
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 and public
3 services communicate with their customers. Many service
4 providers use websites, software applications, and other
5 technologies to take reservations, display menus, take orders,
6 make sales, and provide product information.

7 The legislature recognizes that ready access to, and the
8 ability to use, information and communication technology is
9 essential to allow all citizens to fully engage with and enjoy
10 public goods, services, facilities, privileges, advantages, and
11 accommodations. However, the legislature is aware that some
12 websites and applications used by public accommodation providers
13 in the State are not accessible to persons with disabilities,
14 denying them full and equal access.

15 The legislature also recognizes that existing state and
16 federal laws that prohibit discrimination in public
17 accommodations based on disability could better inform providers



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

3 Accordingly, the purpose of this Act is to make it an
4 unlawful discriminatory practice for a place of public
5 accommodation to deny a person with a disability full and equal
6 enjoyment of, or information related to, their goods, services,
7 facilities, privileges, advantages, or accommodations by
8 requiring the use of information and communication technology
9 that is not accessible to the person.

10 SECTION 2. Section 489-2, Hawaii Revised Statutes, is
11 amended by adding four new definitions to be appropriately
12 inserted and to read as follows:

13 "Accessible" means the ability to receive, use, and
14 manipulate data, and operate any controls included in
15 information and communication technology, in a manner equivalent
16 to that of a person who does not have a disability.

17 "Information and communication technology" means electronic
18 information, software, systems, or equipment used in the
19 creation, manipulation, storage, display, or transmission of
20 data, including internet and intranet systems, websites and
21 interfaces, software applications, operating systems, video and



1 multimedia, telecommunications products, kiosks, information
2 transaction machines, copiers, printers, smartphones, tablets,
3 and desktop and portable computers.

4 "Software application" means software that is designed to
5 run on a device, including a smartphone, tablet, self-service
6 kiosk, wearable technology item, laptop or desktop computer, or
7 another device, and that performs or helps the user perform a
8 specific task.

9 "Website" means any collection of related web pages,
10 images, videos, or other digital assets placed in one or more
11 computer server-based file archives so that the collection can
12 be accessed over the internet or through a private computer
13 network."

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

16 **"§489-5 Other discriminatory practices.** (a) It [~~is~~]
17 shall be a discriminatory practice for two or more persons to
18 conspire[+] to:

19 (1) [~~To retaliate~~] Retaliate or discriminate against a
20 person because the person has opposed an unfair
21 discriminatory practice;



1 (2) [~~To aid,~~] Aid, abet, incite, or coerce a person to
2 engage in a discriminatory practice; or

3 (3) Wilfully~~[~~to~~]~~ obstruct~~[~~]~~~~ or prevent~~[~~]~~~~ a person from
4 complying with this chapter.

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

11 (c) It shall be a discriminatory practice to deny a person
12 with a disability full and equal enjoyment of the goods,
13 services, facilities, privileges, advantages, or accommodations
14 of a place of public accommodation, or information related to
15 the goods, services, facilities, privileges, advantages, or
16 accommodations by requiring the use of information and
17 communication technology that is not accessible to the person.

18 (d) Beginning July 1, 2027, each place of public
19 accommodation with sixteen or more employees shall ensure that
20 all:



- 1 (1) Information and communication technology used to
2 communicate with applicants, participants, customers,
3 clients, visitors, and other members of the public is
4 accessible to persons with disabilities; and
- 5 (2) Communications and interactions carried out through
6 information and communication technology with
7 applicants, participants, customers, clients,
8 visitors, and other members of the public who have
9 disabilities are as accessible and effective as
10 communications and interactions with individuals
11 without disabilities.
- 12 (e) Beginning July 1, 2028, all places of public
13 accommodation, including public accommodations with fifteen or
14 fewer employees shall each ensure that all:
- 15 (1) Information and communication technology used to
16 communicate with applicants, participants, customers,
17 clients, visitors, and other members of the public is
18 accessible to persons with disabilities; and
- 19 (2) Communications and interactions carried out through
20 information and communication technology with
21 applicants, participants, customers, clients,



1 visitors, and other members of the public who have
2 disabilities are as accessible and effective as
3 communications and interactions with individuals
4 without disabilities.

5 (f) Subsections (d) and (e) shall not apply to:

6 (1) Archived web content that was posted before the
7 applicable compliance date and:

8 (A) Is kept solely for reference, research, or
9 recordkeeping purposes;

10 (B) Is kept in a designated area for archived
11 content; and

12 (C) Has not been modified since the applicable
13 compliance date;

14 (2) Preexisting conventional electronic documents that:

15 (A) Are word processing, presentation, portable
16 document format (PDF), or spreadsheet files; and

17 (B) Were posted before the applicable compliance
18 date;

19 (3) Individualized documents that are password-protected
20 or otherwise secured and are:



1 (A) Word processing, presentation, portable document
2 format (PDF), or spreadsheet files; and

3 (B) Relating to a specific person, property, or
4 account; and

5 (4) Social media posts that were posted before the
6 applicable compliance date.

7 (g) A place of public accommodation shall not be deemed to
8 be in violation of this section if compliance would impose an
9 undue burden or fundamentally alter the nature of the
10 information and communication technology used.

11 (h) For the purposes of this section, a website that meets
12 or exceeds the most current version of the World Wide Web
13 Consortium Web Content Accessibility Guidelines shall be deemed
14 accessible."

15 SECTION 4. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 5. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 6. This Act shall take effect on January 30, 2050.



Report Title:

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

Description:

Establishes it as an unlawful discriminatory practice for a place of public accommodation to deny a person with a disability full and equal enjoyment of information related to their services, facilities, privileges, advantages, or accommodations by requiring use of information and communication technology that is not accessible to the person. Beginning 7/1/2027, requires each place of public accommodation with 16 or more employees to ensure that all information and communication technology used is accessible to persons with disabilities. Beginning 7/1/2028, requires all places of public accommodations to each ensure that all information and communication technology used is accessible to persons with disabilities. Establishes exceptions. Effective 1/30/2050. (SD1)

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