

ACT 25

S.B. NO. 462

A Bill for an Act Relating to the Residents of Kalaupapa, Molokai.

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

SECTION 1. Leprosy is historically probably the most dreaded disease to afflict mankind. The traditional policy was segregation and isolation from the rest of society—cast off into the mountains, or onto an island, or compulsorily confined on an isolated peninsula, so that the “unclean” lepers would not only be out of contact with the rest of society, but they would also be out of sight. As with so many other diseases, the native Hawaiian had relatively little immunity to leprosy and the disease spread rapidly, resulting in the setting aside of the isolated Kalawao (Kalaupapa) peninsula on Molokai as a leprosarium for the segregation of persons with the disease.

In recent years, leprosy patients requiring hospitalization have been housed at either Hale Mohalu or at Kalaupapa. Statistics since 1950 reveal that of all patients eligible for release from Hale Mohalu, ninety-six per cent elected to return to the community while the percentage from Kalaupapa was only five per cent. It is evident that for many patients at Kalaupapa, the Molokai Peninsula has become their true home, a land that they have come to love, inhabited by neighbors who have become good friends. Therefore, it is the purpose of this Act to establish a policy guaranteeing the residents of Kalaupapa care and services for the remainder of their lives.

SECTION 2. Chapter 326, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“Sec. 326- Kalaupapa; policy on residency. The legislature finds that Hawaii’s leprosy victims have in many ways symbolized the plight of those

afflicted with this disease throughout the world. Their sufferings and social deprivations helped eventually to bring the story of the disease and an understanding of its health ravages to people everywhere. Those patients who settled in Kalaupapa remain a living memorial to a long history of tragic separation, readjustment, and endurance.

It is the policy of the State that the patient residents of Kalaupapa shall be accorded adequate health care and other services for the remainder of their lives. Furthermore, it is the policy of the State that any patient resident of Kalaupapa desiring to remain at the settlement shall be permitted to do so for as long as he may choose, regardless of whether or not he has been successfully treated."

SECTION 3. Section 326-26, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 326-26 Who allowed at settlement. No person, not having Hansen's disease, shall be allowed to visit or remain upon any land, place, or inclosure set apart by the department of health for the isolation and confinement of Hansen's disease sufferers, without the written permission of the director of health, or some officer authorized thereto by the department, under any circumstances whatever, and any person found upon such land, place, or inclosure without a written permission shall be fined not less than \$10 nor more than \$100 for such offense; provided that any patient resident of Kalaupapa desiring to remain at the settlement shall be permitted to do so for as long as he may choose, regardless of whether or not he has been successfully treated."

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

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

(Approved May 5, 1977.)

*Edited accordingly.