
A BILL FOR AN ACT

RELATING TO COUNTIES.

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

1 SECTION 1. The legislature finds that Hawaii's population
2 has been aging rapidly and the proportion of elderly to the rest
3 of the population has already increased dramatically. The aging
4 of the baby boomers and their transition into the ranks of the
5 bona fide elderly is already on the near horizon and promises to
6 greatly exacerbate the need for long-term care and facilities
7 that care for the elderly. Advances in pharmaceuticals and
8 medical technology have also significantly increased longevity
9 in the elderly. At the same time, Hawaii has significantly
10 fewer nursing home beds per capita than most of the other
11 states. These factors have placed increasing pressure on the
12 State's need to provide for the long-term care of the State's
13 elder population, including all types of elder care facilities.
14 The purpose of this Act is to afford priority to the location of
15 facilities that significantly affect the public health of the
16 State's residents, including those that provide for the health
17 care needs of individuals such as the elderly and persons with
18 disabilities.



1 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§46- Minimum distance between facilities; ordinance
5 invalid. (a) Any county ordinance that prohibits a group
6 living facility that provides for the health care needs of
7 individuals, including long-term care facilities, as defined in
8 section 349-12(a), or adult residential care homes for the
9 elderly or persons with disabilities from being located within
10 any specified distance from another group living facility that
11 does not provide for the health care needs of individuals shall
12 be void as against public policy."

13 SECTION 2. New statutory material is underscored.

14 SECTION 3. This Act shall take effect upon its approval.
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INTRODUCED BY:

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Report Title:

County Ordinances Invalid; Minimum Separation of Facilities

Description:

Renders void as against public policy any county ordinance that prohibits a group living facility that provides for health care needs of individuals from being located within any specified distance from another group living facility that does not provide for health care needs of individuals.

