

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



SIERRA WHITESIDE
CHAIRPERSON

DAINTRY BARTOLDUS
EXECUTIVE ADMINISTRATOR

STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES
'A'UNIKE MOKU'ĀPUNI NO KA NĀ KĀWAI KULA
PRINCESS VICTORIA KAMĀMALU BUILDING
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
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April 8, 2026

The Honorable Representative David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs
The Thirty-Third Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Chair Tarnas and Committee Members:

SUBJECT: SB2852 SD1 HD1 Relating to Civil Rights

The Hawai'i State Council on Developmental Disabilities (DDC) submits testimony **in SUPPORT of SB2852 SD1 HD1**, which requires the Hawai'i Civil Rights Commission to adopt rules on digital accessibility for places of public accommodations that are consistent with certain federal regulations. Specifies that a violation of the rules is an unlawful discriminatory practice. 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 goods, services, facilities, privileges, advantages, or accommodations by requiring the use of information and communication technology that is not accessible to the person with a disability. Effective 7/1/3000. (HD1)

As more services, transactions, and interactions move to digital platforms, access to information and communication technology has become essential to full participation in community life. For people with developmental disabilities (I/DD), inaccessible websites, applications, kiosks, and other digital systems can function as complete barriers to accessing goods and services that are otherwise available to the public. These barriers undermine independence, dignity, and equal opportunity.

While state and federal civil rights laws prohibit discrimination based on disability, the lack of explicit statutory guidance regarding digital accessibility has led to inconsistent practices and preventable exclusion. By aligning expectations with recognized accessibility standards and acknowledging existing exceptions for undue burden and fundamental alteration, the measure provides a balanced, workable framework for compliance while reinforcing longstanding civil rights protections.

Civil rights protections must evolve alongside how services are delivered. This measure helps ensure that people with disabilities are not excluded from full participation in public life simply because access has shifted to digital platforms.

Thank you for the opportunity to submit testimony supporting SB2852 SD1 HD1.

Sincerely,

A handwritten signature in blue ink that reads "Daintry Bartoldus".

Daintry Bartoldus
Executive Administrator



DISABILITY AND COMMUNICATION ACCESS BOARD

Ka 'Oihana Ho'oka'a'ike no ka Po'e Kīnānā

1010 Richards Street, Rm. 118 • Honolulu, Hawai'i 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • (808) 204-2466 (VP)

April 8, 2026

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Senate Bill 2852 Senate Draft 1 House Draft 1 – Relating to Civil Rights

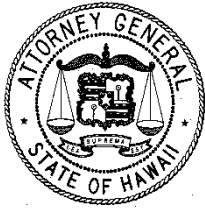
The Disability and Communication Access Board (DCAB) supports Senate Bill 2852 Senate Draft 1 House Draft 1 – Relating to Civil Rights. This bill requires the Hawai'i Civil Rights Commission to adopt rules on digital accessibility for places of public accommodations that are consistent with certain federal regulations. It specifies that a violation of the rules is an unlawful discriminatory practice. It 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 goods, services, facilities, privileges, advantages, or accommodations by requiring the use of information and communication technology that is not accessible to the person with a disability. It is effective 7/1/3000.

Ensuring equal access to digital information is essential for people with disabilities to participate fully to businesses and services offered through the web and mobile apps.

Thank you for the opportunity to testify.

Respectfully submitted,

KRISTINE PAGANO
Acting Executive Director



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

S.B. NO. 2852, S.D. 1, H.D. 1, RELATING TO CIVIL RIGHTS.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND ON HAWAIIAN AFFAIRS

DATE: Wednesday, April 8, 2026

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Sarah Anne S.L. Mau, or Lauren A. Sugai, Deputy Attorneys
General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General provides the following comments.

This bill makes it an unlawful discriminatory practice for places of public accommodation to deny persons with disabilities full and equal access to information about their goods, services, facilities, privileges, advantages, or accommodations by requiring the use of information and communication technology that is not accessible to the person with a disability. It also requires the Hawaii Civil Rights Commission to adopt rules on digital accessibility for places of public accommodation that are consistent with the web accessibility framework established by the United States Department of Justice in its Title II final rule, title 28 Code of Federal Regulations part 35, as amended.

As currently drafted, the bill would require the adoption of rules consistent with the current federal framework as well as any future amendments. Although the Hawaii Civil Rights Commission has rulemaking authority under chapter 91, automatically adopting future federal amendments may constitute an unlawful delegation of legislative power. *See State v. Tengan*, 67 Haw. 451, 463, 691 P.2d 365, 373 (1984) ("state legislation which adopts by reference *future* legislation, rules, or regulations, or amendments thereof, which are enacted, adopted, or promulgated by another sovereign

entity, [would constitute] an unlawful delegation of legislative power.") (emphasis in original).

To reduce this risk, we recommend deleting the reference to future amendments in section 2, in new section 489- (b), at page 4, lines 9-13, as follows:

(b) The rules adopted pursuant to this section shall be consistent with the web accessibility framework established by the United States Department of Justice in its Title II final rule on web accessibility, title 28 Code of Federal Regulations part 35~~[, as amended.]~~, as in effect on June 24, 2024.

This revision would enhance the bill's ability to withstand potential constitutional challenges. Thank you for the opportunity to provide comments.



HAWAI‘I CIVIL RIGHTS COMMISSION **KOMIKINA PONO KĪWILA O HAWAI‘I**

830 PUNCHBOWL STREET, ROOM 411, HONOLULU, HI 96813 · PHONE: (808) 586-8636 · FAX: (808) 586-8655 · TDD: (808) 586-8692

Wednesday, April 8, 2026 2:00 p.m.
Conference Room 325 & Videoconference
State Capitol, 415 South Beretania Street

To:

[COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS](#)

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

From: Alphonso Braggs, Chair

and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. 2852 SD1 HD1 Relating to Civil Rights

Testimony in SUPPORT & Comments

The Hawai‘i Civil Rights Commission (HCRC) carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5. HCRC has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment (Chapter 378, Part I, HRS), housing (Chapter 515, HRS), public accommodations (Chapter 489, HRS), and access to state and state-funded services (HRS § 368-1.5).

The purpose of this bill is to ensure the individuals with disabilities are not denied the full and equal enjoyment of the goods, services, privileges, and advantages of a place of public accommodation that is open to the general public as customers, clients, guests, or visitors.

SB2852 SD1 HD1 amends Chapter 489, HRS, which prohibits discrimination in places of public accommodations. SD1 HD1 simplifies the language of the bill to explicitly prohibit digital inaccessibility on the basis of disability in places of public accommodations while also directing the HCRC to engage in rulemaking for additional guidance and clarity.

As the agency tasked with enforcing laws protecting the people of Hawai'i in public accommodations, the HCRC understands the importance to clarify coverage over public accommodations that use digital communications and technology. This bill recognizes the present and future reality that public accommodations are no longer confined to physical brick-and-mortar structures, and as interactive technology increasingly becomes a part of society, businesses that use digital communications to interact with the general public must be accessible to individuals with disabilities. SB2852 SD1 HD1 recognizes that technology that is incompatible with auxiliary aids or inaccessible because of a disability is a barrier for some individuals with disabilities and effectively a denial of those goods and services. This barrier unfortunately prevents many individuals with disabilities from fully participating in our communities. Ultimately, accessibility benefits everyone. All individuals, regardless of ability, have the right to partake in social interaction, connection, and have a sense of belonging in our communities.

While SD1 HD1 is significantly more simplified than previous versions, SB2852 SD1 HD1 directs the HCRC to engage in rulemaking, which may allow for more flexibility when it comes to technical standards, definitions, and compliance dates. Technology rapidly changes, and definitions and standards regarding technology can rapidly change as well. Placing definitions and technical standards in the administrative rules rather than the statutes would allow for adjustments through rulemaking without requiring statutory amendments.

With respect to subsection (b), we respectfully suggest amending this section to identify a specific and fixed standard (suggestion in red):

(b) The rules adopted pursuant to this section shall be consistent with the web accessibility framework established by the United States Department of Justice in

its [April 24, 2024](#) Title II final rule on web accessibility, title 28 Code of Federal Regulations part 35, as amended.

The HCRC supports SB2852 SD1 HD1 and welcomes further dialogue to identify the most effective way to improve accessibility for individuals with disabilities in our community.

Thank you for hearing this bill.

SB-2852-HD-1

Submitted on: 4/6/2026 7:54:55 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Hawaii Disability Rights Center	Support	Written Testimony Only

Comments:

In support.



www.AlohaILHawaii.org

Apr 8, 2026

MISSION

Aloha Independent Living Hawaii (AILH) dedicated to providing independent living programs and services for persons with disabilities in Hawaii.

We work together with the community and consumers to improve the quality of life through individual choices and access to services.

EXECUTIVE DIRECTOR

Roxanne U. Bolden

BOARD OF DIRECTORS

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Jonathan Yap

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Scott Suzuki
Sheila Castaneda
Jennifer Hartssock

The Honorable David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs
The Thirty-Third Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

SUBJECT: SB2852 SD1 HD1 – Relating to Civil Rights

Chair and Members of the Committee:

Aloha Independent Living Hawaii (AILH) respectfully submits testimony in **strong support of SB2852 SD1 HD1**, Relating to Civil Rights.

SB2852 SD1 HD1 modernizes Hawaii's civil rights framework by confirming that it is an unlawful discriminatory practice for a place of public accommodation to deny a person with a disability full and equal enjoyment of goods, services, facilities, privileges, advantages, accommodations, or related information by requiring the use of information and communication technology that is not accessible to that person. In today's economy, websites, software applications, kiosks, and other digital tools are primary gateways to commerce, employment, reservations, purchases, and customer service. When these systems are inaccessible, individuals with disabilities are effectively excluded from full participation in public life.

AILH strongly supports directing the Hawaii Civil Rights Commission (HCRC) to adopt rules on digital accessibility that are consistent with the U.S. Department of Justice's Title II web accessibility framework. Placing the detailed technical standards, definitions, compliance schedules, exceptions, and enforcement procedures into administrative rules is appropriate, because rulemaking allows for ongoing public participation by people with disabilities, businesses of all sizes, and other stakeholders as technology continues to evolve. Clear rules will give both consumers and businesses



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better guidance on what “accessible” information and communication technology means in practice.

We appreciate that the HD1 version streamlines statutory language and locates the specifics of digital accessibility in the HCRC’s rulemaking authority. At the same time, implementation will be successful only if the rulemaking process is robust and inclusive. To that end, AILH respectfully offers the following recommendations for implementation:

1. The HCRC should ensure meaningful participation by cross-disability advocates, including people with sensory, cognitive, mobility, and psychiatric disabilities, throughout the rulemaking process so that the adopted standards reflect real-world barriers and solutions.
2. State agencies, in coordination with HCRC, should provide practical technical assistance to support businesses—especially small and medium-sized enterprises—in understanding accessibility requirements and integrating accessible design from the outset.
3. The rules should provide clear guidance on how the adopted technical standard (for example, current WCAG requirements) will be applied over time, so that businesses have predictability and persons with disabilities can rely on consistent enforcement.

From a civil rights perspective, SB2852 SD1 HD1 recognizes that accessibility now includes digital infrastructure, not only physical spaces. Equal access to goods and services must extend to the digital platforms through which they are advertised, reserved, and delivered. For many of the consumers we serve, accessible digital services are a prerequisite for independent living in the community.

AILH respectfully urges the Committee to pass SB2852 SD1 HD1 and to encourage an inclusive, transparent rulemaking process that centers the experiences of people with disabilities.

Thank you for the opportunity to testify.



www.AlohaILHawaii.org

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Member

Scott Suzuki
Sheila Castaneda
Jennifer Hartssock

Mahalo,

Roxanne Bolden
Executive Director

National Federation of the Blind of Hawaii
Testimony submitted by James Gashel, legislative chair

House of Representatives
Judiciary and Hawaiian Affairs (JHA) Committee

Thirty-third legislature, 2026 regular session
April 8, 2026, 2:00 pm, hearing on SB2852 S.D. 1 H.D. 1

Good afternoon Chair Tarnas, Vice Chair Poepoe, and JHA Committee members. I am James Gashel, National Federation of the Blind (NFB) of Hawaii, legislative chair, strongly supporting SB2852 and requesting consideration of H.D. 2 amendments.

The emphasis of this bill as amended in H.D. 1 is to direct the Hawaii civil rights commission to adopt rules implementing the prohibition against inaccessible information and communication technology, and to confirm that it is an unlawful discriminatory practice for a place of public accommodation to deny a person with a disability full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation, or information related thereto, by requiring the use of information and communication technology that is not accessible to the person with a disability.

NFB of Hawaii supports enacting the prohibitions identified in SB2852, but we much prefer having more specifics in the law as compared to civil rights commission regulations, which at this point are a concept with no effective date or deadline for adoption.

You should note that this bill was reintroduced this year as SB2852, identical to SB1496 H.D. 2, resulting from this committee's hearing last year. The committee report is: HSCR1777. SB1496 passed both the Senate and House last year without substantive differences between the S.D. 1 and H.D. 2 versions. House, but not Senate, conferees were appointed, so no conference held on that bill.

The civil rights commission consistently supported SB1496 last year and has also supported SB2852 in the Senate and House hearings held this year. The preference to have regulations over more specific statutory language has been promoted by one individual testifier and then adopted by the CPC Committee as the H.D. 1 version of this bill. The civil rights commission's previous testimony has been that the commission already has authority to adopt the regulations called for in SB2852 H.D. 1, but also supports having the more specific statutory language in SB2852 as introduced.

Considering the extensive vetting of both SB1496 and SB2852, NFB of Hawaii asks the JHA committee to consider H.D. 2 amendments, using SB2852 as introduced, and specifying the civil rights commission's authority to adopt rules and regulations the commission deems necessary to implement this Act. This approach reaffirms the bill the Senate and House passed last year, and acknowledges that regulations may also be adopted.

Technology has the power to bridge gaps or deepen divides. When digital platforms are inaccessible, individuals with disabilities face barriers to employment, healthcare, education, and essential services. Ensuring accessibility is not just a legal obligation--it is a moral imperative that affirms the dignity and equality of all members of our community.

This bill modernizes our public accommodation laws to reflect the realities of the digital world while upholding the principles of fairness and accessibility. SB2852 will make Hawaii a national leader in equal access to the digital world. Mahalo for hearing this bill today.

SB-2852-HD-1

Submitted on: 4/6/2026 9:23:58 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kenichi Yabusaki	Individual	Support	Written Testimony Only

Comments:

Aloha e Chairman Tavaras and Vice Chair Poepoe:

I strongly believe that the Committee on Civil Rights to pass SB2852. As a society, persons affected by any disability should not be denied access to digital services and technology.

Respectfully submitted,

Kenichi Yabusaki, Ph.D.

PETER L. FRITZ

April 8, 2026

The Honorable Representative David A. Tarnas, Chair
The Honorable Representative Mahina Poepoe, Vice Chair
House Committee on Judiciary and Hawaiian Affairs

SUBJECT: S.B. No. 2852, S.D. 1, H.D. 1 — Relating to Civil Rights — Testimony in Support

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

My name is Peter Fritz. I am an attorney, an individual with a disability, and an advocate for persons with disabilities. My practice includes work under the Americans with Disabilities Act and related state civil rights law. I have experience drafting legislation and reviewing regulatory frameworks in this area.

I submit this testimony in support of S.B. 2852, S.D. 1, H.D. 1.

Prior Testimony

I submitted written testimony at prior hearings raising concerns about the structure of earlier drafts of this bill. Those concerns were structural, not substantive. The civil rights purpose of the bill has always been sound. The earlier drafts attempted to embed regulatory content into statutory text. That approach created legal problems that the current draft corrects.

Problems with the Earlier Drafts

Three structural flaws appeared in the earlier drafts.

First, the earlier drafts placed technical compliance standards directly in the statute. Technical standards belong in administrative rules, not in statutes, because rules can be updated through public rulemaking as technology evolves without requiring new legislation.

Second, the earlier drafts required compliance with the most current version of the Web Content Accessibility Guidelines. That standard is set by a private international body. Under that approach, when WCAG 3.0 is finalized, every covered business in Hawaii would be immediately bound by a new and higher standard with no transition period, no public hearing, and no regulatory review. The legislature would not have voted on it. The public would not have commented. Businesses would have no warning.

Third, the earlier drafts bypassed the public rulemaking process entirely. Neither the disability community nor the business community had a meaningful opportunity to weigh in on compliance standards or timeframes.

HD1 Corrects

HD1 adopts the structure that disability discrimination law has used successfully for more than thirty years. The civil rights prohibition belongs in the statute and is confirmed there. The technical implementation standards belong in rules adopted by the Hawaii Civil Rights Commission through a public process under chapter 91.

This is the same framework the Department of Justice used when it developed its Title II web accessibility rule. That rule was developed through notice-and-comment rulemaking, with full participation by the disability community, businesses, and the public. The result was a fixed technical standard, phased compliance dates, and clear guidance for all parties. HD1 directs HCRC to follow that same path, consistent with the DOJ framework.

A complete working draft of implementing rules, adapted from the DOJ Title II final rule, has already been prepared. Rulemaking does not mean starting from a blank page.

Support

HD1 corrects the structural problems with the earlier drafts. It establishes the civil rights prohibition clearly. It directs HCRC to adopt implementing rules through a public process. It aligns Hawaii with a proven federal framework. The disability community and the business community will both have the opportunity to participate before standards take effect.

I support passage of S.B. 2852, S.D. 1, H.D. 1.

Respectfully submitted,

Peter L. Fritz
T-Mobile Relay: (808) 586-0077
Email: plflegis@fritzhq.com

SB-2852-HD-1

Submitted on: 4/7/2026 7:57:48 AM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jackie Keefe	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs,

My name is Jackie Keefe, and I am **in strong support of SB2852 SD1 HD1**, which 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.

State and federal laws require equal access to places of public accommodation without discrimination based on disability but need updating to include specifics about digital, not just physical, access. Physical access was the original focus of our public accommodations laws, but digital access has now become equally and at times even more important.

Technology has the power to bridge gaps or deepen divides. When digital platforms are inaccessible, individuals with disabilities face barriers to employment, healthcare, education, and essential services. Ensuring accessibility is not just a legal obligation; it is a moral imperative that affirms the dignity and equality of all members of our community.

By passing SB2852 Hawai‘i will once again demonstrate its commitment to inclusive innovation and equal opportunity. This bill modernizes our public accommodation laws to reflect the realities of the digital world while upholding the principles of fairness and accessibility. This bill will make Hawai‘i a national leader in equal access to the digital world.

Please pass this bill. Mahalo for the opportunity to testify.

Jackie Keefe, Lahaina

SB-2852-HD-1

Submitted on: 4/7/2026 7:58:53 AM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Emily Cruz	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and members of the JHA Committee,

My name is Emily Cruz, and I am writing in strong support of SB2852 H.D. 1 S.D. 1.

I live with low vision, but my disability is not always visible. I do not always have use for a cane, and in many situations, there are no outward signs that I have a visual impairment. Because of this, people often assume I can see and navigate the world like anyone else.

This means I cannot rely on others to recognize when I may need assistance. Without visible indicators, I often navigate inaccessible systems on my own. This is why accessibility cannot depend on whether someone “looks” disabled, it must be built into our communities and our technology.

Today, so much of daily life depends on digital access, websites, apps, and self-service systems. When these are not accessible, people like me are unintentionally excluded from fully participating in everyday activities.

SB2852 H.D. 1 S.D. 1 is important because it ensures that accessibility is built in from the start. It helps create a more inclusive Hawaii where people with disabilities can access services independently and with dignity.

I respectfully urge you to support and pass this bill.

Mahalo for your time and consideration.

SB-2852-HD-1

Submitted on: 4/7/2026 10:31:10 AM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sherry Shimizu	Individual	Support	Written Testimony Only

Comments:

'Apelila 7, 2026

Dearest Honorables Representatives Tarnas (Chair), Poepoe (Vice Chair), and Members Belatti, Hashem, Kahaloa, Sayama, Takayama, Cochran, Garcia, and Shimizu of House Committee on Judiciary and Hawaiian Affairs (JHA):

Aloha, I would like to request that you all support this SB2852 SD1 HD1 or HB1998, so folks with disabilit(ies) are able to have their reasonable accommodation met in order to access public information with ease as fellow citizens by state / local governments and private businesses with 16 or more employees (restaurants, hotels and stores), including medical. Examples include captions for videos and audio, braille for all written information, and qualified sign language interpreters. We have current laws in place and this SB2852 SD1 or HB1998 is necessary to clarify, explain clearly why everyone receives information in their own way.

Sincerely,

sherry Shimizu

SB-2852-HD-1

Submitted on: 4/7/2026 12:09:36 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaili	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Vice Chair,

My name is Kaili Swan and I am a self advocate with a developmental disability. I am in strong support for SB2852.

I know many people who struggle to use websites and technology because of the words used and how unclear it can be.

I like being independent and this measure will help me and others be more independent.

Thank you for this opportunity to provide testimony.

Mahalo,

Kaili Swan

SB-2852-HD-1

Submitted on: 4/7/2026 12:54:23 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Emerie Mitchell-Butler	Individual	Support	Written Testimony Only

Comments:

Testimony submitted by Emerie Mitchell-Butler

House of Representatives

Judiciary and Hawaiian Affairs (JHA) Committee

Thirty-third legislature, 2026 regular session

April 8, 2026, 2:00 pm, hearing on SB2852 H.D. 1 S.D. 1

Good afternoon Chair, Vice Chair, and JHA Committee members. I am Emerie Mitchell-Butler, strongly supporting SB2852 H.D. 1 S.D. 1, requiring information technology used by places of public accommodation to be accessible to persons with disabilities. I am blind, and I often encounter websites that I can't fully interact with because they don't work with my screen reader. The vast majority of accessibility issues can be fixed with basic web design principles, in my opinion. Which is to say, accessibility is part of basic web design. For that reason, I think there is no excuse for the creation of inaccessible websites, and even less when those websites claim to serve a community of paying customers.

These days, interacting with a business's website is becoming more necessary, or it's just helpful. I might use a website to renew my membership to a certain store or view what deals are available to me. I could place an order to be delivered, or I could arrange for someone to pick it up. I could check prices and availabilities before I go to the store to make a shopping list that benefits my budget and health. But I can't do any of these things if the website is built poorly. Anyone with access to a computer, including disabled people, should be able to benefit from these online services, just as anyone should be able to access the brick-and-mortar part. We should update regulations to match the digital age so that we don't leave anyone behind.

I have no evidence to back this up, but I think that more accessible websites will result in more people who know how to code accessible websites and think that they should do so. This means that even if those people stop working on websites that have a brick-and-mortar portion in Hawaii, they will hopefully bring those skills to more parts of the internet. But this is theoretical, at least as far as I know, but the practical reasons still stand. Access to websites and other information technologies is just as essential as being able to go to the store itself. Please pass this bill so that everyone in Hawaii can patron businesses, even if they need to visit the website. Thank you for your time.

SB-2852-HD-1

Submitted on: 4/7/2026 12:57:49 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tabatha Mitchell	Individual	Support	Written Testimony Only

Comments:

Testimony submitted by Tabatha Mitchell, mother of a blind graduate of Kalaheo High School that is currently at college pursuing her degree in biochemistry.

Thirty-third legislature, 2026 regular session

Good afternoon chairs, vice chairs, and members. I am Tabatha Mitchell of Kaneohe, and I strongly support SB2852, requiring information technology used by places of public accommodation to be accessible to persons with disabilities.

This bill is vital because it promotes full and equal access to the digital world. Lack of accessibility in websites, software, documents, and etc is a deal breaker. It is a hard stop. It creates obvious and complete barriers to information. Period.

I got a full dose of this reality when I had to take a leave of absence from my full-time job just so I could sit beside my blind daughter and operate a mouse in order for her to access her curricula as a high school student. It was shocking.

She has been trained since KG on how to use computers non-visually. As a matter-of-fact, she was so capable of using her computer equipment without eyes that she often made videos that helped instruct other blind people on how to do things on their computers and phones with screen readers and voice over technology. So her computer skill level should never be misconstrued as the problem. Inaccessible websites that she was sent to multiple times a day were the problem.

Public library sites where she would seek out resources for her research were the problem. Hawai'i DMV, where she tried to go to the websites to get her first state ID was the problem. The Kaiser app where she tried to make her own appointments and manage her own healthcare before leaving home and going to college was the problem. I could go on and on and on...

Barriers to digital access are barriers to equal opportunity. It is shockingly sad how blind people are treated. Blind people are not the problem. Letting companies, agencies, and public facing entities ignore simple digital solutioning is the problem. These entities create inaccessible material and systems and turn a blind eye to their egregious acts. It must stop. It's 2026; not 1926.

Physical access was the original focus of public accommodations laws, but digital access has now become equally important. Without equal access to websites and applications, individuals with disabilities are excluded from equal participation in important parts of society, and are treated as second-class citizens; defeating the purpose of our state's civil rights, public accommodations law.

Compared to existing law, SB2852 H.D. 1 S.D. 1 clarifies and strengthens the obligations of public accommodations by:

- Defining accessibility in the digital age -- The bill explicitly includes information and communications technology under the definition of public accommodations, ensuring that digital services are held to the same non-discrimination standards as physical spaces.
- Requiring compliance with established accessibility standards -- Places of public accommodation will be required to ensure that their websites, applications, and other digital technologies meet Web Content Accessibility Guidelines (WCAG) 2.1 Level AA, including subsequent revisions. This is a widely recognized standard for digital accessibility.
- Providing flexibility for businesses -- Recognizing that some entities may face challenges, the bill includes reasonable exemptions for cases where compliance would impose an undue burden or fundamentally alter the nature of the technology.

Take just one moment to think about how you will want to be treated as you age and your vision deteriorates. It's a very real concern and one that needs a legislative directive to be corrected. Amazingly, the solutions are not hard or wildly expensive. WCAG guidelines are already out there, and they've been around for a long while. They've just been allowed to be ignored; which is frankly unacceptable.

Mahalo for considering SB2852 H.D.1 S.D. 1. Please vote to approve this crucial bill.

SB-2852-HD-1

Submitted on: 4/7/2026 1:39:05 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marie Kouthoofd	Individual	Support	Written Testimony Only

Comments:

Testimony of Marie Kouthoofd in Support of S.B. 2852, S.D. 1, H.D. 1

Hawaii State House of Representatives

Committee on Judiciary & Hawaiian Affairs

Thirty-Third Legislature, 2026 Regular Session

Aloha Chair, Vice Chair, and members of the Committee,

My name is Marie Kouthoofd, and I am writing in support of S.B. 2852, S.D. 1, H.D. 1.

I support this bill because inaccessible websites, apps, kiosks, reservation systems, ordering platforms, and other digital tools have become real barriers for blind and disabled people trying to access the same goods, services, and information the public is expected to use independently.

As a blind resident of Hawaii, I support the bill's recognition that inaccessible information and communication technology in places of public accommodation can be a form of unlawful discrimination.

At the same time, I do have concerns about some of the changes made to the bill, and I hope the Committee will keep those concerns in mind as it moves forward.

My biggest concern is that too much of the bill's real substance now appears to be pushed into future rulemaking. I understand the need for administrative rules, but the more that gets left for later, the more room there is for delay, uncertainty, and weaker protections.

I am also concerned that important issues such as timelines, standards, and exceptions are now being left to be worked out later rather than stated more clearly up front. Blind and disabled consumers need more than a general promise of access. We need to know that access will actually be required in a way that is meaningful and enforceable.

I am also concerned about exceptions becoming too broad. Some flexibility may make sense in limited situations, but if the carveouts become too wide, the protections can lose their force.

Another concern is that "access" could end up meaning a workaround instead of equal access. Blind and disabled people should not have to call for help, wait for assistance, or rely on a separate backup option every time the public is expected to use a digital system independently. If a website, app, kiosk, or digital platform is how the public is expected to access information or services, then disabled consumers should be able to use it too.

Finally, I urge the Committee to make sure this bill keeps meaningful enforcement behind it. If a person is denied access because a digital system is inaccessible, there should be a real path for complaint and accountability.

I support this bill because it addresses a real and growing form of discrimination. I respectfully ask that as it continues to move forward, it remain strong enough to provide real access in practice.

Thank you for the opportunity to testify in support of this measure.

Respectfully submitted,

Marie Kouthoofd

Testimony submitted by Katie Keim

House of Representatives

Judiciary and Hawaiian Affairs (JHA) Committee

Thirty-third legislature, 2026 regular session April 8, 2026, 2:00 pm, hearing on SB2852 H.D. 1 S.D. 1

Good afternoon Chair, Vice Chair, and JHA Committee members. I am Testimony submitted by Virgil Stinnett

House of Representatives

Judiciary and Hawaiian Affairs (JHA) Committee

Thirty-third legislature, 2026 regular session April 8, 2026, 2:00 pm, hearing on SB2852 H.D. 1 S.D. 1

Good afternoon Chair, Vice Chair, and JHA Committee members. I am Katie Keim strongly supporting SB2852 H.D. 1 S.D. 1, requiring information technology used by places of public accommodation to be accessible to persons with disabilities.

This bill is vital to me because it promotes equal access to the digital world, increasingly important for everyone., strongly supporting SB2852 H.D. 1 S.D. 1, requiring information technology used by places of public accommodation to be accessible to persons with disabilities.

This bill is vital to me because it promotes equal access to the digital world, increasingly important for everyone.

Overnight I became a disabled individual, blind at the age of 36, 31 years ago due to juvenile type 1 diabetes.

Navigating my world and especially the government and medical world became a bigger adjustment than learning blind skills to fully participate in life activities and reenter the workforce.

Initially and even today digital access has become the standard and vital to fully participate, and the barriers created for me as a blind individual, increase unnecessary misunderstanding, and lack of respect for my experience, knowledge and privacy.

Government programs meant for all individuals, initially became a full-time job trying to complete, explain and communicate beyond misperceptions of my value. Without being able to access, explaining to the government workers I understood what I was seeking, yet spending excessive time often without results with barriers to perceptions of individuals with disabilities could not be forged, meant seeking a supervisor or another appointment to simply complete a form required. Often still today, misperceived as a lesser human being who is blind and treated as if I do not hear or understand, simply because I could not access the information and complete forms independently.

Medical appointments that were once simple registration, check in and receive printed material, even some clinics require my appointments to be 45 minutes long, 15 minutes is the standard, yet for individuals perceived as needing more time, scheduled at a limited day and time. Providing private information in a public waiting room, unless I schedule ahead of time for the staff to take me to a private room for health history completed orally, The digital process of supplying the information and checking into appointments is not accessible to me and consumes a large portion of my day and the appointment non-disabled individuals do not have to consider. .

Digital access is everywhere and expectation is not a choice, often now with no other choice than the digital platform to access our daily lives. Grocery stores, Costco, pharmacies, doctors' offices, clinics, restaurants, government offices, job application, continuing educational classes, financial institutions, travel in Hawaii and beyond, everywhere we go in our daily life.

Whether a disabled individual is fully employed or retired, being fully involved in volunteer, personal commitments and family and community activities, with the onset of digital access to public services, it is time to bring the law up to date establishing digital access not just physical access for individuals with disabilities full integration, and quality of life.

I stand in support of the testimony submitted by the National Federation of the Blind of Hawai'i by James Gashehl, legislative director.

Mahalo nui loa for hearing my testimony today and seriously considering removing digital platform barriers by passing SB2852 H.D. 1 S.D. 1 into law. Much mahalo for your consideration.

Testimony submitted by Virgil Stinnett

House of Representatives

Judiciary and Hawaiian Affairs (JHA) Committee

Thirty-third legislature, 2026 regular session April 8, 2026, 2:00 pm, hearing on SB2852 H.D. 1 S.D. 1

Good afternoon Chair, Vice Chair, and JHA Committee members. I am Virgil Stinnett, President of the National Federation of the Blind of Hawaii, strongly supporting SB2852 H.D. 1 S.D. 1, requiring information technology used by places of public accommodation to be accessible to persons with disabilities.

This bill is vital to me because it promotes equal access to the digital world, increasingly important for everyone. Being an individual who is blind, a local businessman – entrepreneur with over 80 employees, participation in activities requiring digital platforms is a constant barrier to my full integration in life.

Blindness for me is an adult-onset disability, learning new skills, re-entering the work force, and doing basic daily activities suddenly became a time consuming and inaccessible challenge.

Checking out at Costco, Sams club business suppliers, banking, and many other activities needed to successfully run a business are a daily challenge. My business has me on Oahu and in Hilo weekly. The digital platforms are part of everything I do yet not accessible to me, requiring additional time and coordination of assistance in my day. Although I do not drive, I have employees who do and being the business owner, I am responsible to pay for parking. Many of the lots and meters do not have alternatives to the apps used that are not accessible. Finding solutions is not necessary if the digital platforms were standardized for access to individuals with disabilities, consuming often too much of my business day.

Digital access is in our personal daily chores; grocery shopping, pharmacies, doctors and clinics, laundry using apps to pay, all not fully accessible to me.

Existing state and federal laws require equal access to places of public accommodation without discrimination based on disability but need updating to include specifics about digital, not just physical, access. Physical access was the original focus of our public accommodations laws, but digital access has now become equally and at times even more important.

Without equal access to websites and applications, many of us as individuals with disabilities are excluded from equal participation in important parts of society, and are treated as second-class citizens; defeating the purpose of our state's civil rights, public accommodations law.

I stand in support of the testimony submitted by the National Federation of the Blind of Hawai'i by James Gashehl, legislative director.

This bill will make Hawaii a national leader in equal access to the digital world.

Mahalo nui loa for hearing my testimony today and seriously considering removing digital platform barriers by passing SB2852 H.D. 1 S.D. 1

SB-2852-HD-1

Submitted on: 4/7/2026 4:02:07 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ann Lemke	Individual	Comments	Written Testimony Only

Comments:

Hello, committee chair, vice chair and members,

I strongly support SB2852 as ammendd. I concur with the position set forth by the National Federation of the Blind of Hawaii. When the original Americans with Disabilities Act was passed in 1990, barriers to access were thought of primarily as physical obstacles--jhe need for elevators, cub cuts, and accessible bathrooms, for example. Now, websites and digital applications provide the opportunity to engage with or the clsed door to deny full participation in civic lif. I am writing this online and will be submitting it accordingly from my home, because one of your clerks took the tie to listen to my access concerns.

I am counting on all of you to continu your support for access by myself and othe print-disabl residents of our state.

Respectfully,

Ann Lemke, Ph.D., retired

Kaneohe, Hawaii

SB-2852-HD-1

Submitted on: 4/8/2026 1:46:57 AM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carrie Ann Shirota	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe and Committee Members:

I strongly support SB2852 SD1 HD1 RELATING TO CIVIL RIGHTS. This measure seeks to effectuate the Legislature's intent to provide Hawaii's people with access to information and communication technology to fully participate in public life and enjoy the goods and services provided in the State.

Additionally, it would require the Hawaii Civil Rights Commission to adopt rules to regulate whether information and communication technology is not accessible to a person with a disability, rather than statutorily prescribing the manner in which information and communication technology is accessible;

This measure is personally important as I have loved ones with disabilities, specifically vision impairments, who struggle with access to information and communication technology.

I respectfully urge you to adopt this measure and change the defective date to an effective date.

Sincerely,
Carrie Ann Shirota, Esq.

Honolulu, Hawai'i