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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
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March 17, 2026

The Honorable Representative Scot Z. Matayoshi, Chair
House Committee on Consumer Protection & Commerce
The Thirty-Third Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Chair Matayoshi and Committee Members:

SUBJECT: SB2852 SD1 Relating to Civil Rights

The Hawai'i State Council on Developmental Disabilities (DDC) submits testimony **in SUPPORT of SB2852 SD1** 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. Establishes exceptions.

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.

Sincerely,
Daintry Bartoldus
Executive Administrator



HAWAI‘I CIVIL RIGHTS COMMISSION

KOMIKINA PONO KIWILA O HAWAI‘I

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

Tuesday, March 17, 2026 2:00 p.m.
Conference Room 329 & Videoconference
State Capitol, 415 South Beretania Street

To:

[COMMITTEE ON CONSUMER PROTECTION & COMMERCE](#)

Rep. Scot Z. Matayoshi, Chair

Rep. Tina Nakada Grandinetti, Vice Chair

From: Alphonso Braggs, Chair

and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. 2852 SD1 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).

SB 2852 SD1 amends Chapter 489, HRS, which prohibits discrimination in places of public accommodations. Its purpose is to establish that it is an unlawful discriminatory practice for places of public accommodation (such as businesses and stores) that use digital information and communication technology (websites, QR codes, etc.) intended for use by the general public as customers, clients, or visitors, to fail to make digital communication technology accessible to individuals with disabilities. Lack of access to a business or other place of public

accommodations for individuals with disabilities because the place of public accommodation uses technology incompatible to auxiliary aids is effectively a denial of those goods and services and a barrier. This barrier unfortunately prevents many individuals with disabilities from fully participating in our communities. This bill recognizes that all individuals, regardless of ability, have the right to partake in social interaction, connection, and have a sense of belonging in our communities.

SD1 added graduated compliance dates for larger public accommodations with more than 16 employees, and smaller public accommodations with 15 or less employees to eventually bring all public accommodations into compliance with the law. This approach may address the concerns we had regarding potential for unrealistic compliance for all businesses to improve accessibility, resulting in strong resistance and a potential for collective failure.

As the agency tasked with enforcing laws protecting the people of Hawai'i in public accommodations, HCRC recognizes the importance of the clarification of coverage over public accommodations that use digital communications. Accessibility benefits everyone. This bill recognizes the present and future reality that public accommodations are no longer confined to physical brick-and-mortar structures, and including digital places in the definition of "place of public accommodation" better reflects Hawaii's foundational values of inclusivity, dignity and equality.

Our reading of the language of SB2852 SD1 does not mandate compliance with the most current version of the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG), but states that a public accommodation's website will be deemed accessible if they can show compliance with the most current version of WCAG. Additionally, the wording for the

“most current version” in SB2852 SD1 appears flexible to account for newer technologies and updated versions of DOJ guidance. This flexibility would help compliance to accessibility requirements without requiring additional and/or more frequent legislation or rulemaking to address newer technology concerns.

The HCRC supports SB 2852 SD1 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.



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)

March 17, 2026

TESTIMONY TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

Senate Bill 2852 Senate Draft 1– Relating to Civil Rights

The Disability and Communication Access Board (DCAB) supports Senate Bill 2852 Senate Draft 1 – Relating to Civil Rights. This bill would establish 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. It also establishes exceptions. Effective 1/30/2050.

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

Thank you for the opportunity to testify.

Respectfully submitted,

KRISTINE PAGANO
Acting Executive Director

LATE

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

House of Representatives
Consumer Protection and Commerce (CPC) Committee

Thirty-third legislature, 2026 regular session
March 17, 2026, 2:00 pm, hearing on SB2852 S.D. 1

Good afternoon Chair Matayoshi, Vice Chair Grandinetti, and members. I am James Gashel, National Federation of the Blind (NFB) of Hawaii, legislative chair, strongly supporting SB2852 S.D. 1, requiring information technology used by public accommodations to be accessible to persons with disabilities.

The purpose of this Act is to make it an unlawful discriminatory practice for a place of public accommodation to deny a person with a disability full and equal enjoyment of, or 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.

You should note that this bill is essentially the same as SB1496, which passed both the Senate and House last year. House but not Senate conferees were appointed, so "close but no cigar."

, 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.

Despite broad language in both HRS chapter 489 and section 302 of the Americans with Disabilities Act, requiring access to places of public accommodation, websites and mobile applications they use today far too often have barriers to access by persons with disabilities. These disability barriers deny access, but are often not understood as discriminatory. Without equal access to websites and applications, many individuals with disabilities are excluded from equal participation in and equal access to all aspects of society, and are treated as second-class citizens; defeating the purpose of HRS chapter 489.

What This Bill Will Do

SB2852 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, software applications, and other digital technologies meet Web Content Accessibility Guidelines.

- Providing a phased-in schedule and 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.

Importance of Digital Accessibility

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 S.D. 1 will make Hawaii a national leader in equal access to the digital world. Mahalo for hearing this bill today.

SB-2852-SD-1

Submitted on: 3/12/2026 10:05:29 PM

Testimony for CPC on 3/17/2026 2:00:00 PM

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

Comments:

In support.

SB-2852-SD-1

Submitted on: 3/13/2026 12:00:27 PM

Testimony for CPC on 3/17/2026 2:00:00 PM

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

Comments:

Testimony of Marie Kouthoofd

33rd Legislature, 2026 Regular Session

SB2852 SD1 – Relating to Accessible Public Accommodations Technology

Committee: House Committee on Consumer Protection and Commerce (CPC)

Hearing Date: March 17, 2026

Time: 2:00 PM

Position: SUPPORT

Aloha Chair Matayoshi, Vice Chair Grandinetti, and Members of the House Committee on Consumer Protection and Commerce:

My name is Marie Kouthoofd. I am blind and submit testimony in support of SB2852 SD1.

More businesses now rely on touch screens, kiosks, and app based systems to serve customers. When these systems are built without accessibility, I cannot use them independently even though the service is open to the public. I must either ask someone else to complete the transaction or walk away entirely.

The technology to make these systems accessible already exists. Our marketplace simply needs to catch up and recognize that blind consumers also deserve to participate independently.

I respectfully urge the committee to pass SB2852 SD1.

Mahalo for the opportunity to testify.

Marie Kouthoofd

PETER L. FRITZ

Committee on Consumer Protection & Commerce

March 17, 2026

SUBJECT: S.B. No. 2852, S.D. 1 (Proposed S.D. 2) — Relating to Civil Rights —
Comments

Dear Chair, Vice Chair, 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, reviewing regulations and drafting opinion letters in this area. I am submitting these comments on S.B. 2852, S.D. 1.

I am requesting that the Committee:

- Amend S.B. 2852, S.D. 1 to reflect the statutory architecture proposed in Attachment 2;
- Direct the Hawaii Civil Rights Commission to initiate rulemaking under Chapter 91, Hawaii Revised Statutes, using the draft rules in Attachment 1 as the working document; and
- Direct the Commission to complete rulemaking on an expedited basis consistent with the timeline established by the Department of Justice for its Title II web accessibility rule.

I have attached draft implementing rules for the Hawaii Civil Rights Commission as Attachment 1 and a proposed S.D. 2 as Attachment 2. I am the author of both documents. Together they constitute a complete, legally sound, and workable framework for digital accessibility in Hawaii.

The Problem with S.B. 2852, S.D. 1

S.B. 2852, S.D. 1 attempts to embed regulatory content into statutory text. Portions of the bill were imported from the Department of Justice's Title II regulatory framework

but without the accompanying provisions that give them legal coherence. The result is an incomplete and internally inconsistent text.

Specifically, S.D. 1 places definitions, compliance deadlines, technical accessibility standards, exceptions, an undue burden provision, and a WCAG benchmark provision into the statute. Each of these elements is regulatory in nature. Each belongs in agency rules, not in a statute. Each was imported incompletely. Each creates legal problems that the complete regulatory framework resolves.

This is not a criticism of the bill's civil rights purpose. That purpose is sound. It is a drafting problem with a specific and ready solution.

The Correct Statutory Architecture

Hawaii Revised Statutes Chapter 489 already prohibits discrimination based on disability by places of public accommodation. No new civil rights prohibition is needed.

The statute needs to do three things and nothing more.

- Confirm in Chapter 489 that requiring use of inaccessible information and communication technology by a place of public accommodation is an unlawful discriminatory practice. This provision appears in S.D. 1 as subsection (c) of amended Section 489-5. It is correct. It is retained in the proposed S.D. 2 without change.
- Direct the Hawaii Civil Rights Commission to promulgate implementing rules consistent with the Department of Justice Title II web accessibility framework.
- Confirm that a violation of the implementing rules constitutes an unlawful discriminatory practice under Chapter 489, subject to all remedies under that chapter, and that the Commission shall process complaints under Chapter 368. Without this confirmation, a covered entity could challenge whether a rules violation triggers Chapter 489 remedies or whether Chapter 368 procedural authority applies. The proposed S.D. 2 provides this confirmation. It does not expand the Commission's authority. It confirms it.

Everything else belongs in the rules.

Rulemaking Is the Right Path

The rulemaking process is not delay. It is the mechanism that produces workable rules. The Department of Justice completed its Title II web accessibility rulemaking from proposed rule to final rule in approximately eight months. Hawaii's process begins with a complete working draft already prepared. The Commission does not start from a blank page.

The compliance dates in the draft rules are tied to the effective date of the final rule, not to the legislative calendar. Businesses receive the preparation time they need. The disability community receives enforceable protection as soon as the rules take effect.

The rulemaking process gives both the disability community and the business community a formal opportunity to shape the rules. The four open issues in the draft rules; entity size threshold, compliance dates, WCAG incorporation by reference procedure, and section numbering, are precisely the questions that public input should answer. No legislator, no drafter, and no single expert can answer them correctly without that input.

Testimony at the prior hearing documented present, ongoing barriers experienced by blind and low vision residents in Hawaii. Those barriers exist today under existing law. The proposed S.D. 2 and the draft rules, processed through an expedited rulemaking, will deliver enforceable protection to those individuals on a defined schedule.

The Draft Rules

The draft rules in Attachment 1 address definitions, a fixed technical benchmark of WCAG 2.1 Level AA incorporated by reference, a phased compliance schedule with two tiers based on entity size, five specific exceptions, an equivalent facilitation defense, a structured undue burden procedure, and enforcement integrated into existing Chapter 489 and Chapter 368 infrastructure including a private right of action under HRS Section 489-22.

Four issues are reserved for public rulemaking: the size threshold for phased compliance, the compliance dates, the incorporation by reference procedure for WCAG 2.1, and Hawaii Administrative Rules section numbering.

I respectfully recommend that the Committee:

- (1) Amend S.B. 2852, S.D. 1 to reflect the statutory architecture in the proposed S.D. 2 in Attachment 2;
- (2) Direct the Hawaii Civil Rights Commission to initiate rulemaking under Chapter 91, Hawaii Revised Statutes, using the draft rules in Attachment 1 as the working document; and
- (3) Direct the Commission to complete rulemaking on an expedited basis consistent with the timeline established by the Department of Justice for its Title II web accessibility rule.

Thank you for the opportunity to submit testimony. I am available to discuss this proposal with the Committee or with Commission staff.

Respectfully submitted,

Peter L. Fritz

T-Mobile Relay: (808) 586-0077

Email: plflegis@fritzhq.com

Attachment 1: Draft Rules for Hawaii Civil Rights Commission -- Web and Mobile Application Accessibility for Places of Public Accommodation (HCRC Draft Rules)

Attachment 2: Proposed S.B. No. 2852, S.D. 2

HAWAII CIVIL RIGHTS COMMISSION
PROPOSED RULES: DRAFT FOR NOTICE-AND-COMMENT
Web and Mobile Application Accessibility
for Places of Public Accommodation

Adapted from U.S. Department of Justice Title II Final Rule (April 24, 2024)

DRAFTING NOTE: *This is a rough working draft for review and comment by the Hawaii Civil Rights Commission and interested parties. Bracketed items in bold are unresolved policy choices or require action by the Legislative Reference Bureau (LRB) before publication of a formal Notice of Proposed Rulemaking. All section reference numbers are placeholders pending assignment in the Hawaii Administrative Rules.*

§ [HAR reference] Definitions

As used in this subpart:

Accessible means that individuals with disabilities are able to acquire the same information, engage in the same interactions, and enjoy the same services as individuals without disabilities, with substantially equivalent ease of use.

Archived web content means web content that meets all of the following: (1) it is maintained exclusively for reference, research, or recordkeeping purposes; (2) it is not altered or updated after the date the covered entity is required to comply with this subpart; and (3) it is organized and stored in a dedicated archive area of the covered entity's website.

Conventional electronic document means a file in a format such as Portable Document Format (PDF), word processor file formats, presentation file formats, or spreadsheet file formats.

Covered entity means a place of public accommodation as defined in Hawaii Revised Statutes § 489-2.

Information and communication technology means technology that is used in the creation, display, transmission, and storage of digital content, including but not limited to websites, web applications, mobile applications, kiosks, electronic documents, and software programs.

Mobile app means software that is downloaded or installed on mobile devices such as smartphones and tablets, and is used to access or receive the goods, services, or information of a covered entity.

WCAG 2.1 means the Web Content Accessibility Guidelines, Version 2.1, published June 5, 2018, by the World Wide Web Consortium (W3C) Web Accessibility Initiative (WAI). WCAG 2.1 is incorporated herein by reference. [LRB to confirm correct Hawaii incorporation-by-reference language and process.] The standard is available from W3C WAI, 401 Edgewater Place, Suite 600, Wakefield, MA 01880; phone: (339) 273-2711; email: contact@w3.org; website: <https://www.w3.org/TR/2018/REC-WCAG21-20180605/>.

Web content means information and sensory experience communicated to the user by means of a web browser or other web-based technology, including but not limited to text, images, sounds, videos, controls, animations, and documents.

§ [HAR reference] Requirements for Web and Mobile App Accessibility

(a) General

A covered entity shall ensure that the following are readily accessible to and usable by individuals with disabilities:

- (1) Web content that the covered entity provides or makes available, directly or through contractual, licensing, or other arrangements; and
- (2) Mobile apps that the covered entity provides or makes available, directly or through contractual, licensing, or other arrangements.

(b) Technical Standard

- (1) Beginning [DATE: recommended 18 months after effective date of final rule], a covered entity with [SIZE THRESHOLD: see drafting note below] or more [employees / annual gross revenue / other measure: see drafting note below] shall ensure that the web content and mobile apps it provides or makes available, directly or through contractual, licensing, or other arrangements, comply with WCAG 2.1, Level A and Level AA success criteria and conformance requirements, unless the covered entity can demonstrate that compliance would result in a fundamental alteration in the nature of its goods, services, or accommodations, or in undue financial and administrative burdens.
- (2) Beginning [DATE: recommended 24 months after effective date of final rule], all other covered entities shall ensure that the web content and mobile apps they provide or make available, directly or through contractual, licensing, or other arrangements, comply with WCAG 2.1, Level A and Level AA success criteria and conformance requirements, unless the covered entity can demonstrate that

compliance would result in a fundamental alteration in the nature of its goods, services, or accommodations, or in undue financial and administrative burdens.

(3) WCAG 2.1 is incorporated by reference into this section. [LRB to confirm final incorporation-by-reference language.] The standard may be obtained from W3C WAI, 401 Edgewater Place, Suite 600, Wakefield, MA 01880; phone: (339) 273-2711; email: contact@w3.org; website: <https://www.w3.org/TR/2018/REC-WCAG21-20180605/>.

DRAFTING NOTE: *Size Threshold: The compliance schedule differentiates between larger and smaller covered entities, consistent with the approach taken by the DOJ in its Title II final rule (which used population size for government entities). For private businesses, several options are available for defining the threshold: (1) number of employees (e.g., 15 or more employees, consistent with the ADA threshold for Title I); (2) annual gross revenue as defined by the Hawaii Department of Taxation; (3) SBA small business size standards by industry; or (4) average number of monthly website visits. The Commission should solicit public comment on which measure is most workable and equitable.*

§ [HAR reference] Exceptions

The requirements of § [HAR reference, Requirements section] do not apply to the following:

(a) Archived web content

Archived web content, as defined in § [HAR reference, Definitions section], is exempt from the requirements of this subpart.

(b) Preexisting conventional electronic documents

Conventional electronic documents that are available as part of a covered entity's web content or mobile apps before the date the covered entity is required to comply with this subpart, unless such documents are currently used to apply for, gain access to, or participate in the covered entity's goods, services, or accommodations.

(c) Content posted by a third party

Content posted by a third party on a covered entity's website or mobile app is exempt, unless the third party is posting due to contractual, licensing, or other arrangements with the covered entity.

(d) Individualized, password-protected, or otherwise secured conventional electronic documents

Conventional electronic documents that are:

- (1) About a specific individual, their property, or their account; and
- (2) Password-protected or otherwise secured.

(e) Preexisting social media posts

A covered entity's social media posts that were posted before the date the covered entity is required to comply with this subpart.

§ [HAR reference] Conforming Alternate Versions

(a) A covered entity may use conforming alternate versions of web content, as defined by WCAG 2.1, to comply with § [HAR reference, Requirements section] only where it is not possible to make web content directly accessible due to technical or legal limitations.

(b) WCAG 2.1 is incorporated by reference into this section. [LRB to confirm final incorporation-by-reference language.] The standard may be obtained from W3C WAI at the address and website listed in § [HAR reference, Definitions section].

§ [HAR reference] Equivalent Facilitation

Nothing in this subpart prevents the use of designs, methods, or techniques as alternatives to those prescribed, provided that the alternative designs, methods, or techniques result in substantially equivalent or greater accessibility and usability of the web content or mobile app for individuals with disabilities.

DRAFTING NOTE: *This section is critical. It preserves the fact-based equivalency defense recognized by federal courts, including *Bunting v. Gap, Inc.* (E.D.N.Y. 2024), which held that a business may defeat an accessibility claim by demonstrating it provided equivalent access even without strict technical WCAG conformance. This provision ensures that covered entities are not subject to per se violations based solely on technical non-conformance with WCAG if they can show they provided individuals with disabilities substantially equivalent access in practice.*

§ [HAR reference] Duties; Undue Financial and Administrative Burdens

(a) Where a covered entity can demonstrate that compliance with the requirements of § [HAR reference, Requirements section] would result in a fundamental alteration in the

nature of its goods, services, or accommodations, or in undue financial and administrative burdens, compliance with § [HAR reference, Requirements section] is required to the extent that it does not result in such a fundamental alteration or undue burdens.

(b) The covered entity bears the burden of demonstrating that compliance would result in a fundamental alteration or undue financial and administrative burdens.

(c) The determination that compliance would result in a fundamental alteration or undue burdens must be:

(1) Made by a responsible official or senior officer of the covered entity after considering all resources available to the covered entity for use in providing the goods, services, or accommodations at issue; and

(2) Accompanied by a written statement of the reasons for reaching that conclusion, which must be retained by the covered entity and made available to the Commission or any complainant upon request.

(d) Where full compliance is not required under this section, the covered entity shall take any other action that would not result in a fundamental alteration or undue burdens but would nevertheless ensure that individuals with disabilities receive substantially equivalent access to the covered entity's goods, services, or accommodations to the maximum extent feasible.

§ [HAR reference] Enforcement; Private Right of Action

(a) Substantive Basis; Unlawful Discriminatory Practice

A violation of this subpart constitutes an unlawful discriminatory practice under Hawaii Revised Statutes Chapter 489. These rules are adopted pursuant to the authority of the Hawaii Civil Rights Commission (Commission) under HRS Chapter 489 to define, implement, and enforce the prohibition against discriminatory practices by places of public accommodation.

(b) Commission Enforcement

Any person who believes that a covered entity has committed an unlawful discriminatory practice in violation of HRS Chapter 489 and this subpart may file a complaint with the Commission alleging a violation of HRS Chapter 489. The Commission shall process such complaints pursuant to its authority under HRS Chapter 489, using its procedural rules under HRS Chapter 368.

(c) Investigation and Conciliation

Upon receipt of a timely complaint alleging a violation of HRS Chapter 489 and this subpart, the Commission shall investigate the allegations and attempt conciliation pursuant to HRS Chapter 489 and the Commission's procedural rules. If conciliation fails, the matter shall be subject to a hearing before the Commission in accordance with HRS Chapter 489 and the Commission's rules of practice and procedure.

(d) Remedies, Commission

Upon a finding that a covered entity has committed an unlawful discriminatory practice in violation of HRS Chapter 489 and this subpart, the Commission may order any remedy available under HRS Chapter 489, including but not limited to:

- (1) Cease and desist orders requiring the covered entity to bring its web content and mobile apps into compliance with WCAG 2.1, Level AA, within a reasonable time specified by the Commission;
- (2) Compensatory damages to the complainant for any actual injury suffered as a result of the unlawful discriminatory practice; and
- (3) Such other relief as the Commission deems just and appropriate under HRS Chapter 489.

(e) Private Right of Action

Any individual aggrieved by an unlawful discriminatory practice in violation of HRS Chapter 489 and this subpart may bring a civil action in the circuit court of the State of Hawaii. The claim shall be styled as a violation of HRS Chapter 489, as implemented by this subpart.

- (1) Statute of limitations. Any private action under this section must be filed within the limitations period applicable to claims under HRS Chapter 489.
- (2) Available remedies. In a private action under HRS § 489-22 and this section, a court may award the following remedies as provided under HRS § 489-22:
 - (A) Injunctive relief requiring the covered entity to bring its web content and mobile apps into compliance with this subpart within a period specified by the court;
 - (B) Reasonable attorneys' fees and costs to a prevailing plaintiff as provided under HRS Chapter 489; and

(C) Such other equitable relief as the court deems appropriate.

(3) Relationship to Commission proceedings. A private right of action under HRS § 489-22 and this section is independent of any complaint filed with or proceeding before the Commission. An aggrieved person may pursue relief through the Commission, through a private civil action, or both. Filing a complaint with the Commission does not toll the limitations period for a private action, nor does a Commission determination bind a court in a private civil action.

Summary of Open Issues for Commission Action

The following issues must be resolved before a Notice of Proposed Rulemaking is published. Public comment should be solicited on items 1 and 2.

1. Size threshold for phased compliance.

The Commission must decide how to define "larger" versus "smaller" covered entities for purposes of the two-tier compliance schedule. Options include: number of employees (e.g., 15 or more, consistent with the ADA Title I threshold); annual gross revenue using Hawaii Department of Taxation definitions; SBA small business size standards by industry; or average number of monthly website visits. Public comment should be solicited on which metric is most equitable and administrable.

2. Compliance dates.

The compliance dates in sections (b)(1) and (b)(2) are placeholders. Recommended approach: set dates as 18 months and 24 months, respectively, after the effective date of the final rule, to allow for adequate preparation and technical assistance before enforcement begins. Public comment should be solicited on whether these timeframes are appropriate for Hawaii's business community.

3. Incorporation by reference of WCAG 2.1.

The LRB should confirm the correct Hawaii administrative law procedure for incorporating a private technical standard by reference and provide the precise formula for use in the final rule.

4. HAR section reference numbers.

All section numbers are placeholders pending assignment in the Hawaii Administrative Rules.

Working draft prepared for HCRC review. Not for public distribution. All bracketed items require resolution before Notice of Proposed Rulemaking is published.

THE SENATE
THIRTY-THIRD LEGISLATURE, 2026
STATE OF HAWAII

S.B. NO. 2852
S.D. 2

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 is changing how providers
2 of public accommodations and public services communicate with their customers. Many
3 service providers use websites, software applications, and other technologies to take
4 reservations, display menus, take orders, make sales, and provide product information.

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

11 The legislature also recognizes that existing state and federal laws that prohibit
12 discrimination in public accommodations based on disability could better inform
13 providers of public accommodations and benefit persons with disabilities by clarifying
14 requirements for electronic access.

15 The legislature further finds that the technical standards, definitions, compliance
16 schedules, and enforcement procedures necessary to implement digital accessibility
17 requirements are regulatory in nature. These matters are best addressed through
18 administrative rulemaking, which allows for public participation by persons with
19 disabilities, businesses of all sizes, and other interested parties, and allows for updating
20 as technology evolves.

1 The legislature finds that the Hawaii Civil Rights Commission has existing authority
2 under chapter 489, Hawaii Revised Statutes, to define, implement, and enforce the
3 prohibition against discriminatory practices by places of public accommodation, and that
4 this authority extends to discriminatory practices carried out through information and
5 communication technology. Explicit rulemaking authority will confirm and give effect to
6 that authority and provide clear, workable guidance to both the disability community and
7 the business community.

8 The legislature notes that a working draft of proposed rules has been prepared for
9 consideration by the Hawaii Civil Rights Commission. That draft, which is adapted from
10 the United States Department of Justice Title II web accessibility final rule issued April
11 24, 2024, addresses definitions, technical accessibility standards, phased compliance
12 schedules, exceptions, equivalent facilitation, undue burden procedures, and
13 enforcement, including a private right of action. The legislature intends that the
14 Commission use that draft, or a substantially similar document, as the working
15 document for its rulemaking proceeding.

16 Accordingly, the purpose of this Act is to:

17 (1) Confirm that it is an unlawful discriminatory practice for a place of public
18 accommodation to deny a person with a disability full and equal enjoyment of the goods,
19 services, facilities, privileges, advantages, or accommodations of a place of public
20 accommodation, or information related thereto, by requiring the use of information and
21 communication technology that is not accessible to the person; and

22 (2) Direct the Hawaii Civil Rights Commission to promulgate rules implementing that
23 prohibition, consistent with the United States Department of Justice Title II web
24 accessibility framework, through a public rulemaking process that allows participation by
25 persons with disabilities, businesses, and other interested parties.

26 SECTION 2. Section 489-5, Hawaii Revised Statutes, is amended by adding a new
27 subsection to be appropriately designated and to read as follows:

28 **"§489-5 Other discriminatory practices.** (a) It shall be a discriminatory practice
29 for two or more persons to conspire to:

30 (1) Retaliate or discriminate against a person because the person has opposed an
31 unfair discriminatory practice;

32 (2) Aid, abet, incite, or coerce a person to engage in a discriminatory practice; or

33 (3) Wilfully obstruct or prevent a person from complying with this chapter.

1 (b) It shall be a discriminatory practice to deny a person the full and equal
2 enjoyment of the goods, services, facilities, privileges, advantages, and accommodations
3 of a place of public accommodation because of the known disability of an individual with
4 whom the person is known to have a relationship or association.

5 (c) It shall be a discriminatory practice to deny a person with a disability full and
6 equal enjoyment of the goods, services, facilities, privileges, advantages, or
7 accommodations of a place of public accommodation, or information related to the
8 goods, services, facilities, privileges, advantages, or accommodations by requiring the
9 use of information and communication technology that is not accessible to the person.

10 (d) The Hawaii Civil Rights Commission shall adopt rules pursuant to chapter 91,
11 Hawaii Revised Statutes, governing the implementation of this subsection, including
12 definitions, technical accessibility standards, phased compliance schedules, exceptions,
13 undue burden procedures, equivalent facilitation, and enforcement.

14 A violation of rules adopted pursuant to this subsection shall constitute an unlawful
15 discriminatory practice under this chapter, subject to all remedies available under this
16 chapter. The Commission shall process complaints alleging such violations pursuant to
17 its authority under this chapter and its procedural rules under chapter 368, Hawaii
18 Revised Statutes."

19 SECTION 3. Chapter 489, Hawaii Revised Statutes, is amended by adding a new
20 section to be appropriately designated and to read as follows:

21 **"§489- Digital accessibility; rulemaking.**

22 (a) The Hawaii Civil Rights Commission shall adopt rules pursuant to chapter 91,
23 Hawaii Revised Statutes, to implement the prohibition established in section 489-5(),
24 including rules governing:

25 (1) Definitions of terms used in the administration and enforcement of that
26 prohibition;

27 (2) Technical accessibility standards applicable to websites, mobile applications,
28 and other information and communication technology used by places of public
29 accommodation;

30 (3) Phased compliance schedules that take into account the size of the covered
31 entity and the nature of its operations;

1 (4) Exceptions to the requirements, including exceptions for archived content,
2 preexisting documents, and other categories consistent with established federal
3 accessibility standards;

4 (5) Standards and procedures for determining when compliance would impose an
5 undue financial and administrative burden or require a fundamental alteration in the
6 nature of the covered entity's goods, services, or accommodations;

7 (6) Procedures for equivalent facilitation, recognizing that alternative designs,
8 methods, or technologies may provide substantially equivalent or greater accessibility;
9 and

10 (7) Enforcement procedures, including procedures for filing complaints with the
11 Commission, Commission investigation and conciliation, available remedies, and the
12 right of any aggrieved person to bring a civil action pursuant to section 489-22.

13 (b) The rules adopted under this section shall be consistent with the web
14 accessibility framework established by the United States Department of Justice in its
15 Title II final rule on web accessibility, 28 C.F.R. Part 35, as amended.

16 (c) In conducting rulemaking under this section, the Commission shall solicit public
17 comment from persons with disabilities, disability advocacy organizations, places of
18 public accommodation of all sizes, business associations, and other interested parties.

19 (d) A violation of rules adopted pursuant to this section shall constitute an unlawful
20 discriminatory practice under this chapter, subject to all remedies available under this
21 chapter. The Commission shall process complaints alleging such violations pursuant to
22 its authority under this chapter and its procedural rules under chapter 368, Hawaii
23 Revised Statutes."

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

26 SECTION 5. Statutory material to be repealed is bracketed and stricken. New
27 statutory material is underscored.

28 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; Digital Accessibility; Rulemaking

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 goods, services, facilities, privileges, advantages, or accommodations, or information related thereto, by requiring the use of information and communication technology that is not accessible to the person. Directs the Hawaii Civil Rights Commission to adopt rules implementing the prohibition, consistent with the United States Department of Justice Title II web accessibility framework, including rules governing definitions, technical accessibility standards, phased compliance schedules, exceptions, undue burden procedures, equivalent facilitation, and enforcement including a private right of action. Requires public participation in the rulemaking process. Effective 1/30/2050. (SD2)

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

March 17, 2026

Testimony of Eleanor Macdonald
House Committee on Consumer Protection & Commerce

Honorable Representative Scot Z. Matayoshi, Chair
Honorable Representative Tina Nakada Grandinetti, Vice Chair

Re: SB 2852 SD1, RELATING TO CIVIL RIGHTS

Dear Chair Rep. Matayoshi, Rep. Grandinetti, Vice Chair and Members,

I would like to strongly support SB 2852 SD1. The Department of Justice requires web content to meet the Web Content Accessibility Guidelines (WCAG) by April 24, 2026. This applies to state/local governments (ADA, Title II) and public businesses (ADA, Title III) with 16 employees or more to include restaurants, hotels and retail stores. This means that information needs to be available in braille, large print, screen-readers or other compatible documents. In order to meet this requirement, PDF files need to offer alternative text images with good color contrast.

Most critically, alternative texts must be offered such as descriptions of images, charts and maps. Captions and transcripts also need to be offered for videos or audio recordings. For individuals who are deaf, hard of hearing, deaf-blind, blind or a person with low vision, these common solutions would ensure equal access to information.

Please pass this very important bill.

Mahalo,
Eleanor Macdonald, M.Ed., CRC (ret.)

Testimony submitted by Virgil Stinnett

House of Representatives

Consumer Protection and Commerce (CPC) Committee

Thirty-third legislature, 2026 regular session March 17, 2026, 2:00 pm, hearing on SB2852
S.D. 1

Good afternoon Chair, Vice Chair, and members. I am Virgil Stinnett, President of the National Federation of the Blind of Hawai'i, strongly supporting SB2852 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 S.D. 1 into law. Please vote to approve this bill and move it ahead in the current session. Much mahalo for your consideration.

Testimony submitted by Katie Keim

House of Representatives

Consumer Protection and Commerce (CPC) Committee

Thirty-third legislature, 2026 regular session March 17, 2026, 2:00 pm, hearing on SB2852
S.D. 1

Good afternoon Chair, Vice Chair, and members. My name is Katie Keim, strongly supporting SB2852 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 S.D. 1 into law. Much mahalo for your consideration.

Testimony submitted by Donald Sakamoto

House of Representatives

Consumer Protection and Commerce (CPC) Committee

Thirty-third legislature, 2026 regular session

March 17, 2026, 2:00 pm, hearing on SB2852 S.D. 1

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

The Importance of Digital Accessibility Technology has the power to bridge gaps or deepen divides. When digital platforms are inaccessible, individuals such as myself who is blind or others 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 population.

By passing SB2852 S. D. 1, Hawaii will demonstrate its commitment to inclusive innovation and equal opportunity. Furthermore, this bill modernizes our public accommodation laws to reflect the realities of the digital world while upholding the principles of fairness and accessibility.

I urge you all to prepare in supporting SB2852 S. D. 1 to be passed to proceed on for this legislative session. Famous “failing to prepare, you are preparing to fail” by Benjamin Franklin.

Thank you so much for allowing me the opportunity to testify on this important bill.

Testimony submitted by Brandon Young

House of Representatives

Consumer Protection and Commerce (CPC) Committee

Thirty-third legislature, 2026 regular session

March 17, 2026, 2:00 pm, hearing on SB2852 S.D. 1

Good afternoon Chair, Vice Chair, and members. I am Brandon Young, strongly supporting SB2852 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. Barriers to digital access are barriers to equal opportunity. These access barriers are the digital divide facing persons with disabilities every day.

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 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 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.
- Providing a phased-in schedule and 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.

This bill will make Hawaii a national leader in equal access to the digital world. Mahalo for considering SB2852 S.D. 1. Please vote to approve this bill and move it ahead in the current session. Much mahalo for your consideration.

I face issues with accessibility as a blind person on a daily basis. If you pass this bill, this will improve the lives of blind people in Hawaii. We will be able to participate with technology on the same level as our sighted peers. Thank you for taking your time to consider this matter.

SB-2852-SD-1

Submitted on: 3/15/2026 6:06:59 PM

Testimony for CPC on 3/17/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ann Lemke	Individual	Support	Remotely Via Zoom

Comments:

Hello, committee chair and members,

I am pleased to submit this written testimony to support SB2852 draft1. I stro'ngly support testimony submitted by the National Federation of the Blind of Hawaii. This will bring digital access to online content and applications into a comparable levele level of compliance as physical access for buildings, programs, services, and activities.

Indeed, writing and submitting thi; testimony requires website access.

I use access to such public websites and applications every day and losing this access would deny the full opportunity to be an informed, engaged member of my community.

Ann Lemke, Ph.D., retired

Kaneohe, Hawaii

SB-2852-SD-1

Submitted on: 3/16/2026 11:03:04 AM

Testimony for CPC on 3/17/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaili Swan	Individual	Support	In Person

Comments:

My name is **Kaili Swan**. I am a **self-advocate with a developmental disability**, and I support **SB2852**.

Today many things are online. We use websites, apps, and kiosks to get services, buy things, and find information. But sometimes these systems are not made in a way that people with disabilities can use.

When technology is not accessible, it can stop people like me from doing things on our own. It can make it harder to participate in the community and live independently.

Everyone should be able to get information and services in a way they can use. Accessibility is about fairness and equal opportunity.

This bill helps make sure businesses and public places think about accessibility when they use digital technology. That helps people with disabilities fully participate in everyday life.

Please support **SB2852**.

Mahalo for the opportunity to testify.

SB-2852-SD-1

Submitted on: 3/16/2026 12:15:22 PM

Testimony for CPC on 3/17/2026 2:00:00 PM

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

Comments:

Malaki 16, 2026

Dearest Honorables Representatives Matayoshi (Chair), Grandinetti (Vice Chair), and Members Chun, Ichiyama, Ilagan, Iwamoto, Kong, Lowen, Marten, Tam, and Pierick of House Committee on Consumer Protection and Commerce (CPC):

Aloha, I would like to request that you all support this SB2852 SD1 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-SD-1

Submitted on: 3/16/2026 12:54:00 PM

Testimony for CPC on 3/17/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leilani Kailiawa	Individual	Support	Written Testimony Only

Comments:

SB-2852-SD-1

Submitted on: 3/16/2026 1:36:23 PM

Testimony for CPC on 3/17/2026 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

Consumer Protection and Commerce (CPC) Committee

Thirty-third legislature, 2026 regular session

March 17, 2026, 2:00 pm, hearing on SB2852 S.D. 1

Good afternoon Chair, Vice Chair, and members. I am Emerie Mitchell-Butler, strongly supporting SB2852 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-SD-1

Submitted on: 3/16/2026 1:47:15 PM

Testimony for CPC on 3/17/2026 2:00:00 PM

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

Comments:

SB2852 SD1

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 SD1, 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 kine 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 SD1 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 SD1. Please vote to approve this bill and move it ahead in the current session.

LATE

SB-2852-SD-1

Submitted on: 3/16/2026 4:48:05 PM

Testimony for CPC on 3/17/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Linda Elento	Individual	Support	Remotely Via Zoom

Comments:

Aloha,

I'd like to share two negative experiences I believe indicate the need for this bill. Also, I appreciate your consideration of the testimony of Peter Fritz and involvement of the Hawaii Civil Rights Commission.

1. Hawai'i's MedQuest DHS benefits online access to account information could not be set up because a young disabled adult didn't have a credit report/credit history in order to be verified as the individual. The MedQuest customer services's solution was for the disabled individual to call them any time. That was not a possible solution as the disabled individual was not able to speak or spoke unclearly, but the disabled individual could read a website account.

2. During Covid times, a vendor had a locked glass entry door with a sign stating the customer must call a phone number to assign a time to be let inside, despite a vendor personnel inside was seen through the glass door but who refused to open the door without the disabled individual first calling the vendor.

Sign language and verbal options on a website are helpful, too, for some disabled individuals to fully access and benefit from the public vendors' services.

Thank you for your consideration of my testimony in support of this bill SB2852 for Civil rights in our State of Hawai'i.