

This affects ordinary activities such as understanding services, completing transactions, and communicating with businesses. It forces reliance on others and limits independent participation in public life.

SB2852 clarifies that information delivered through digital systems is part of what public accommodations provide to the public. Physical entry alone does not address exclusion when services and information are handled digitally.

The bill relies on established standards, including WCAG 2.1 Level AA, which are already widely used. It also includes safeguards, allowing exceptions where compliance would impose an undue burden or fundamentally alter a service.

As more public accommodations operate through digital systems, it is reasonable to expect those systems to work for the public they serve. SB2852 brings existing nondiscrimination law into alignment with how services are delivered today.

I urge the committees to pass SB2852 and move it forward.

Thank you for the opportunity to submit testimony.

Respectfully,

Marie Kouthoofd

**LATE**

**SB-2852**

Submitted on: 2/1/2026 10:37:36 PM

Testimony for HHS on 2/4/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rodney Kouthoofd	Individual	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Committee Members:

My name is Rodney Kouthoofd, and I am submitting written testimony in support of SB2852, the Accessible Public Accommodations Technology bill.

I am not blind. My wife is. Through the years I have watched her independence flourish with technology. I have also watched that independence disappear when the technology is not accessible.

I have seen people bypass her and speak to me instead just to complete a basic transaction. I have had her hand me a phone, that is otherwise fully accessible, so I can finish a task for her because an app is inaccessible. This is not a limitation of ability, it is a failure of design.

When technology works with assistive tools, my wife functions independently and efficiently. The tools already exist. What is missing is accessibility. SB2852 helps establish expected accessibility to be standard practice rather than an afterthought.

Sincerely,

Rodney Kouthoofd

**SB-2852**

Submitted on: 2/2/2026 8:26:30 PM

Testimony for HHS on 2/4/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tabatha Mitchell	Individual	Support	Remotely Via Zoom

Comments:

Testimony submitted by Tabatha Mitchell, mother of a blind graduate of Kalaheo High School that is currently at college pursuing her degree in biochemistry.

Senate Health and Human Services (HHS) Committee, and

Senate Labor and Technology (LBT) Committee

Thirty-third legislature, 2026 regular session

February 4, 2026, 1:00 pm, hearing on SB2852

Good afternoon chairs, vice chairs, and members. I am Tabatha Mitchell of Kaneohe, and I strongly support SB2852, requiring information technology used by places of public accommodation to be accessible to persons with disabilities.

This bill is vital because it promotes full and equal access to the digital world. Lack of accessibility in websites, software, documents, and etc is a deal breaker. It is a hard stop. It creates obvious and complete barriers to information. Period.

I got a full dose of this reality when I had to take a leave of absence from my full-time job just so I could sit beside my blind daughter and operate a mouse in order for her to access her curricula as a high school student. It was shocking.

She has been trained since KG on how to use computers non-visually. As a matter-of-fact, she was so capable of using her computer equipment without eyes that she often made videos that helped instruct other blind kids on how to do things on their computers and phones with screen readers and voice over technology. So her computer skill level should never be misconstrued as the problem. Inaccessible websites that she was sent to multiple times a day were the problem.

Public library sites where she would seek out resources for her research were the problem. Hawai'i DMV, where she tried to go to the websites to read her bus schedules and to apply to get her first state ID were the problem. The Kaiser app where she tried to make her own appointments and manage her own healthcare before leaving home and going to college was the problem. I could go on and on and on...

Barriers to digital access are barriers to equal opportunity. It is shockingly sad how blind people are treated. Blind people are not the problem. Letting companies, agencies, and public facing entities ignore simple digital solutioning is the problem. These entities create inaccessible material and systems and turn a blind eye to their egregious acts. It must stop. It's 2026; not 1926.

Physical access was the original focus of public accommodations laws, but digital access has now become equally important. Without equal access to websites and applications, individuals with disabilities are excluded from equal participation in important parts of society, and are treated as second-class citizens; defeating the purpose of our state's civil rights, public accommodations law.

Compared to existing law, SB2852 clarifies and strengthens the obligations of public accommodations by:

- Defining accessibility in the digital age -- The bill explicitly includes information and communications technology under the definition of public accommodations, ensuring that digital services are held to the same non-discrimination standards as physical spaces.
- Requiring compliance with established accessibility standards -- Places of public accommodation will be required to ensure that their websites, applications, and other digital

technologies meet Web Content Accessibility Guidelines (WCAG) 2.1 Level AA, including subsequent revisions. This is a widely recognized standard for digital accessibility.

- Providing flexibility for businesses -- Recognizing that some entities may face challenges, the bill includes reasonable exemptions for cases where compliance would impose an undue burden or fundamentally alter the nature of the technology.

Take just one moment to think about how you will want to be treated as you age and your vision deteriorates. It's a very real concern and one that needs a legislative directive to be corrected. Amazingly, the solutions are not hard or wildly expensive. WCAG guidelines are already out there, and they've been around for a long while. They've just been allowed to be ignored; which is frankly unacceptable.

Mahalo for considering SB2852. Please vote to approve this bill and move it ahead in the current session.

**SB-2852**

Submitted on: 2/2/2026 2:34:15 PM

Testimony for HHS on 2/4/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Parsell	Individual	Support	Written Testimony Only

## Comments:

Good afternoon Chairs, Vice Chairs, and Members of the Committees.

My name is Jessica Parsell, and I strongly support SB2852, which requires information technology used by places of public accommodation to be accessible to persons with disabilities.

This bill is vital because full participation in modern society increasingly depends on access to digital information and services. When websites and mobile applications are inaccessible, people with disabilities face real and ongoing barriers to equal opportunity. These barriers contribute to a digital divide that affects everyday activities such as accessing services, completing transactions, and obtaining essential information.

As a blind person, I regularly encounter websites and applications that are not accessible with screen-reading technology. When digital platforms are poorly designed, I may be unable to independently read content, complete forms, or navigate essential services that are readily available to others. These barriers limit independence and unnecessarily exclude blind individuals from full participation in daily life.

Public accommodations laws were originally written with physical access as the primary focus. While physical accessibility remains essential, digital access has become equally important. Without accessible digital technology, people with disabilities, particularly blind individuals, are effectively excluded from many public accommodations, contrary to the intent of Hawaii's civil rights laws.

SB2852 appropriately updates existing law by clearly including digital technology within the definition of public accommodations, requiring compliance with established accessibility standards such as WCAG 2.1 Level AA, and allowing reasonable flexibility where compliance would impose an undue burden.

By passing SB2852, Hawaii can take an important step toward ensuring equal access in the digital age. Mahalo for the opportunity to submit testimony. I respectfully urge you to pass SB2852 and move it forward this session.

Testimony submitted by Donald Sakamoto

Senate Health and Human Services (HHS) Committee, and  
Senate Labor and Technology (LBT) Committee

Thirty-third legislature, 2026 regular session

February 4, 2026, 1:00 pm, hearing on SB2852

Good afternoon chairs, vice chairs, and members. I am Donald Sakamoto, strongly supporting SB2852, requiring information technology used by places of public accommodation to be accessible to persons with disabilities.

The Importance of Digital Accessibility Technology has the power to bridge gaps or deepen divides. When digital platforms are inaccessible, individuals such as myself who is blind or others with disabilities face barriers to employment, healthcare, education, and essential services. Ensuring accessibility is not just a legal obligation, it is a moral imperative that affirms the dignity and equality of all members of our population.

By passing SB2852, Hawaii will demonstrate its commitment to inclusive innovation and equal opportunity. Furthermore, this bill modernizes our public accommodation laws to reflect the realities of the digital world while upholding the principles of fairness and accessibility.

I urge you all to prepare in supporting SB2852 to be passed to proceed on for this legislative session. Famous “failing to prepare, you are preparing to fail” by Benjamin Franklin.

Thank you so much for allowing me the opportunity to testify.

**SB-2852**

Submitted on: 2/3/2026 8:55:16 AM

Testimony for HHS on 2/4/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
ANNETTE TASHIRO	Individual	Support	Written Testimony Only

## Comments:

Hawaii must have Digital Accessibility Technology. We keep professing that Hawaii can be digitally connected. Without accessibility to all people, especially the marginalized, such as kupuna and people with disabilities, Hawaii's people cannot be fully connected to viable information. I am part of a Community Emergency Response Team. Monday, 2/2/26 was an active test for us on the Windward side of Oahu. Power was down at 7PM when we were doing our Communication Exercise. Reports varied between members. We were able to keep updated. Some of our members are blind. If not for the minimal accessible technology they had at hand, they would have been cut off from the current events. Hawaii needs more. Mahalo for supporting this effort.

**SB-2852**

Submitted on: 2/3/2026 9:11:11 AM

Testimony for HHS on 2/4/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaili Swan	Individual	Support	Remotely Via Zoom

Comments:

I am in strong support of this measure beacuse people with disabilty have rights to have access to the affordable technology to have access to the innترنت to ceck their emails or looking up the transit schedule arrival time please pass this bill thank you

**SB-2852**

Submitted on: 2/3/2026 9:49:11 AM

Testimony for HHS on 2/4/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joel Cho	Individual	Support	Written Testimony Only

## Comments:

Good afternoon chairs, vice chairs, and members. My name is Joel Cho and I support SB2852, because it would require that places of business and service that are open to the public offer technology that is accessible to persons with disabilities.

As a blind person myself, I've watched technology come a long way in improving the ease of access in many aspects of daily life, but like many things technology is a constant that does not stand still. Poor accessible technology slows the line down for everybody. I don't want to hold up my restaurant server while she has to read the whole menu to me, I really don't want to whisper back and forth to the nurse receptionist who's trying to discretely fill out my patient intake form, and it sure would be neat to be able to fill out my service animal form on my own when I fly home to the Big Island with my guide dog, Emery.

Compared to existing law, SB2852 clarifies and strengthens the obligations of public accommodations by:

- Defining accessibility in the digital age -- The bill explicitly includes information and communications technology under the definition of public accommodations, ensuring that digital services are held to the same non-discrimination standards as physical spaces.
- Requiring compliance with established accessibility standards -- Places of public accommodation will be required to ensure that their websites, applications, and other digital technologies meet Web Content Accessibility Guidelines (WCAG) 2.1 Level AA, including subsequent revisions. This is a widely recognized standard for digital accessibility.
- Providing flexibility for businesses -- Recognizing that some entities may face challenges, the bill includes reasonable exemptions for cases where compliance would impose an undue burden or fundamentally alter the nature of the technology.

This bill will make Hawai'i a national leader in equal access to the digital world. Mahalo for considering SB2852. Please vote to approve this bill and move it ahead in the current session.

PETER L. FRITZ  
T-MOBILE RELAY: (808) 586-0077  
EMAIL: PLFLEGIS@FRITZHQ.COM

Testimony of Peter Fritz on SB 2852

RELATING TO CIVIL RIGHTS

Chairs San Buenaventura and Elefante, Vice Chairs McKelvey and Lamosao, and Members of the Committee,

I am Peter Fritz, an attorney with experience in matters related to the Americans with Disabilities Act (ADA) and the drafting of disability-related legislation. **I submit this testimony in support of the intent of SB 2852, but I have significant concerns regarding the structure of the bill.** This bill proposes to add definitions to Chapter 489 of the Hawaii Revised Statutes, which relates to discrimination by public accommodations. It also incorporates some terms from the Department of Justice's (DOJ) regulations under 28 CFR § 35.200, concerning electronic information accessibility and the Web Content Accessibility Guidelines (WCAG).

1. Omissions of Department of Justice Title II Exceptions

The bill does not include key exceptions that are part of the DOJ Title II regulations. These exceptions are essential to maintaining flexibility for businesses. They include exceptions for archived web content, preexisting conventional electronic documents, and third-party content. Additionally, the federal regulations allow exceptions for individualized, password-protected documents and preexisting social media posts. The absence of these key exceptions removes essential flexibility, which could impose burdens on public accommodations that would otherwise be able to use alternative, legally acceptable methods to achieve compliance.

2. Distinction Between Undue Burden and Exceptions

The bill conflates the undue burden defense with regulatory exceptions, which are distinct legal concepts. This could lead to confusion in application and inconsistent enforcement, as the two concepts operate differently under the law.

- Undue burden is a defense against a claim of discrimination. To invoke this defense, a business must present evidence that compliance would impose significant financial or operational hardship, based on the specific facts of the case.
- In contrast, an exception is a situation where compliance is not required, regardless of the facts of the case. Exceptions are categorical, applying without need for evidence of hardship.

It is important to distinguish these concepts clearly to avoid confusion and ensure proper implementation.

### 3. Compliance Deadlines

The bill sets a uniform compliance deadline for all businesses, which fails to consider the disparities in resources between small businesses and larger corporations. Smaller businesses may not have the same financial or operational capacity to meet this deadline, which could lead to unintended consequences for those businesses. Larger businesses may have more financial resources and personnel to comply with the proposed timelines, while small businesses could face substantial challenges. Differentiated compliance deadlines, similar to those in DOJ Title II regulations, would be a fairer approach and would allow for a more gradual and reasonable compliance timeline based on business size and capacity.

### 4. Standards for Compliance

Section 3 (e) of the bill states that a website meeting the "most current version" of the WCAG shall be deemed accessible. Currently, the Department of Justice has set the compliance standard for Title II entities at WCAG 2.1, creating a fixed and stable standard.

The bill creates a moving target by mandating compliance with the "most current version" of WCAG, which is currently WCAG 2.2. This could result in continuous, costly adjustments to digital infrastructure, placing ongoing burdens on businesses, as they would need to comply with new versions as soon as they are adopted.

Furthermore, Section 6 states that the bill will become effective upon approval, meaning businesses would be required to comply immediately with the provisions of the bill once it is signed into law. A transition period is necessary to allow businesses to adapt to new requirements without causing hardship.

### 5. Proposed Remedy: Rulemaking Authority

I propose that the bill be amended to delegate authority to the Hawaii Civil Rights Commission (HCRC) to issue clear, flexible rules for public accommodations regarding compliance with WCAG 2.1. This would provide a stable framework for businesses to meet accessibility requirements, while allowing for regular updates based on technological advancements, case law, and evolving legal interpretations. Rules provide a framework for businesses to understand what conduct is permissible and what may constitute discrimination, while also allowing for regular updates in response to new developments.

Rules are a necessary tool to ensure that businesses are able to comply with accessibility standards without undue complexity or ambiguity.

## 6. Suggested Amendments

I recommend the following amendments to the bill:

- Delegate authority to the Hawaii Civil Rights Commission (HCRC) to issue clear and flexible rules for public accommodations regarding compliance with WCAG 2.1. Additionally, remove all other provisions in the bill that could introduce unnecessary instability or confusion.
- The rules would distinguish between affirmative defenses (such as undue burden) and regulatory exceptions, ensuring clarity and preventing the conflation of the two.
- The rules would establish compliance deadlines based on business size, ensuring that small businesses are not disproportionately impacted by a uniform deadline.

## Conclusion

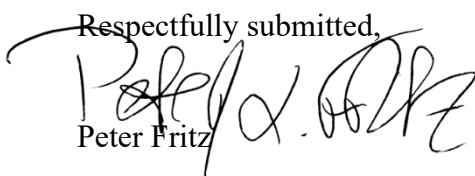
In conclusion, I respectfully request that the committee amend SB 2852 to require the Hawaii Civil Rights Commission (HCRC) to adopt rules that:

- Incorporate DOJ Title II exceptions: The bill currently omits key exceptions that are essential for providing businesses with the flexibility to comply with accessibility standards without undue burden.
- Clarify the distinction between undue burden and exceptions: The conflation of these two concepts could lead to confusion and inconsistent enforcement. A clear legal distinction is necessary for proper implementation.
- Adjust compliance timelines: The bill's uniform compliance deadlines fail to consider the disparities in resources between small businesses and larger corporations. A more flexible approach, based on business size, would better support smaller businesses in meeting accessibility requirements.

By delegating authority to the HCRC to issue clear, flexible rules for WCAG compliance, the bill would provide businesses with a stable and predictable framework, with the ability to periodically update rules in response to technological advancements and evolving legal interpretations. This approach would strike a better balance between promoting accessibility and supporting businesses in their compliance efforts.

These amendments will strengthen SB 2852, aligning it more closely with its intended goals in a fair and effective manner.

Respectfully submitted,

  
Peter Fritz

Testimony submitted by Ann Lemke

Senate Health and Human Services (HHS) Committee, and  
Senate Labor and Technology (LBT) Committee

Thirty-third legislature, 2026 regular session  
February 4, 2026, 1:00 pm, hearing on SB2852

Good afternoon chairs, vice chairs, and members. I am Ann Lemke, strongly supporting SB2852, requiring information technology used by places of public accommodation to be accessible to persons with disabilities.

This legislation will make websites and digital applications used by public entities in our state usable for people like me with disabilities. When the Americans with Disabilities Act was passed in 1990, we didn't even have an internet, as we do today. Quite naturally, people thought of accessibility as referring to such things as curb cuts, Braille signage for elevators, and tape-recorded or Braille textbooks for children or college students with disabilities.

I use text-to-speech technology which reads what is on a page or sometimes I can access the information in Braille electronically.

If I cannot access, enter, navigate and, most important, interact with a public website or application, the services or information available to other members of the public are not available to me.

Respectfully,

Ann Lemke, retired  
Kaneohe, Hawaii

Testimony submitted by Virgil Stinnett

Senate Health and Human Services (HHS) Committee, and

Senate Labor and Technology (LBT) Committee

Thirty-third legislature, 2026 regular session

February 4, 2026, 1:00 pm, hearing on SB2852

Good afternoon chairs, vice chairs, and members. I am Virgil Stinnett, President of the National Federation of the Blind of Hawai'i, NFBH, strongly supporting SB2852, requiring information technology used by places of public accommodation to be accessible to persons with disabilities.

Being an individual who is blind, a local businessman – entrepreneur with 81 employees, participation in activities requiring digital platforms is a constant barrier to my full integration in life.

Blindness for me is an adult-onset disability, learning new skills, re-entering the work force, and doing basic daily activities suddenly became a time consuming and inaccessible challenge.

Checking out at Costco, Sams club business suppliers, banking, and many other activities needed to successfully run a business are a daily challenge. My business has me on Oahu and in Hilo weekly. The digital platforms are part of everything I do yet not accessible to me, requiring additional time and coordination of assistance in my day. Although I do not drive, I have employees who do and being the business owner, I am responsible to pay for parking. Many of the lots and meters do not have alternatives to the apps used that are not accessible. Finding solutions is not necessary if the digital platforms were standardized for access to individuals with disabilities consumers often too much of my business day.

Digital access is in our personal daily chores; grocery shopping, pharmacies, doctors and clinics, laundry using apps to pay, all not fully accessible to me.

Mahalo nui loa for hearing my testimony today and seriously considering removing digital platform barriers by passing this bill into law.

**SB-2852**

Submitted on: 2/2/2026 7:21:40 AM

Testimony for HHS on 2/4/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Victor K. Ramos	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE this bill. Perhaps real examples, not imagined examples nor a "word salad" can be provided to clarify why this is needed.



# DISABILITY AND COMMUNICATION ACCESS BOARD

Ka 'Oihana Ho'oka'a'ike no ka Po'e Kīnānā

1010 Richards Street, Rm. 118 • Honolulu, Hawai'i 96813  
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • (808) 204-2466 (VP)

February 4, 2026

## TESTIMONY TO THE SENATE COMMITTEES ON HEALTH AND HUMAN SERVICES AND ON LABOR AND TECHNOLOGY

### Senate Bill 2852 – Relating to Civil Rights

The Disability and Communication Access Board (DCAB) supports Senate Bill 2852 – Relating to Civil Rights. This bill would establish 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. It also establishes exceptions.

Ensuring equal access to digital information is essential for full participation in public life. As technology continues to play a central role in how businesses and services communicate with the public, it is critical that accessibility standards are upheld.

The U.S. Department of Justice (DOJ) has established that the failure to provide accessible digital information and services is a discriminatory practice under the Americans with Disabilities Act (ADA). While the DOJ recently issued a final rule on web accessibility standards under Title II of the ADA for state and local governments, it has consistently interpreted Title III of the ADA to require places of public accommodation to provide effective communication, including accessible digital content.

Hawaii should reinforce its commitment to civil rights by explicitly extending these accessibility requirements to places of public accommodation, ensuring equal access to digital information and communication for people with disabilities.

DCAB would like to suggest the bill be amended to allow places of public accommodation the time to prepare and to include phased in compliance dates depending on the size of the public accommodation.

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

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

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

(2) ~~[To aid,]~~ Aid, abet, incite, or coerce a person to engage in a discriminatory practice; or

(3) Wilfully [, to] obstruct [,] or prevent [,] a person from complying with this chapter.

(b) It ~~[is]~~ shall be a discriminatory practice to deny a person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and

accommodations of a place of public ~~[accommodations]~~ accommodation because of the known disability of an individual with whom the person is known to have a relationship or association.

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

(d) Beginning July 1, 2027, each place of public accommodation with 16 or more employees shall ensure that all:

(1) Information and communication technology used to communicate with applicants, participants, customers, clients, visitors, and other members of the public is accessible to persons with disabilities; and

(2) Communications and interactions carried out through information and communication technology with applicants, participants, customers, clients, visitors, and other members of the public who have disabilities are as accessible and effective as communications and interactions with individuals without disabilities.

(e) Beginning July 1, 2028, each place of public accommodation with 15 or less employees shall ensure that all:

(1) Information and communication technology used to communicate with applicants, participants, customers, clients, visitors, and other members of the public is accessible to persons with disabilities; and

(2) Communications and interactions carried out through information and communication technology with applicants, participants, customers, clients, visitors, and other members of the public who have disabilities are as accessible and effective as communications and interactions with individuals without disabilities.

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

(g) The following exceptions apply to subsection (d) and (e)

(1) Archived web content that was posted before the compliance date, and

(a) Is kept only for reference, research, or recordkeeping, and

(b) The content is kept in a special area for archived content, and

(c) The content has not been changed since the compliance date.

(2) Preexisting conventional electronic documents that

(a) Are word processing, presentation, PDF, or spreadsheet files; and

(b) Were posted before the compliance date.

(3) Individualized documents that are password protected and

(a) Are word processing, presentation, PDF, or spreadsheet files; and

(b) Are about a specific person, property, or account, and

(c) Are password protected or otherwise secured.

(4) Social media posts which were posted before the compliance date.

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

Thank you for the opportunity to testify.

Respectfully submitted,

*Kristine Pagano*

KRISTINE PAGANO  
Acting Executive Director

**LATE**

**SB-2852**

Submitted on: 2/4/2026 10:51:58 AM

Testimony for HHS on 2/4/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Linda Elento	Individual	Support	Written Testimony Only

Comments:

Aloha,

I'd like to share two negative experiences I believe indicate the need for this bill.

1. Hawaii's MedQuest DHS benefits online access to account information could not be set up because a young disabled adult didn't have a credit report/credit history in order to be verified as the individual. The MedQuest customer services's solution was for the disabled individual to call them any time. That was not a possible solution as the disabled individual was not able to speak or spoke unclearly, but the disabled individual could read a website account.

2. During Covid times, a vendor had a locked glass entry door with a sign stating the customer must call a phone number to assign a time to be let inside, despite a vendor personnel inside was seen through the glass door but who refused to open the door without the disabled individual first calling the vendor.

Sign language and verbal options on a website are helpful, too, for some disabled individuals to fully access and benefit from the public vendors' services.

Thank you for your consideration of my testimony in support of this bill SB2852 for Civil rights in our State of Hawaii.