

JAN 25 2010

A BILL FOR AN ACT

RELATING TO CLEAN AND SOBER AND HALFWAY HOME REGULATION.

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

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§321- Clean and sober homes and halfway houses. (a)
5 Beginning July 1, 2010, each clean and sober home and halfway
6 house shall be licensed to ensure the health, safety, and
7 welfare of the individuals placed therein; the health, safety,
8 and welfare of its surrounding neighbors; and to ensure a smooth
9 transition of the individuals placed therein into the
10 communities in which these homes are located.

11 (b) Any operator of a clean and sober home or halfway
12 house shall obtain a general excise tax license under section
13 237-9 prior to commencing operation of a clean and sober home or
14 halfway house. The excise license shall not be a substitute for
15 any county regulation or permit or for the notice requirement of
16 section 46-4 subsection (e).



1 (c) The director of health shall adopt rules regarding
2 clean and sober homes and halfway houses in accordance with
3 chapter 91 that shall be designed to:

- 4 (1) Establish standard operating procedures;
5 (2) Provide a review process to monitor compliance in
6 meeting the standard operating procedures;
7 (3) Provide a residential program for care and
8 rehabilitation for persons who require structured
9 living and who are suffering or recovering from
10 substance abuse; are undergoing sex offenders
11 treatment; have been released or are under supervised
12 release from a correctional facility; or, have been
13 released from a mental health treatment facility;
14 (4) Set occupancy standards for clean and sober homes and
15 halfway houses based on room size and not based on the
16 cost of the rental housing;
17 (5) Identify best practices for communicating with the
18 surrounding community; and
19 (6) Ensure the safety of both the residents, staff, and
20 volunteers of clean and sober homes and halfway houses
21 and their neighbors.



1 (d) Prior to being issued a license to commence operation
2 of a clean and sober home or halfway house, the operator of the
3 home or house shall conduct at least one public informational
4 meeting at a neighborhood board meeting in the area in which the
5 home or house will be located. If the home will be located in
6 an area that does not have a neighborhood board, the public
7 informational meeting shall be held at the county council.
8 Notarized affidavits confirming that adjoining and surrounding
9 property owners were sent written notification of any such
10 informational meeting in a timely manner is required. The
11 department of health shall consider the testimony received at
12 the informational meeting in determining whether to grant a
13 license for the operation of a clean and sober home or halfway
14 house.

15 (e) An annual licensing fee for all clean and sober homes
16 and halfway houses shall be established by the department of
17 health. All proceeds from the licensing fee shall be applied to
18 administrative costs of the licensing program.

19 (f) The department of health shall institute a schedule of
20 penalties and fees for the violation of any rule or regulation
21 applying to clean and sober homes and halfway houses.



1 (g) The department of health shall maintain a listing of
2 all licensed clean and sober homes and halfway houses in the
3 State which shall be deemed a public record.

4 (h) After June 30, 2011, state agencies, including but not
5 limited to the Hawaii paroling authority, shall only refer
6 clients to licensed clean and sober homes and halfway houses.

7 (i) All existing clean and sober homes and halfway houses
8 will have one year from June 1, 2010, to comply with this
9 section and any rules or regulations adopted by the department
10 of health applicable to clean and sober homes halfway houses.

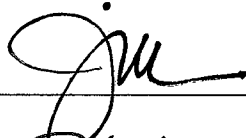


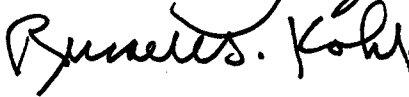



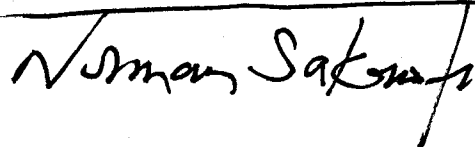
11 (j) The department of health shall adopt, modify, and
12 repeal rules of general application as may be necessary to carry
13 into effect this section."

14 SECTION 2. New statutory material is underscored.

15 SECTION 3. This Act shall take effect upon its approval.

16

INTRODUCED BY:



Report Title:

Regulating Clean and Sober Homes and Halfway Houses

Description:

Establishes a licensing requirement for all clean and sober homes and halfway houses and requires the department of health to establish rules to oversee them.

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

