



**STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
STATE COUNCIL ON DEVELOPMENTAL DISABILITIES
'A'UNIKE MOKU'ĀPUNI NO KA NĀ KĀWAI KULA**

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March 4, 2026

The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary
The Honorable Senator Jarrett Keohokalole, Chair
Senate Committee on Commerce and Consumer Protection
The Thirty-Third Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Chairs Rhoads and Keohokalole 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 intellectual and 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.

For these reasons, the Hawai'i State Council on Developmental Disabilities **supports SB2852 SD1.**

Thank you for the opportunity to submit testimony.

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
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March 4, 2026

TESTIMONY TO THE SENATE COMMITTEES ON JUDICIARY AND ON COMMERCE AND CONSUMER PROTECTION

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 full participation in public life. As technology continues to play a central role in how businesses and services communicate with the public, it is critical that accessibility standards are upheld.

The U.S. Department of Justice (DOJ) has established that the failure to provide accessible digital information and services is a discriminatory practice under the Americans with Disabilities Act (ADA). While the DOJ recently issued a final rule on web accessibility standards under Title II of the ADA for state and local governments, it has consistently interpreted Title III of the ADA to require places of public accommodation to provide effective communication, including accessible digital content.

This bill reinforces its commitment to civil rights by explicitly extending these accessibility requirements to places of public accommodation, ensuring equal access to digital information and communication for people with disabilities.

Thank you for the opportunity to testify.

Respectfully submitted,

KRISTINE PAGANO
Acting Executive Director

SB-2852-SD-1

Submitted on: 2/27/2026 5:23:24 PM

Testimony for JDC on 3/4/2026 9:25:00 AM

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

Comments:

In support.



www.AlohaILHawaii.org

Mar 1, 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

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The Honorable Senator Jarrett Keohokalole, Chair
Senate Committee on Commerce and Consumer Protection
The Thirty-Third Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary
The Thirty-Third Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

SUBJECT: SB 2852 SD1, Relating to Civil Rights

Chair and Members of the Committees:

Aloha Independent Living Hawaii (AILH) respectfully submits testimony in **support of SB2852 SD1 with recommendations.**

SB2852 SD1 modernizes Hawaii's civil rights framework by clarifying 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, or information by requiring the use of information and communication technology that is not accessible.

In today's economy, websites, software applications, kiosks, mobile platforms, 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.

SB2852 SD1 appropriately defines key terms, including "accessible" and "information and communication technology", and establishes a phased compliance structure beginning in 2027 for larger establishments and extending



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to all places of public accommodation in 2028. The bill also provides clear exceptions for archived content and preexisting documents and recognizes compliance with the most current version of the Web Content Accessibility Guidelines (WCAG) as a benchmark.

From a civil rights perspective, this legislation provides clarity where ambiguity has historically led to inconsistent enforcement and litigation uncertainty. Codifying digital accessibility standards at the state level provides both consumers and businesses with clearer expectations.

From a commerce perspective, incorporating accessibility at the design stage reduces long-term compliance costs and litigation exposure. A phased implementation schedule and the inclusion of an undue burden safeguard appropriately balance equity with operational feasibility.

AILH respectfully offers the following recommendations:

First, state agencies should provide technical assistance guidance to support businesses, particularly small and medium-sized enterprises, in understanding WCAG compliance standards and accessible design principles prior to the 2027 and 2028 deadlines.

Second, implementation guidance should clarify how the “most current version” of WCAG will be interpreted at the time of enforcement to ensure predictability and avoid retroactive compliance concerns.

Third, consistent interpretation of the undue burden provision will be important to prevent uneven application while preserving the civil rights protections the bill seeks to strengthen.

SB2852 SD1 reflects the reality that accessibility now includes digital infrastructure. Equal access to goods and services must extend to the platforms through which they are delivered.

AILH respectfully urges passage with the above recommendations.

Thank you for the opportunity to testify.

Aloha,



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Roxanne U. Bolden

Roxanne Bolden
Executive Director

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Roxanne U. Bolden

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SB-2852-SD-1

Submitted on: 2/27/2026 6:48:52 PM

Testimony for JDC on 3/4/2026 9:25:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Testifying for Rainbow Family 808	Support	Written Testimony Only

Comments:

We support SB2852.

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

Senate joint committee hearing
Judiciary (JDC) Committee, and
Commerce and consumer protection (CPN) Committee

Thirty-third legislature, 2026 regular session
March 4, 2026, 9:25 am, hearing on SB2852 H.D. 1

Good morning Chairs Rhoads and Keohokalole, Vice chairs Gabbard and Fukunaga, and members. I am James Gashel, National Federation of the Blind (NFB) of Hawaii, legislative chair, strongly supporting SB2852 H.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." Even so, this bill has very strong support.

, 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 H.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.

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. In passing SB2852 H.D. 1 Hawaii will once again demonstrate its commitment to inclusive innovation and equal opportunity.

This bill will make Hawaii a national leader in equal access to the digital world. Mahalo for hearing SB2852 H.D. 1 today.

SB-2852-SD-1

Submitted on: 3/1/2026 6:21:27 PM

Testimony for JDC on 3/4/2026 9:25:00 AM

Submitted By	Organization	Testifier Position	Testify
Lila Mower	Individual	Support	Written Testimony Only

Comments:

Strongly support this proposal.

To: Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair
Committee on Commerce and Consumer Protection

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Committee on Judiciary

From: Veronica Moore, Individual Citizen

Date: March 1, 2026

RE: Senate Bill 2852 SD1
Measure Title: RELATING TO CIVIL RIGHTS.
Report Title: Discrimination in Public Accommodations; Persons with Disabilities;
Discriminatory Practices; Places of Public Accommodation

To All Concerned,

My name is Veronica Moore and I support Senate Bill 2852 SD1. Thank you for your consideration.

Sincerely,

Veronica M. Moore

SB-2852-SD-1

Submitted on: 3/1/2026 10:42:38 PM

Testimony for JDC on 3/4/2026 9:25:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support

2852 SB RELATING TO CIVIL RIGHTS.

SB-2852-SD-1

Submitted on: 3/2/2026 6:22:30 AM

Testimony for JDC on 3/4/2026 9:25:00 AM

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

Comments:

I am in SUPPORT of this bill

TESTIMONY OF PETER L. FRITZ

Committee on Judiciary
and
Committee On Commerce Consumer Protection
and

S.B. No. 2852, S.D. 1

March 4, 2026

Written Testimony Only

Chair, Vice Chair, and Members of the Committee:

My name is Peter Fritz. I am an attorney with experience in matters related to the Americans with Disabilities Act and the drafting of disability-related legislation. I previously submitted written testimony before the Senate Committees on Health and Human Services and Labor and Technology on this bill. I submit this written testimony to offer comments on S.B. 2852, S.D. 1.

My message to this Committee is simple: let us do it right, not just do it. Doing it right means following the regulatory framework that disability discrimination law has used successfully for decades, a framework that invites public comment, produces workable rules, protects the rights of persons with disabilities, and gives businesses clear and stable guidance. Doing it right means using regulations rather than statutes to address the technical details of compliance, because regulations can be amended through public rulemaking when circumstances change, without requiring the legislature to pass a new bill.

The Existing Law Already Covers Digital Accessibility Discrimination

No amendment to Hawaii's public accommodations law is necessary to reach digital accessibility discrimination. Hawaii Revised Statutes Chapter 489 and Title III of the Americans with Disabilities Act already prohibit discrimination on the basis of disability by places of public accommodation. Digital inaccessibility is simply one form of discrimination. The existing statutory language is broad enough to encompass it without amendment.

This is not a theoretical position. In *Robles v. Domino's Pizza, LLC*, 913 F.3d 898 (9th Cir. 2019), the Ninth Circuit Court of Appeals confirmed that Title III of the ADA applies to a company's website and mobile application under existing law, and no new statute was required. The court held that the ADA applies to the services of a place of public accommodation, not merely services in a physical location, meaning that digital extensions of a public accommodation are already covered.

The court was also careful to clarify that the Web Content Accessibility Guidelines (WCAG) are not a legal mandate. The Ninth Circuit held that WCAG 2.0 was available to the court as a potential equitable remedy, a tool to fashion relief after a violation is found on the facts, but that a business has no independent legal obligation to comply with WCAG under the ADA. The legal standard is, and must remain, whether the person with a disability was denied full and equal enjoyment of the goods and services of the public accommodation. That is a fact-based inquiry.

This fact-based equivalency standard was further illustrated in *Bunting v. Gap, Inc.*, decided by the Eastern District of New York in January 2024, where a blind plaintiff alleged that Gap's failure to provide QR codes on merchandise violated the ADA. The court dismissed the claim, holding that the ADA ensures equal access to goods and services, not changes to the goods themselves, and that Gap's existing service practices provided the plaintiff with equivalent access. A second court reached the same conclusion against Lululemon in November 2025.

These cases demonstrate that the existing legal framework is working exactly as intended. No new statute is needed to reach digital discrimination.

This Bill Bypasses the Proper Regulatory Framework

If the legislature nevertheless wishes to address digital accessibility explicitly, it should do so in the manner that disability discrimination law has always developed, through proper rulemaking by the Hawaii Civil Rights Commission, following notice-and-comment procedures that allow all interested parties to participate.

The procedure is well established. After a law is passed, the relevant regulatory authority publishes proposed rules. Interested parties, including persons with disabilities, businesses of all sizes, technical experts, and the general public, submit comments and suggest changes. The agency reviews those comments, may revise the proposals, and issues final rules. If circumstances change because of new technology, court decisions, or new technical standards, the rules can be amended through the same process, without requiring new legislation.

The Department of Justice followed exactly this process when it developed its Title II web accessibility rule for state and local governments. The DOJ published a Notice of Proposed Rulemaking, received extensive public comment, revised the proposal, and issued a final rule on April 24, 2024, fixing the compliance standard at WCAG 2.1, Level AA, with phased compliance dates of April 2026 and April 2027 depending on entity size.

SB 2852 SD1 bypasses all of that. The phase-in dates of July 1, 2027 and July 1, 2028 were proposed by the Disability and Communication Access Board in late testimony, with no explanation of how those dates were determined. Neither the disability community nor the business community has had a meaningful opportunity to weigh in on whether these timeframes are appropriate. The bill provides for no such public input.

The "Most Current Version" Standard Is Fundamentally Flawed

The bill requires compliance with the "most current version" of the World Wide Web Consortium's Web Content Accessibility Guidelines. This creates a perpetually moving compliance target that is fundamentally inconsistent with how technical standards are properly incorporated into law.

WCAG 2.1 was published in June 2018. The DOJ did not require state and local governments to comply with WCAG 2.1 until its April 2024 final rule, six years later, and only after full notice-and-comment rulemaking. WCAG 2.2 was published in October 2023. By requiring compliance with the "most current version," SB 2852 SD1 would immediately require every Hawaii private place of public accommodation, including small businesses with fifteen or fewer employees, to comply with WCAG 2.2, a standard higher than what the DOJ requires of state and local governments with large technical support departments, and imposed without any rulemaking process.

Moreover, WCAG 3.0 is currently in development. When it is eventually adopted, every Hawaii business covered by this bill would be immediately required to comply, with no phase-in, no notice, no regulatory review, and no public deliberation. The legislature will not have voted on it. The HCRC will not have proposed rules. The public will not have commented. Yet businesses would be automatically bound by whatever requirements a private international standards organization chooses to publish. This is not how compliance standards should work.

Rigid Statutory Standards Undermine the Fact-Based Discrimination Framework

By embedding rigid technical compliance requirements into the statute, SB 2852 SD1 threatens to eliminate the fact-based equivalency defense that courts have recognized as the correct legal standard. Under existing law, a business can defeat a discrimination claim by showing it provided equivalent service, even without strict WCAG conformance, as *Bunting v. Gap* demonstrates. Under SB 2852 SD1, plaintiffs could argue that any deviation from the current WCAG version is a per se statutory violation, regardless of whether the person with a disability actually received equivalent service. This converts a flexible, fact-based civil rights inquiry into a rigid technical compliance checklist administered by a private standards body.

Holding This Bill Does Not Leave Persons with Disabilities Without Recourse

Holding this bill pending proper rulemaking does not leave persons with disabilities unprotected. Under existing Hawaii Chapter 489 and the ADA, a person with a disability can bring a claim today alleging that a public accommodation's digital platform denied them equivalent access. In that claim, they can argue that WCAG 2.1 or 2.2 represents the appropriate standard of accessible design, and a court can order compliance as equitable relief if a violation is found on the facts.

By contrast, under SB 2852 SD1, no claim could be brought under this new statutory provision before the compliance dates of July 1, 2027 or July 1, 2028. The bill would actually delay the ability of persons with disabilities to seek relief under this provision, while existing law already provides that relief today.

Testimony of Peter L. Fritz
Committee on Judiciary
and
Committee on Commerce Consumer Protection
S.B. No. 2852, S.D. 1
March 4, 2026
Page 4

Recommendations

I respectfully request that this Committee amend SB 2852 SD1 and direct the Hawaii Civil Rights Commission to undertake a rulemaking process that:

1. Confirms that Hawaii's existing public accommodations law covers digital accessibility discrimination;
2. Adopts a fixed technical standard, such as WCAG 2.1, Level AA, as the compliance benchmark, consistent with the DOJ's Title II rule, rather than a moving target tied to the latest WCAG version;
3. Establishes phased compliance dates based on employer size, developed with input from both the disability community and the business community through notice-and-comment rulemaking;
4. Incorporates appropriate exceptions consistent with the DOJ's Title II rule; and
5. Clearly distinguishes between affirmative defenses such as undue burden and categorical regulatory exceptions.

This approach would produce stronger, more durable, and more equitable protection for persons with disabilities in Hawaii than SB 2852 SD1, while giving businesses the clear, stable, and fair guidance they need to comply.

Thank you for the opportunity to submit written testimony.

Respectfully submitted,

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

LATE

SB-2852-SD-1

Submitted on: 3/2/2026 9:59:02 AM

Testimony for JDC on 3/4/2026 9:25:00 AM

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

Comments:

Testimony of Marie Kouthoofd

In Support of SB 2852 S.D.1 – Relating to Accessible Public Accommodations Technology

Before the Senate Committees on Judiciary (JDC) and Commerce and Consumer Protection (CPN)

Thirty-Third Legislature, 2026 Regular Session

March 3, 2026

Aloha Chair Rhoads, Vice Chair Gabbard, Chair Keohokalole, Vice Chair Fukunaga, and Committee Members,

My name is Marie Kouthoofd. I submit this testimony in strong support of SB 2852 S.D.1, relating to accessible public accommodations technology, now before the JDC and CPN Committees for decision-making.

I am blind. When public accommodations deliver services through digital systems that do not function with assistive technology, access stops. This includes websites and mobile applications, as well as self-service kiosks, touchscreen ordering stations in restaurants, bank terminals, check-in systems, ticketing machines, and point-of-sale devices. These systems are now the front door. When they are inaccessible, blind and low vision residents are excluded at the point of entry.

This affects the blind and low vision community as a whole. Inaccessible digital systems impact employment processes, education enrollment, healthcare portals, banking, transportation, retail transactions, government services, and daily communication. Access to ordinary life increasingly

depends on digital infrastructure. When accessibility is treated as an afterthought instead of a built-in requirement, discrimination occurs.

The barrier is design.

SB 2852 S.D.1 recognizes that discrimination in public accommodations now occurs through digital systems as well as physical spaces. If a staffed counter is replaced with a touchscreen kiosk, access must remain. If services move online or into an app, equal access must move with them. Accessibility must be integrated from the beginning.

The bill relies on the Web Content Accessibility Guidelines, known as WCAG 2.1 Level AA. These are established, widely recognized standards that outline how digital systems can be made usable for people with disabilities. Level AA represents the middle ground of accessibility standards. The bill also includes safeguards for undue burden and fundamental alteration. The framework is clear.

Yesterday, while submitting this very testimony on the Hawaii State Capitol website, I encountered broken links and an unlabeled submission button that would not activate properly with my screen reader. I made one phone call. I spoke with one person. The issue was fixed the same day.

That is what partnership looks like.

Large systems and commercial kiosks will require planning, coordination, and time. The fact that some fixes are more complex does not change the outcome. We have clear guidelines. We have seen barriers corrected. The path forward is defined. SB 2852 S.D.1 provides the nudge that moves us into the next phase of nondiscrimination and full participation in public life.

In my lifetime, I have witnessed technological advances that opened doors I once assumed would remain closed. SB 2852 S.D.1 is another step that strengthens equal access for blind and low vision residents across these islands and ensures that modernization includes everyone.

I respectfully urge you to pass SB 2852 S.D.1.

Respectfully,

Marie Kouthoofd

SB-2852-SD-1

Submitted on: 3/2/2026 12:01:24 PM

Testimony for JDC on 3/4/2026 9:25:00 AM

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

Comments:

Aloha Chairs Rhoads and Keohokalole, Vice Chairs Gabbard and Fukunaga, and Members of the Senate Committees on Judiciary & Commerce and Consumer Protection,

My name is Jackie Keefe, and I am **in strong 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.

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 Hawaii 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 Hawaii a national leader in equal access to the digital world.

Please pass SB2852 SD1. Mahalo for the opportunity to testify.

Jackie Keefe, Lahaina

SB-2852-SD-1

Submitted on: 3/2/2026 5:21:06 PM

Testimony for JDC on 3/4/2026 9:25:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Burdman	Individual	Support	Written Testimony Only

Comments:

It is vital that the disabled have the access and ability to use and enjoy public spaces.

SB-2852-SD-1

Submitted on: 3/3/2026 8:42:57 AM

Testimony for JDC on 3/4/2026 9:25:00 AM

Submitted By	Organization	Testifier Position	Testify
ANNETTE TASHIRO	Individual	Support	Written Testimony Only

Comments:

Accessible websites need to be available to all people. Not only government sites. ADA does not exempt private entities that provide information to the public. Restaurant menus, ads, etc. that have QR codes need to be accessible to all.

Testimony submitted by Katie Keim

Senate joint committee hearing

Judiciary (JDC) Committee, and

Commerce and Consumer Protection (CPN) Committee

Thirty-third legislature, 2026 regular session March 4, 2026, 9:25 am, hearing on SB2852 S.D. 1

Good morning Chairs, Vice chairs, 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.

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 medical world became a bigger adjustment than learning blind skills to fully participate in life activities and reentering the workforce.

digital access and the barriers created for me as a blind individual, increase unnecessary misunderstanding, lack of respect for privacy and even some clinics require my appointments be 45 minutes long, 15 minutes is the standard, yet for individuals perceived as needing more time, scheduled at a limited day and time. The digital process of checking into appointments is not accessible to me. Digital access is everywhere 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, financial institutions, travel in Hawaii and beyond, everywhere we go in our daily life. 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.

Mahalo for hearing my testimony today and seriously considering passing SB2852 S.D. 1 into law.

Testimony submitted by Virgil Stinnett

Senate joint committee hearing

Judiciary (JDC) Committee, and

Commerce and Consumer Protection (CPN) Committee

Thirty-third legislature, 2026 regular session March 4, 2026, 9:25 am, hearing on SB2852 S.D. 1

Good morning Chairs, Vice chairs, and members. My name is Virgil Stinnett, President of the National Federation of the Blind of Hawaii, strongly supporting SB2852 S.D. 1, requiring information technology used by places of public accommodation to be accessible to persons with disabilities.

Being an individual who is blind, a local businessman – entrepreneur with 81 employees, participation in activities requiring digital platforms is a constant barrier to my full integration in my business and personal 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. 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 fuel and parking. Many of the fuel pumps and lots and meters do not have alternatives to the apps used that are not accessible. Finding solutions would not be necessary if digital platforms were standardized for access to individuals with disabilities. Finding workarounds and coordination of access often consumes 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.

Mahalo nui loa for hearing my testimony today and seriously considering removing digital platform barriers by passing SB2852 into law.

Testimony submitted by Donald Sakamoto

Senate joint committee hearing

Judiciary (JDC) Committee, and

Commerce and Consumer Protection (CPN) Committee

Thirty-third legislature, 2026 regular session March 4, 2026, 9:25 am, hearing on SB2852 S.D. 1

Good morning Chairs, Vice chairs, 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.

LATE

SB-2852-SD-1

Submitted on: 3/3/2026 11:35:03 AM

Testimony for JDC on 3/4/2026 9:25:00 AM

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 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 read her bus schedules and to apply to get her first state ID were 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 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. Please vote to approve this bill and move it ahead in the current session.

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SB-2852-SD-1

Submitted on: 3/3/2026 8:56:20 PM

Testimony for JDC on 3/4/2026 9:25:00 AM

Submitted By	Organization	Testifier Position	Testify
Tamara Mckay	Individual	Support	Written Testimony Only

Comments:

Proposed Testimony – Support with Amendments

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

My name is Tamara McKay, and I appreciate the opportunity to submit testimony regarding SB2852 SD1.

I support the **intent of this bill**, which seeks to ensure that individuals with disabilities have full and equal access to services offered through modern digital platforms such as websites, applications, kiosks, and other communication technologies used by places of public accommodation. In today’s world, many essential interactions with businesses—from ordering food to booking services—occur online. Ensuring that these digital systems are accessible promotes fairness, dignity, and full participation in our economy.

The bill appropriately recognizes that requiring individuals to use technology that is not accessible can deny them equal access to services.

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This is an important civil rights principle that deserves thoughtful support.

At the same time, the Legislature should ensure that implementation of this policy is **practical, achievable, and fair for local businesses**, particularly small businesses that may not have the financial resources or technical expertise to rapidly upgrade their digital infrastructure.

To strengthen this bill and help ensure successful compliance, I respectfully recommend several improvements.

First, the Legislature should consider **tax incentives or tax credits for businesses that must upgrade their digital systems to meet accessibility standards**. Many small businesses rely on outdated websites or third-party platforms and may face significant costs for redesign,

accessibility audits, and software upgrades. Providing targeted tax relief would help businesses comply without placing undue financial pressure on them.

Second, the State should establish **technical assistance resources for businesses**, including accessibility guidelines, compliance toolkits, and online testing tools. Many business owners simply do not know how to determine whether their websites meet accessibility standards. Providing state guidance would promote compliance rather than punishment.

Third, the Legislature may wish to consider **a notice-and-cure provision before lawsuits can be filed**. In several states, businesses are given a reasonable period—such as 90 or 120 days—to correct accessibility issues after receiving written notice. This prevents opportunistic litigation while still ensuring accessibility improvements are made.

Fourth, the bill should clarify **liability for third-party platforms**. Many businesses rely on website providers, reservation systems, or e-commerce platforms that they do not fully control. If accessibility defects originate within those platforms, businesses should have the opportunity to correct them without being unfairly penalized.

Finally, the Legislature should continue to ensure that the existing **“undue burden” protection** remains meaningful so that businesses are not forced into compliance measures that are financially or technically impossible.

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Hawai‘i’s local businesses already operate under significant economic pressures. A balanced approach that supports accessibility while helping businesses comply will produce better outcomes for everyone.

With thoughtful amendments—particularly **tax incentives, compliance assistance, and reasonable notice provisions**—this legislation can successfully advance digital accessibility while supporting Hawai‘i’s small business community.

For these reasons, I respectfully support the **intent of SB2852 SD1 with amendments** that help ensure its implementation is fair, practical, and effective.

Mahalo for the opportunity to testify.

Tamara McKay