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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 communicate  
3 with customers and the public, including the use of technologies  
4 such as websites and applications on smartphones and other  
5 mobile devices to take reservations, view menus, place orders,  
6 make sales, and provide product information.

7           The legislature further finds that ready access to and use  
8 of information and communication technology is essential for all  
9 citizens to have equal access to and full enjoyment of the  
10 goods, services, facilities, privileges, advantages, and  
11 accommodations of a place of public accommodation. However,  
12 websites and applications used by public accommodation providers  
13 are too often not accessible to and usable by persons with  
14 disabilities, denying them full and equal access.

15           The legislature additionally finds that existing state and  
16 federal laws that prohibit discrimination in public  
17 accommodations based on disability should better assist



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

3 Accordingly, the purpose of this Act is to:

4 (1) Make it an unlawful discriminatory practice for a  
5 place of public accommodation to deny a person with a  
6 disability full and equal enjoyment of, or information  
7 related to, their goods, services, facilities,  
8 privileges, advantages, or accommodations using  
9 information and communication technology intended for  
10 use by the general public; and

11 (2) Clarify that a facility is considered a place of  
12 public accommodation regardless of whether its  
13 presence in the State is physical or digital.

14 SECTION 2. Section 489-2, Hawaii Revised Statutes, is  
15 amended as follows:

16 1. By adding four new definitions to be appropriately  
17 inserted and to read:

18 "Accessible" means the ability to receive, use, and  
19 manipulate data and operate controls included in information and  
20 communication technology in a manner equivalent to that of  
21 individuals who do not have disabilities.



1        "Application" means software that is designed to run on a  
2 device, including a smartphone, tablet, self-service kiosk,  
3 wearable technology item, laptop or desktop computer, or another  
4 device, and perform or help the user perform a specific task.

5        "Information and communication technology" means electronic  
6 information, software, systems, and equipment used in the  
7 creation, manipulation, storage, display, or transmission of  
8 data, including internet and intranet systems, websites and  
9 interfaces, software applications, operating systems, video and  
10 multimedia, telecommunications products, kiosks, information  
11 transaction machines, copiers, printers, smartphones, tablets,  
12 and laptop and desktop computers.

13        "Website" means any collection of related web pages,  
14 images, videos, or other digital assets placed in one or more  
15 computer server-based file archives so that the collection can  
16 be accessed over the Internet or through a private computer  
17 network."

18        2. By amending the definition of "place of public  
19 accommodation" to read:

20        "'Place of public accommodation" means a business,  
21 accommodation, refreshment, entertainment, recreation, or



1 transportation facility of any kind whose goods, services,  
2 facilities, privileges, advantages, or accommodations are  
3 extended, offered, sold, or otherwise made available to the  
4 general public as customers, clients, or visitors[-], whether  
5 the presence of the business, accommodation, refreshment,  
6 entertainment, recreation, or transportation facility in the  
7 State is physical or digital. By way of example, but not of  
8 limitation, "place of public accommodation" includes facilities  
9 of the following types:

- 10 (1) A facility providing services relating to travel or  
11 transportation;
- 12 (2) An inn, hotel, motel, or other establishment that  
13 provides lodging to transient guests;
- 14 (3) A restaurant, cafeteria, lunchroom, lunch counter,  
15 soda fountain, or other facility principally engaged  
16 in selling food for consumption on the premises of a  
17 retail establishment;
- 18 (4) A shopping center or any establishment that sells  
19 goods or services at retail;



- 1       (5) An establishment licensed under chapter 281 doing
- 2             business under a class 4, 5, 7, 8, 9, 10, 11, or 12
- 3             license, as defined in section 281-31;
- 4       (6) A motion picture theater, other theater, auditorium,
- 5             convention center, lecture hall, concert hall, sports
- 6             arena, stadium, or other place of exhibition or
- 7             entertainment;
- 8       (7) A barber shop, beauty shop, bathhouse, swimming pool,
- 9             gymnasium, reducing or massage salon, or other
- 10            establishment conducted to serve the health,
- 11            appearance, or physical condition of persons;
- 12       (8) A park, [a] campsite, or trailer facility, or other
- 13            recreation facility;
- 14       (9) A comfort station; or a dispensary, clinic, hospital,
- 15            convalescent home, or other institution for the
- 16            infirm;
- 17       (10) A professional office of a health care provider, as
- 18            defined in section 323D-2, or other similar service
- 19            establishment;
- 20       (11) A mortuary or undertaking establishment; and



1           (12) An establishment that is physically located within the  
 2           premises of an establishment otherwise covered by this  
 3           definition, or within the premises of which is  
 4           physically located a covered establishment, and which  
 5           holds itself out as serving patrons of the covered  
 6           establishment.

7           No place of public accommodation defined in this section  
 8           shall be requested to reconstruct any facility or part thereof  
 9           to comply with this chapter."

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

12           "**§489-5 Other discriminatory practices.** (a) It [~~is~~]  
 13           shall be a discriminatory practice for two or more persons to  
 14           conspire:

15           (1) To retaliate or discriminate against a person because  
 16           the person has opposed an unfair discriminatory  
 17           practice;

18           (2) To aid, abet, incite, or coerce a person to engage in  
 19           a discriminatory practice; or

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



1 (b) It [~~is~~] shall be a discriminatory practice to deny a  
2 person the full and equal enjoyment of the goods, services,  
3 facilities, privileges, advantages, and accommodations of a  
4 place of public accommodations because of the known disability  
5 of an individual with whom the person is known to have a  
6 relationship or association.

7 (c) It shall be a discriminatory practice to deny a person  
8 with a disability full and equal enjoyment of the goods,  
9 services, facilities, privileges, advantages, or accommodations  
10 of a place of public accommodation, or information related to  
11 the goods, services, facilities, privileges, advantages, or  
12 accommodations of a place of public accommodation, using  
13 information and communication technology intended for use by the  
14 general public as applicants, participants, customers, clients,  
15 or visitors.

16 Beginning July 1, 2026, a place of public accommodation  
17 shall ensure that:

18 (1) Information and communication technology used to  
19 communicate with applicants, participants, customers,  
20 clients, visitors, and other members of the public is



1           accessible for full and equal use by persons with  
2           disabilities; and  
3       (2) Communications and interactions through information  
4           and communication technology with applicants,  
5           participants, customers, clients, visitors, and other  
6           members of the public with disabilities are as  
7           effective as communications and interactions with  
8           individuals without disabilities.

9           For the purposes of this subsection, a website that meets  
10       or exceeds the World Wide Web Consortium Web Content  
11       Accessibility Guidelines 2.1 Level AA (as the guidelines may be  
12       revised) shall be deemed accessible.

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

17           SECTION 4. Statutory material to be repealed is bracketed  
18       and stricken. New statutory material is underscored.

19           SECTION 5. This Act shall take effect on July 1, 3000.

**Report Title:**

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

**Description:**

Makes it an unlawful discriminatory practice for places 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 using information and communication technology intended for use by the general public as applicants, participants, customers, clients, or visitors. Establishes exceptions. Clarifies that a facility is considered a place of public accommodation regardless of whether its presence in the State is physical or digital. Effective 7/1/3000. (HD2)

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

