THE SENATE
THIRTY-THIRD LEGISLATURE, 2026
STATE OF HAWAII

S.B. NO. 2268 S.D. 1

A BILL FOR AN ACT

RELATING TO EQUITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 489, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . UNIVERSAL CHANGING ACCOMMODATIONS

§489-A Definitions. As used in this part:

"New establishment" means a place of public accommodation or public entity construction that is constructed after July 31, 2027.

"Public entity" has the same meaning as defined in title 42 United States Code section 12131.

"Public entity construction" means any building construction project or program initiated by a public entity or that utilizes public entity funds.

"Restroom for public use" means a restroom for a place of public accommodation or public entity construction that is accessible to persons other than employees.

"Universal changing accommodation" means a powered, height-adjustable adult changing station that is floor- or wall-mounted and installed within an enclosed restroom facility in a restroom for public use.

§489-B New establishments; criteria and application. A place of public accommodation or public entity construction shall be deemed to be constructed on the:

(1) Date that a certificate of occupancy was issued; or

(2) First date of occupancy for public use,

whichever is earlier, regardless of whether the place of public accommodation or public entity construction has obtained a certificate of occupancy in compliance with applicable state law and county ordinances.

§489-C Universal changing accommodations; required. (a) Each new establishment shall provide, at a minimum, one universal changing accommodation within the building in a restroom for public use, as follows:

(1) Two universal changing accommodations for establishments utilizing gender-designated restrooms; provided that at least one is designated for or

accessible by women and at least one is designated for or accessible by men; or

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

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

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

§489-D Construction documents. Construction documents for each new establishment shall specify whether a restroom is a restroom for public use and the location of each universal changing accommodation within a restroom for public use pursuant to section 489-C.

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

(1) The construction of a universal changing accommodation in compliance with this chapter is technically

infeasible as the term is defined in the 2010 Americans with Disabilities Act Standards for Accessible Design, title 28 Code of Federal Regulations part 36, appendix D, section 106.5; or

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

§489-F Violations; unlawful discriminatory practice; private cause of action. (a) Any person who is injured by an unlawful discriminatory practice pursuant to this part may bring proceedings to enjoin the unlawful discriminatory practice. If the judgment is for the plaintiff, the plaintiff shall be awarded:

(1) Reasonable attorneys' fees;

(2) The cost of the suit; and

(3) The sum of $100.

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

§489-G Exclusion from civil rights commission. Notwithstanding any other law to the contrary, this part shall not be subject to chapter 368 or the jurisdiction of the civil rights commission."

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

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

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

"(a) Any person who is injured by an unlawful discriminatory practice, other than an unlawful discriminatory practice under part II or ____ of this chapter, may:

(1) Sue for damages sustained, and, if the judgment is for the plaintiff, the plaintiff shall be awarded a sum not less than $1,000 or threefold damages by the plaintiff sustained, whichever sum is the greater, and

reasonable attorneys' fees together with the costs of suit; and

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

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

"(c) This section shall not apply to violations of part II or _____ of this chapter."

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

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

SECTION 7. In codifying the new sections added by section 1 of this Act, the revisor of statutes shall substitute

appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 8. This Act shall take effect on January 1, 2525.

S.B. NO. 2268 S.D. 1

Report Title:
Equity; Universal Changing Accommodations; Public Accommodations; Public Entity Construction; Exemptions

Description:
Requires all places of public accommodation and public entity construction projects 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 conflict among the provisions. Effective 1/1/2525. (SD1)

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