

A Bill for an Act Relating to Discrimination in Public Accommodations.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 489-2, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition of "handicapped status" to be appropriately inserted and to read as follows:

"Handicapped status" means the state of having a physical or mental impairment which substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having such an impairment. The term does not include alcohol or drug use that impairs a person's activities or threatens the property or safety of others."

2. By amending the definition of "place of public accommodation" to read as follows:

"Place of public accommodation" means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the general public[,] as customers, clients, or visitors. By way of example, but not of limitation, place of public accommodation includes facilities of the following types:

- (1) A facility providing [service] services relating to travel or transportation;
- (2) An inn, hotel, motel, or other establishment [which] that provides lodging to transient guests;
- (3) A restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises of a retail establishment;
- (4) [An] A shopping center or any establishment [which] that sells goods or services at retail;
- (5) An establishment licensed under chapter 281 doing business under a class 4, 5, 7, 8, 9, 10, 11, or 12 license, as defined in section 281-31;
- (6) A motion picture theater, other theater, auditorium, convention center, lecture hall, concert hall, sports arena, stadium, or other place of exhibition or entertainment;
- (7) A barber shop, beauty shop, bathhouse, swimming pool, gymnasium, reducing or massage salon, or other establishment conducted to serve the health, appearance, or physical condition of persons;
- (8) A park, a campsite, or trailer facility[;], or other recreation facility;
- (9) A comfort station; or a dispensary, clinic, hospital, convalescent home, or other institution for the infirm;
- (10) A professional office of a health care provider, as defined in section 323D-2, or other similar service establishment;
- [(10)] (11) A mortuary or undertaking establishment; and
- [(11)] (12) An establishment [which] that is physically located within the premises of an establishment otherwise covered by this definition, or within the premises of which is physically located a covered establishment, and which holds itself out as serving patrons of the covered establishment.

No place of public accommodation defined in this section shall be requested to [construct or] reconstruct any facility or part thereof to comply with this chapter."

3. By repealing the definition of “handicap”.

[“ “Handicap” means a physical or mental impairment which substantially limits one or more of a person’s major life activities, or is regarded as such an impairment. The term does not include alcohol or drug use that impairs a person’s activities or threatens the property or safety of others.”]

SECTION 2. Section 489-3, Hawaii Revised Statutes, is amended to read as follows:

**“[§489-3] Discriminatory practices prohibition.** Unfair discriminatory practices which deny, or attempt to deny, a person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation on the basis of race, sex, color, religion, ancestry, or [handicap] handicapped status are prohibited.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 25, 1990.)