



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2026**

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**ON THE FOLLOWING MEASURE:**

S.C.R. NO. 53 AND S.R. NO. 51, REQUESTING THE ATTORNEY GENERAL TO CONDUCT A COMPREHENSIVE REVIEW OF THE HAWAII REVISED STATUTES TO IDENTIFY PROVISIONS IN WHICH THE TERM "IMPAIRED" OR A SIMILAR TERM IS USED TO DESCRIBE A PERSON WITH A DISABILITY AND TO SUGGEST DISABILITY-INCLUSIVE APPROPRIATE AMENDMENTS.

**BEFORE THE:**

SENATE COMMITTEES ON JUDICIARY AND ON HEALTH AND HUMAN SERVICES

**DATE:** Thursday, April 2, 2026 **TIME:** 10:45 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Melissa W.H. Chee, Deputy Attorney General

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Chairs Rhoads and San Buenaventura and Members of the Committees:

The Department of the Attorney General (Department) opposes this resolution in its current form and requests amendments.

These resolutions request that the Attorney General conduct a comprehensive review of the Hawaii Revised Statutes (HRS) to identify provisions in which the term "impaired" or a similar term is used to describe a person with a disability and to recommend amendments that update terminology with appropriate alternatives consistent with disability-inclusive language practices and report any findings and recommendations to the Legislature prior to the Regular Session of 2027.

The Department respectfully requests this review be delegated to Legislative Reference Bureau (LRB), rather than the Attorney General. The Department has limited resources, and this resolution would require efforts from numerous different divisions simply to identify the terms. This resolution would also limit the ability to work with the Legislature on more substantive projects and advice.

The LRB, which prepares the official version of the HRS for publication, would be best positioned to do a comprehensive and accurate terminology search.

We respectfully request that these resolutions be amended to request the LRB to conduct the desired study, instead of the Department of the Attorney General.

Thank you for the opportunity to testify on these resolutions.

**SCR-53**

Submitted on: 3/27/2026 9:00:32 PM

Testimony for JDC on 4/2/2026 10:45:00 AM

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

Comments:

Words can matter and for a long time outdated references to people with disabilities have reinforced stigmas and negative perceptions. We think this an excellent idea.



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Apr 2, 2026

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Aloha Independent Living Hawaii (AILH) dedicated to providing independent living programs and services for persons with disabilities in Hawaii.

We work together with the community and consumers to improve the quality of life through individual choices and access to services.

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The Honorable Karl Rhoads, Chair  
Senate Committee on Judiciary  
The Honorable Joy A. San Buenaventura, Chair  
Senate Committee on Health and Human Services  
The Thirty-Third Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

**SUBJECT:** SCR53 – Requesting the Attorney General to Conduct a Comprehensive Review of the Hawaii Revised Statutes to Identify Provisions in Which the Term “Impaired” or a Similar Term is Used to Describe a Person with a Disability and to Suggest Disability-Inclusive Appropriate Amendments

Chair and Members of the Committee:

Aloha Independent Living Hawaii (AILH) **strongly supports SCR53**, which requests the Attorney General to conduct a comprehensive review of the Hawaii Revised Statutes to identify and recommend amendments for outdated disability terminology, specifically replacing the term “impaired” with dignity-affirming, disability-inclusive language.

## Who We Are and Why This Matters

AILH is a statewide Center for Independent Living that has served Hawaii’s disability community since 2009. AILH is one of two federally recognized Centers for Independent Living in Hawaii, providing cross-disability services on multiple islands for people of all ages with diverse disabilities.

Our core mission is to advance **independence**, self-determination, and community inclusion so that disabled people can live in their homes and communities of choice with the services and supports they need. AILH provides information and referral, independent living skills training, peer



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support, transition and diversion services, and systems advocacy, grounded in the Independent Living philosophy that “nothing about us, without us.”

Because language shapes attitudes, expectations, and policy decisions, the terms used in the Hawaii Revised Statutes directly affect how disabled residents are perceived and treated in health care, education, employment, transportation, housing, and emergency preparedness. Outdated terms like “impaired” undermine the disability community’s efforts to be recognized as full participants in community life, rather than as “defective” or “less than.”

## The Problem with “Impaired”

The term “impaired” carries an inherent medicalized assumption that something is broken, defective, or deficient about the person. When our state laws describe people as “hearing impaired,” “vision impaired,” or similarly “impaired,” we send a message that these individuals are damaged versions of “normal” people. This language:

- **Perpetuates stigma** by defining people by what they supposedly lack rather than who they are
- **Undermines self-determination** by framing disability through a deficit lens
- **Contradicts modern disability rights principles** including those in the Americans with Disabilities Act
- **Ignores the preferences** of the disability communities themselves

The deaf community has been particularly vocal about rejecting “hearing impaired” as offensive and inaccurate[1]. Many deaf individuals do not view themselves as impaired—they are members of a linguistic and cultural community with a rich heritage. Similarly, people who are blind or have low vision often object to being characterized as “visually impaired” because the term suggests they are less capable rather than simply experiencing the world differently[2].



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From an Independent Living perspective, the problem is not the person's hearing, vision, or other characteristics—the problem is a society that fails to provide accessible communication, environments, and opportunities. Our language should reflect this understanding.

## Why This Resolution Is Important

### 1. Aligns with National and International Standards

Disability-inclusive language practices have evolved significantly in recent years. The National Association of the Deaf, disability rights organizations, and self-advocacy groups increasingly favor terminology that respects individual and community preferences[3]. Terms like “deaf or hard of hearing” and “low vision” reflect how people actually describe themselves, not how medical professionals categorize them.

The Americans with Disabilities Act and subsequent disability rights legislation recognize the importance of dignity and self-determination. Our state laws should align with these principles.

### 2. Proven Success in Other States

As noted in the resolution, Utah enacted similar reforms in 2017 through House Bill 60, becoming the first state in the nation to officially replace “hearing impaired” with “deaf and hard of hearing” throughout their state code[4]. This legislative change was led by the Utah Association of the Deaf and supported by the broader disability community. The reform process was successful and did not create legal conflicts or operational problems.

Hawaii can learn from Utah's experience and join the movement toward more respectful, accurate statutory language.

### 3. Cross-Disability Impact

While the resolution specifically mentions “hearing impaired” and “vision impaired,” the comprehensive review requested would identify



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similar problematic terminology affecting people with all types of disabilities. This cross-disability approach is essential. People with cognitive disabilities, psychiatric disabilities, intellectual disabilities, and physical disabilities have similarly been described in Hawaii law using outdated, stigmatizing language that should be updated.

AILH serves people across all disability categories. We know that language barriers affect everyone. A mother seeking services for her child with an intellectual disability, a young adult with a psychiatric disability navigating the employment system, a kupuna experiencing age-related changes in mobility—all deserve to see themselves reflected in Hawaii law with dignity and respect.

## What This Resolution Does Right

### 1. Appropriate Scope and Process

SCR53 takes a thoughtful, thorough approach by:

- **Requesting a comprehensive review** rather than piecemeal changes
- **Assigning the task to the Attorney General**, who has the legal expertise to identify all relevant statutory provisions and ensure amendments do not create unintended legal consequences
- **Setting a clear timeline** for report submission before the 2027 legislative session
- **Including the Disability and Communication Access Board** as a key stakeholder to receive the resolution

This process ensures that changes will be carefully considered, legally sound, and ready for legislative action.

### 2. Maintains Legal Effect While Updating Language

The resolution specifically requests that recommended amendments “do not change the effect of the law or conflict with the Americans with Disabilities Act.” This is crucial. The goal is not to alter rights,



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responsibilities, or legal protections—only to update the terminology used to describe people with disabilities. Current beneficiaries of services, programs, and legal protections will continue to receive them; the only change will be in the respectful language used.

### 3. Respects Community Preferences

By suggesting specific alternative terms like “deaf or hard of hearing” and “low vision,” the resolution demonstrates awareness of disability community preferences. These are not arbitrary changes—they reflect what people actually prefer to be called. However, the resolution also wisely allows the Attorney General to “consider other appropriate alternatives consistent with disability-inclusive language practices,” recognizing that different communities may have different preferences and language continues to evolve.

### Independent Living Philosophy and Language Justice

The Independent Living movement was born from disability rights activism that rejected paternalistic, medicalized views of disability. Pioneer Independent Living advocates, many of whom were disabled themselves, fought for the principle that people with disabilities are experts in their own lives and should have the power to make decisions about their futures.

Language is power. When state law describes someone as “impaired,” it reinforces a medical model that sees disability as something wrong with the individual that needs to be fixed. When state law instead uses terminology that reflects community preferences—“deaf,” “hard of hearing,” “blind,” “low vision,” or person-first language when appropriate—it reinforces a social model that recognizes environmental and attitudinal barriers as the real problems to be addressed.

For AILH’s Independent Living Specialists who work daily with consumers, language matters deeply. When consumers come to us feeling devalued by systems that view them through a deficit lens, we help them recognize their strengths, rights, and capacity for self-determination. Having state law that uses respectful terminology supports this empowerment work.



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## Recommendations and Requests

AILH respectfully urges this committee to:

1. **Pass SCR53 with strong support** to send a clear message that Hawaii values dignity and respect in how we describe people with disabilities in law
2. **Encourage broad stakeholder engagement** in the Attorney General's review process, including input from Centers for Independent Living, disability rights organizations, cultural and linguistic communities (particularly the deaf community), and self-advocates across disability categories.
3. **Consider companion efforts** to review administrative rules and state agency policies for similar language updates, ensuring consistency across all levels of Hawaii's legal and regulatory framework.
4. **Allocate resources** to support the Attorney General's office in conducting this comprehensive review, recognizing that it will require significant staff time and potentially consultation with disability community experts.
5. **Commit to prompt legislative action** on the Attorney General's recommendations in the 2027 session, so this important work translates quickly into actual statutory changes

## Conclusion

Words shape reality. For too long, Hawaii's laws have used language that defines people with disabilities by what they supposedly lack. SCR53 offers an opportunity to change that—to bring Hawaii's statutes into alignment with modern disability rights principles, community preferences, and the dignity every person deserves.

The Independent Living philosophy teaches us that people with disabilities are not broken, defective, or impaired. We are full members of society who



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simply need accessible environments, inclusive policies, and respect for our autonomy. Updating the language in Hawaii Revised Statutes is an essential step toward that vision.

AILH strongly supports SCR53 and urges this committee to pass this resolution. We are ready to participate in the review process and to support implementation of recommended amendments in future legislative sessions.

Mahalo for the opportunity to testify, your consideration and for your commitment to disability rights and inclusion in Hawaii.

Mahalo,

Roxanne Bolden

Executive Director



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## References

- [1] National Association of the Deaf. (2025). Terminology. <https://www.nad.org/resources/american-sign-language/community-and-culture-frequently-asked-questions/>
- [2] Cronkite School, Arizona State University. (2024). *Disability Language Style Guide*. National Center on Disability and Journalism. <https://cronkite.asu.edu/ncdj/disability-language-style-guide>
- [3] Disability Belongs. (2026, February 18). Words matter: Best practices for disability-inclusive language. <https://www.disabilitybelongs.org/2026/02/words-matter-disability-inclusive-language/>
- [4] Utah Deaf History. (2017). House Bill 60: Changing the term from 'hearing impaired' to the 'deaf and hard of hearing'. <https://www.utahdeafhistory.com/house-bill-60-changing-the-term-from-hearing-impaired-8203to-the-deaf-and-hard-of-hearing.html>

**SCR-53**

Submitted on: 3/28/2026 8:20:54 AM

Testimony for JDC on 4/2/2026 10:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support

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