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# 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.



**Report Title:**

Equity; Universal Changing Accommodations; Public Accommodations; Public Entity Construction; Exemptions

**Description:**

Requires all places of public accommodation and public entity construction projects planned and designed after 7/31/2027 to provide at least one universal changing accommodation within the building in a public restroom, with certain exceptions. Makes conforming amendments to sections 489-6, 489-7.5, and 489-8, HRS, to prevent conflicts among the provisions. (CD1)

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

