

JAN 23 2020

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# A BILL FOR AN ACT

RELATING TO EQUAL ACCESS TO PUBLIC CONVENIENCES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Article 1, section 5, of the Hawaii State  
2 Constitution guarantees that no person shall be discriminated  
3 against in the exercise of one's civil rights because of sex,  
4 among other protected classes. Section 489-3, Hawaii Revised  
5 Statutes, further states that a person shall not suffer unfair  
6 discriminatory practices that deny the full and equal enjoyment  
7 of goods, services, facilities, privileges, advantages, and  
8 accommodations in a place of public accommodation on the basis  
9 of these same protected classes, including sex. Places of  
10 public accommodation, as defined in chapter 489, Hawaii Revised  
11 Statutes, include public restrooms at a wide variety of venues  
12 open to the public.

13           The legislature finds that equal access to and enjoyment of  
14 restroom facilities by women should include consideration of a  
15 woman's unique needs. For reasons of anatomy and culture, women  
16 require greater accommodations to attend to feminine hygiene  
17 needs and to care for such tasks as breastfeeding babies. When



1 the number of restrooms in a place of public accommodation is  
 2 inadequate, as compared to the number provided to men, women  
 3 invariably wait longer periods of time to use the facility.  
 4 Delaying urination is a health issue in that it may cause or  
 5 exacerbate any number of medical conditions, including cystitis,  
 6 bladder inflammation, and urinary tract infections.

7 The legislature further finds that women have unequal  
 8 access in the use and enjoyment of public restroom facilities  
 9 and that unequal access is an illegal form of discrimination  
 10 based upon sex.

11 The purpose of this Act is to require that separate-gender  
 12 public restrooms and toilet facilities provide women with equal  
 13 access to toilets as men.

14 SECTION 2. Chapter 489, Hawaii Revised Statutes, is  
 15 amended by adding a new section to part I to be appropriately  
 16 designated and to read as follows:

17 "§489- Equal speed of access to toilets. (a) Any pair  
 18 of separate-gender public restrooms or separate-gender toilet  
 19 facilities of any public amusement facility constructed,  
 20 renovated, retrofitted, or installed after January 1, 2021,  
 21 shall have:



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1        (1) Two exclusively female-use toilets for each  
2                    exclusively male-use toilet; and  
3        (2) Two exclusively female-use toilets for each  
4                    exclusively male-use urinal;  
5 provided that this section shall not apply to any restroom,  
6 groups of toilets, or portable toilet facilities intended to be  
7 used by more than one gender.

8        (b) For purposes of this section:  
9                    "Public amusement facility" means any zoo, theater,  
10 convention center, lecture hall, concert hall, sports arena,  
11 stadium, state park, county park, amusement or theme park,  
12 fairground, or carnival.

13        "Renovated" means any structural remodeling, improvement,  
14 or alteration of an existing restroom involving fifty per cent  
15 or more of the square footage of the restroom. "Renovated"  
16 shall not include:

- 17        (1) Reroofing;  
18        (2) Cosmetic remodeling, including painting or the  
19                    installation of wall covering, of paneling, of floor  
20                    covering or of suspended ceilings; or  
21        (3) Alteration to an electrical or mechanical system.



- 1        "Retrofitted" means any project that:
- 2        (1) Includes the modification or replacement of any
- 3        existing toilet, faucet, sink, urinal, or light with
- 4        technology that was not readily or economically
- 5        available at the time of installation of the existing
- 6        toilet, faucet, sink, urinal, or light; and
- 7        (2) Has a total cost in excess of \$ \_\_\_\_\_.

8        "Separate-gender toilet facilities" includes groups of

9        portable toilets and other temporary toilet facilities intended

10       to be used by a single gender and installed for an event and

11       intended to be removed after the event."

12       SECTION 3. This Act does not affect rights and duties that

13       matured, penalties that were incurred, and proceedings that were

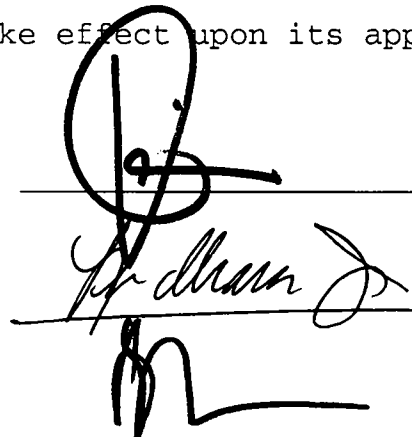
14       begun before its effective date.

15       SECTION 4. New statutory material is underscored.

16       SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_



A large, stylized handwritten signature in black ink is written over a horizontal line. The signature appears to be 'J. D. ...' with a large initial 'J' and a smaller 'D'. Below the signature, there is another horizontal line with a smaller, less distinct signature or mark underneath it.



# S.B. NO. 3151

**Report Title:**

Restrooms; Toilets; Gender Equity

**Description:**

Requires that restrooms and toilet facilities of public amusement facilities constructed, renovated, retrofitted, or installed after 1/1/2021 have 2 female-use toilets for each male-use toilet or urinal.

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

