

Honolulu, Hawaii
MAR 06 , 2026

RE: H.B. No. 1878
H.D. 2

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1878, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DISCRIMINATION,"

begs leave to report as follows:

The purpose of this measure is to prohibit discrimination based on:

- (1) The perception that a person possesses certain characteristics;
- (2) The perception that a person is associated with a person who possesses, or is perceived to possess, certain characteristics; or
- (3) The intersection or combination of two or more specified characteristics in relation to a person.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission; Hawai'i State Lesbian, Gay, Bisexual, Transgender, Queer Plus Commission; AAUW of Hawaii; Pride at Work - Hawai'i; Ha'aheo, 'Ohana, Kaulike, Ui PAC; Indivisible Leeward Oahu; Visibility Brigade Honolulu; Stonewall Caucus of the Democratic Party of Hawai'i; ACLU of Hawai'i; Fujiwara and Rosenbaum, LLC; and numerous individuals. Your



Committee received testimony in opposition to this measure from the Society of Human Resources Management - Hawaii. Your Committee received comments on this measure from the Department of Education.

Your Committee finds the discrimination faced by an individual is often multifaceted and is not necessarily founded on a single characteristic or basis and can be based on the intersectionality or a combination of multiple factors.

Your Committee further finds that in *Lam v. University of Hawaii*, 40 F.3d 1551 (9th Cir. 14 1994), the United States Ninth Circuit Court of Appeals held that when a person claims multiple bases for discrimination or harassment, it may be necessary to determine whether the discrimination or harassment occurred on the basis or combination of those factors, not just on any one protected characteristic by itself. This measure is to ensure that the protections established in *Lam* and adopted in legal practice are codified into existing law.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1878, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1878, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



