



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

AGENDA

Legislative Committee Meeting

Location: Disability and Communication Access Board
1010 Richards Street, Room 118

Date: February 7, 2018

Time: 12:00 p.m.

- I. Call or Order
- II. Introductions
- III. Ratify Positions on DCAB Testimony for Bills Heard the Week of January 29, 2018
 - HB 2577 – Relating to Building Design for Persons with Disabilities Clarifies that Hawaii Housing Finance and Development Corporation housing projects are exempt from the Disability and Communication Access Board process under section 103-50, Hawaii Revised Statutes.
 - HB 2675 – Relating to Emergency Management Requires each local television station to make emergency information that is provided in the audio portion of its video programming accessible to persons with hearing disabilities by using a method of closed or open captioning.
 - SB 2202/HB 2424 – Relating to the General Excise Tax Exempts gross receipts from the sale of mobility enhancing equipment, durable medical equipment, prosthetic devices, prescription drugs sold pursuant to a doctor's prescription, diabetic supplies, medical oxygen, and human blood and its derivatives from the general excise tax. Amends the definition of "prosthetic device" to include devices worn on the body. Amends the definition of "prescription drugs."
- IV. Positions Relating to Bills
 - A. Parking for Persons with Disabilities
 - B. Nondiscrimination Against Persons with Disabilities/Civil Rights
 - HB 1753 – Relating to Medical Use of Cannabis Prohibits an employer from discriminating against an employee who holds a valid prescription for the medical use of cannabis.
 - SB 2220 – Relating to Employment Practices Prohibits an employer from suspending, discharging, or discriminating against an employee for testing positive for cannabis if the employee is a registered qualifying patient who is authorized for the medical use of cannabis. Provides certain exceptions.
 - C. Communication Access
 - HB 2677 – Relating to Interpreter Services Appropriates moneys for interpreter services to be rendered during the Deaf and Blind Task Force's monthly meetings.

- D. Building Code/Design
- SB 2594/HB 1919 – Relating to Housing Introduced as part of the Kupuna Caucus package. Requires that construction and renovation of publicly-funded residential housing incorporate housing visitability standards.
 - SB 2595 – Relating to Housing Introduced as part of the Kupuna Caucus package. Establishes an income tax credit for the cost of construction and renovation that complies with residential housing visitability standards.
 - SB 3006 – Relating to Building Codes Requires state projects to be designed and constructed using an alternative code that is most cost effective to a project, subject to certain conditions, including health and safety.
 - HB 2241 – Relating to the Economic Security of the Elderly Prohibits the State Building Code Council and county councils from establishing disabled accessibility or usability standards for residential buildings that are lower than those established by the most recent editions of the International Building Code and the International Residential Code.
- E. Community Based Services for Persons with Disabilities
- HB 1615 – Relating to Adult Dental Services Appropriates funds to the Department of Human Services for Med-QUEST coverage of adult dental services.
 - HB 1795 – Relating to Taxation Introduced as part of the Counties Association Package. Provides a taxpayer who hires an individual with a disability a nonrefundable tax credit for the 6-month period after the individual is initially hired by the taxpayer. Applies to taxable years beginning after 12/31/2018.
 - HB 1911 – Relating to Health Authorizes the Department of Health to investigate care facilities reported to be operating without an appropriate certificate or license issued by the Department. Establishes penalties for violations and for patient referral or transfer to uncertified or unlicensed care facilities.
- F. Emergency Preparedness
- HB 2673 - Relating to Emergencies Prohibits places of public accommodation from denying shelter to any person when the State, or any portion thereof, is the subject of an emergency alert that advises the public to immediately seek shelter. Provides for an unspecified civil penalty for each violation. Provides immunity from civil liability, with certain exceptions.
 - HB 2065 – Relating to Emergency Response Vehicles Establishes an emergency response vehicle noise task force to determine the impact of the emergency response vehicle sirens in terms of excessive noise, the effect on public safety, and the relative effectiveness of the use of emergency lights instead of the use of sirens at night.
- G. Administrative
- H. Other
- HB 1921 – Relating to Health (similar to SB 2202) Exempts gross receipts from the sale of mobility enhancing equipment, durable medical equipment, prosthetic devices, prescription drugs sold pursuant to a doctor's prescription, diabetic supplies, medical oxygen, and human blood and its derivatives from the general excise tax. Amends the definition of "prosthetic device" to include devices worn on the body. Amends the definition of "prescription drugs."

V. Bill Updates

- HB 1823 – Relating to Emotional Support and Service Animals Defines emotional support animals and makes it a misdemeanor to knowingly make a misrepresentation regarding a service dog or emotional support animal.
- SB 2208 – Relating to a Right to Parent for Blind Persons Establishes parental rights for blind parents or prospective blind parents in the context of child welfare, foster care, family law, and adoption.
- SB 2520 – Relating to Movie Theaters Makes permanent the requirement for certain motion picture theater owners and operators to provide open movie captioning at least twice per week, one of which begins no earlier than 4:30 p.m. Repeals the requirement to provide an option of personal closed captioning screenings by means of lightweight eyewear.

VI. Open Forum

Public comment on issues not on the agenda, for consideration for Committee's agenda at the next meeting

VII. Next Meeting

Wednesday, February 14, 2018 at 12:00 p.m. at 1010 Richards Street, room 118

VIII. Adjournment

If you require an auxiliary aid or accommodation due to a disability, please contact (808) 586-8121 (voice/tty) or email dcab@doh.hawaii.gov by February 2, 2018.



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MINUTES

Legislative Committee Meeting

Location: Disability and Communication Access Board
1010 Richards Street., Room 118

Date: February 7, 2018

Time: 12:00 p.m.

PRESENT: Rosanna Daniel-Kanetake, Chairperson; Monty Anderson-Nitahara (via phone), Board member; Francine Wai, Debbie Jackson, Peggy Liang, Staff

ABSENT: Landa Phelan, Board member

SIGN LANGUAGE

INTERPRETER: Carie Sarver

GUEST: Peter Fritz

- I. The meeting was called to order by Chairperson Rosanna Daniel-Kanetake at 12:08 p.m.
- II. Introductions were done informally.
- III. The minutes of the January 24, 2018 meeting were approved as circulated (M/S/P Anderson-Nitahara/Daniel-Kanetake).
- IV. Ratify Positions on DCAB Testimony for Bills Heard the Week of January 29, 2018

The following bills were heard last week, and in consultation with the Legislative Committee Chairperson, testimony was submitted for each item below. The Committee ratified the positions on the following bills:

- HB 2577 – Relating to Building Design for Persons with Disabilities Clarifies that Hawaii Housing Finance and Development Corporation housing projects are exempt from the Disability and Communication Access Board process under section 103-50, Hawaii Revised Statutes.

ACTION: OPPOSE

STATUS: Heard in House Committee on Housing and deferred.

- HB 2675 – Relating to Emergency Management Requires each local television station to make emergency information that is provided in the audio portion of its video programming accessible to persons with hearing disabilities by using a method of closed or open captioning.

ACTION: SUPPORT INTENT

STATUS: HB 2675 was heard in the House Committee on Public Safety and referred to the House Committee on Commerce and Consumer Protection (CPC). Hearing scheduled in the House CPC on Friday, February 9, 2018 at 2:00 p.m.

- SB 2202/HB 2424 – Relating to the General Excise Tax Exempts gross receipts from the sale of mobility enhancing equipment, durable medical equipment, prosthetic devices, prescription drugs sold pursuant to a doctor's prescription, diabetic supplies, medical oxygen, and human blood and its derivatives from the general excise tax. Amends the definition of "prosthetic device" to include devices worn on the body. Amends the definition of "prescription drugs."

ACTION: SUPPORT INTENT

STATUS: SB 2202 heard in the Senate Committee on Commerce, Consumer Protection and Health. Passed out with no changes and referred to the Senate Committee on Ways and Means.

HB 2424 is a triple referral to the House Committee on Health and Human Services (HHS), CPC and Finance (FIN). No hearings were scheduled so the bill will be dead at first lateral on February 16, 2018.

V. Positions Relating to Bills

A. Parking for Persons with Disabilities
No bills discussed in this category.

B. Nondiscrimination Against Persons with Disabilities/Civil Rights

- HB 1753 – Relating to Medical Use of Cannabis Prohibits an employer from discriminating against an employee who holds a valid prescription for the medical use of cannabis.

ACTION: MONITOR

- SB 2220 – Relating to Employment Practices Prohibits an employer from suspending, discharging, or discriminating against an employee for testing positive for cannabis if the employee is a registered qualifying patient who is authorized for the medical use of cannabis. Provides certain exceptions.

ACTION: MONITOR

C. Communication Access

- HB 2677 – Relating to Interpreter Services Appropriates moneys for interpreter services to be rendered during the Deaf and Blind Task Force's monthly meetings.

ACTION: SUPPORT INTENT (Since this is a Legislative Task Force, money should be appropriated to the House and Senate Chief Clerk's Office to pay for the interpreter, not the Department of Health.)

D. Building Code/Design

- SB 2594/HB 1919, HD1 – Relating to Housing Introduced as part of the Kupuna Caucus package. Requires that construction and renovation of publicly-funded residential housing incorporate housing visitability standards.

ACTION: SUPPORT INTENT (Comment regarding visitability standards.)

- SB 2595 – Relating to Housing Introduced as part of the Kupuna Caucus package. Establishes an income tax credit for the cost of construction and renovation that complies with residential housing visitability standards.

ACTION: SUPPORT INTENT (Comment on how and who will certify compliance to the visitability standards.)

- SB 3006 – Relating to Building Codes Requires state projects to be designed and constructed using an alternative code that is most cost effective to a project, subject to certain conditions, including health and safety.

ACTION: NO POSITION – COMMENTS (Alternate codes cannot be a lower standard than requirements for accessibility.)

- HB 2241 – Relating to the Economic Security of the Elderly Prohibits the State Building Code Council and county councils from establishing disabled accessibility or usability standards for residential buildings that are lower than those established by the most recent editions of the International Building Code and the International Residential Code.

ACTION: MONITOR

E. Community Based Services for Persons with Disabilities

- HB 1615 – Relating to Adult Dental Services Appropriates funds to the Department of Human Services for Med-QUEST coverage of adult dental services.

ACTION: SUPPORT

- HB 1795 – Relating to Taxation Introduced as part of the Counties Association Package. Provides a taxpayer who hires an individual with a disability a nonrefundable tax credit for the 6-month period after the individual is initially hired by the taxpayer. Applies to taxable years beginning after 12/31/2018.

ACTION: MONITOR (If the bill progresses, bring back to Committee for reconsideration.)

- HB 1911 – Relating to Health Authorizes the Department of Health to investigate care facilities reported to be operating without an appropriate certificate or license issued by the Department. Establishes penalties for violations and for patient referral or transfer to uncertified or unlicensed care facilities.

ACTION: SUPPORT INTENT (Comment on including a definition for “care facility,” adequacy of Department of Health (DOH) current staff, and length of time to obtain a license.)

F. Emergency Preparedness

- HB 2239 – Relating to Taxation Establishes an income tax credit for the purchase of household emergency preparedness supplies.

ACTION: MONITOR

- HB 2582 – Relating to Public Safety Establishes a task force to make recommendations for the Hawaii Disaster Preparedness Plan. Requires the National Preparedness Training Center at the University of Hawaii to prepare the plan. Appropriates funds.

ACTION: NO POSITION – COMMENT (Include disability subject matter expert on the planning committee.)

- HB 2673 - Relating to Emergencies Prohibits places of public accommodation from denying shelter to any person when the State, or any portion thereof, is the subject of an emergency alert that advises the public to immediately seek shelter. Provides for an unspecified civil penalty for each violation. Provides immunity from civil liability, with certain exceptions.

ACTION: MONITOR

- HB 2065 – Relating to Emergency Response Vehicles Establishes an emergency response vehicle noise task force to determine the impact of the emergency response vehicle sirens in terms of excessive noise, the effect on public safety, and the relative effectiveness of the use of emergency lights instead of the use of sirens at night.

ACTION: MONITOR

G. Administrative

No bills discussed in this category.

H. Other

- HB 1921 – Relating to Health (similar to SB 2202) Exempts gross receipts from the sale of mobility enhancing equipment, durable medical equipment, prosthetic devices, prescription drugs sold pursuant to a doctor's prescription, diabetic supplies, medical oxygen, and human blood and its derivatives from the general excise tax. Amends the definition of "prosthetic device" to include devices worn on the body. Amends the definition of "prescription drugs."

ACTION: SUPPORT

VI. Bill Updates

- HB 1823 – Relating to Service and Emotional Support Animals Defines emotional support animals and makes it a misdemeanor to knowingly make a misrepresentation regarding a service dog or emotional support animal.

STATUS: Heard in the House Committee on Health and Human Services. DCAB submitted testimony providing comments. The bill was deferred.

- SB 2208/HB 1928 – Relating to a Right to Parent for Blind Persons Establishes parental rights for blind parents or prospective blind parents in the context of child welfare, foster care, family law, and adoption.

STATUS: SB 2208 was heard in the Senate Committee on Human Services and passed with no changes. DCAB presented testimony providing comments. Referred to the Senate Committee on Judiciary.

HB 1928 was heard in the House Committee on Health and Human Services. DCAB presented testimony providing comments. The bill was deferred.

- SB 2050 – Relating to Persons with Disabilities Requires the Department of Human Services to implement an earned income disregard program as an intermediate step to implementing a Medicaid Buy-In program. Requires reports to the Legislature.

STATUS: Heard in the Senate Committee on Human Services. The bill was passed out of Committee with changes and referred to the Senate Committee on Ways and Means.

- HB 2520/SB 2560 – Relating to Movie Theaters Makes permanent the requirement for certain motion picture theater owners and operators to provide open movie captioning at least twice per week, one of which begins no earlier than 4:30 p.m. Repeals the requirement to provide an option of personal closed captioning screenings by means of lightweight eyewear.

STATUS: HB 2520 was heard in the House Committee on Economic Development and Business and passed out with no changes. DCAB presented testimony in support of the intent of the bill. The bill was referred to the joint House Committees on Commerce and Consumer Protection and Judiciary.

SB 2650 was heard in the Senate Committee on Commerce, Consumer Protection, and Health and passed out with no changes. DCAB presented testimony in support of the intent of the bill. The bill was referred to the Senate Committee on Judiciary.

- SB 2171 – Relating to Identification Cards for Persons with Disabilities Allows identification cards to indicate a person's disability, to allow the person access to certain eligible public services and help identify the disability to public safety personnel in case of an emergency. Effective 1/2/2019.

STATUS: Heard in the joint Senate Committees on Transportation and Energy and Human Services. DCAB presented testimony in opposition to this bill. The bill was deferred.

- SB 3023 – Relating to Minimum Wage Includes persons with disabilities under the minimum wage requirements.

STATUS: Heard by the Senate Committee on Labor and passed out with changes. DCAB monitored the bill. Referred to the Senate Committee on Ways and Means.

ACTION: MONITOR

NOTE: All positions on bills were ratified and passed (M/S/P Anderson-Nitahara/Daniel-Kanetake).

VII. Open Forum

No comments presented during this portion of the agenda.

VIII. The next meeting is scheduled for Wednesday, February 14, 2018 from 12:00 p.m. until 1:00 p.m. at 1010 Richards Street in room 118.

IX. The meeting adjourned at 1:02 p.m.

Respectfully submitted,

/s/

DEBBRA L. JACKSON