

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



GOV. MSG. NO. 1202

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

June 5, 2026

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Third State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Nadine K. Nakamura
Speaker, and Members of the
House of Representatives
Thirty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Aloha President Kouchi, Speaker Nakamura, and Members of the Legislature:

This is to inform you that on June 5, 2026, the following bill was signed into law:

S.B. NO. 2268, S.D. 2, H.D. 1,
C.D. 1

RELATING TO EQUITY.
ACT 102

Mahalo,

Josh Green, M.D.
Governor, State of Hawai'i

Approved by the Governor

on JUN 5 2026

ACT 102

THE SENATE
THIRTY-THIRD LEGISLATURE, 2026
STATE OF HAWAII

S.B. NO. 2268
S.D. 2
H.D. 1
C.D. 1

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 planned and designed after
8 July 31, 2027.

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 that utilizes 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,
2 height-adjustable adult changing station that is floor- or
3 wall-mounted and installed within an enclosed restroom facility
4 in a restroom for public use.

5 **§489-B Universal changing accommodations; required.** (a)

6 Each new establishment shall provide, at a minimum, one
7 universal changing accommodation within the building in a
8 restroom for public use, as follows:

9 (1) Two universal changing accommodations for
10 establishments utilizing gender-designated restrooms;
11 provided that at least one is designated for or
12 accessible by women and at least one is designated for
13 or accessible by men; or

14 (2) One universal changing accommodation that is
15 accessible to people of any gender identity or
16 expression.

17 (b) Each new establishment shall conspicuously post
18 signage indicating the location of each universal changing
19 accommodation.

20 (c) A violation of this section shall constitute an
21 unlawful discriminatory practice pursuant to this chapter.



1 **§489-C Construction documents.** Construction documents for
2 each new establishment shall specify whether a restroom is a
3 restroom for public use and the location of each universal
4 changing accommodation within a restroom for public use pursuant
5 to section 489-B.

6 **§489-D Undue burden exemption.** A new establishment shall
7 not be subject to the provisions of this part if compliance
8 would create an undue burden. Compliance shall be deemed to
9 create an undue burden if:

10 (1) The construction of a universal changing accommodation
11 in compliance with this part is technically infeasible
12 as the term is defined in the 2010 Americans with
13 Disabilities Act Standards for Accessible Design,
14 title 28 Code of Federal Regulations part 36, appendix
15 D, section 106.5; or

16 (2) The cost of providing universal changing
17 accommodations exceeds ten per cent of the cost of
18 constructing, purchasing, or substantially modifying
19 the new establishment.

20 **§489-E Violations; unlawful discriminatory practice;**
21 **private cause of action.** (a) Any person who is injured by an



1 unlawful discriminatory practice pursuant to this part may bring
2 proceedings to enjoin the unlawful discriminatory practice. If
3 the judgment is for the plaintiff, the plaintiff shall be
4 awarded:

- 5 (1) Reasonable attorneys' fees;
- 6 (2) The cost of the suit; and
- 7 (3) The sum of \$100.

8 (b) Any action under this part shall be subject to the
9 jurisdiction of the district courts pursuant to chapter 604 and
10 may be commenced and conducted in the small claims division of
11 the district court.

12 **§489-F Exclusion from civil rights commission.**

13 Notwithstanding any other law to the contrary, this part shall
14 not be subject to chapter 368 and shall not be enforced by the
15 civil rights commission.

16 **§489-G Exemption.** This part shall not apply to public
17 school facilities.

18 For the purposes of this section, "public school facility"
19 means any building, structure, or portion thereof that is owned,
20 leased, or operated by the department of education for the
21 primary purpose of providing elementary or secondary education,



1 including classrooms, administrative offices, and restrooms that
2 serve students enrolled in grades kindergarten through twelve."

3 SECTION 2. Section 489-6, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~§489-6 Complaint against unfair discrimination; reporting~~
6 ~~requirements.~~ The civil rights commission shall receive
7 complaints of unfair discriminatory treatment in public
8 accommodations in accordance with the procedures established
9 under chapter 368; provided that this section shall not apply to
10 complaints under part II [~~of this chapter.~~] or _____."

11 SECTION 3. Section 489-7.5, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) Any person who is injured by an unlawful
14 discriminatory practice, other than an unlawful discriminatory
15 practice under part II [~~of this chapter,~~] or _____, may:

- 16 (1) Sue for damages sustained, and, if the judgment is for
17 the plaintiff, the plaintiff shall be awarded a sum
18 not less than \$1,000 or threefold damages by the
19 plaintiff sustained, whichever sum is the greater, and
20 reasonable attorneys' fees together with the costs of
21 suit; and



1 (2) Bring proceedings to enjoin the unlawful
2 discriminatory practices, and if the decree is for the
3 plaintiff, the plaintiff shall be awarded reasonable
4 attorneys' fees together with the cost of suit."

5 SECTION 4. Section 489-8, Hawaii Revised Statutes, is
6 amended by amending subsection (c) to read as follows:

7 "(c) This section shall not apply to violations of part II
8 [~~of this chapter.~~] or _____."

9 SECTION 5. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 6. If any provision of this Act, or the
13 application thereof to any person or circumstance, is held
14 invalid, the invalidity does not affect other provisions or
15 applications of the Act that can be given effect without the
16 invalid provision or application, and to this end the provisions
17 of this Act are severable.

18 SECTION 7. In codifying the new sections added by
19 section 1 of this Act, the revisor of statutes shall substitute
20 appropriate section numbers for the letters used in designating
21 the new sections in this Act.



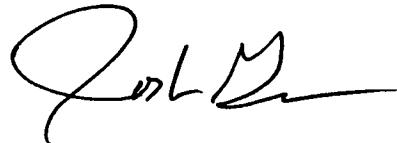
- 1 SECTION 8. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 9. This Act shall take effect upon its approval.



S.B. NO.

2268
S.D. 2
H.D. 1
C.D. 1

APPROVED this 5th day of June, 2026




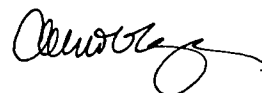
GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI‘I

Date: May 6, 2026
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Third Legislature of the State of Hawai‘i, Regular Session of 2026.


President of the Senate


Clerk of the Senate

SB No. 2268, SD 2, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 6, 2026
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Third Legislature of the State of Hawaii, Regular Session of 2026.



Nadine K. Nakamura
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives