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# 中华人民共和国老年人权益保障法（2018修正）

# Law of the People’s Republic of China on the Protection of the Rights and Interests of the Elderly (2018 Revision)

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（1996年8月29日第八届全国人民代表大会常务委员会第二十一次会议通过 根据2009年8月27日第十一届全国人民代表大会常务委员会第十次会议《关于修改部分法律的决定》第一次修正 2012年12月28日第十一届全国人民代表大会常务委员会第三十次会议修订 根据2015年4月24日第十二届全国人民代表大会常务委员会第十四次会议《关于修改〈中华人民共和国电力法〉等六部法律的决定》第二次修正 根据2018年12月29日第十三届全国人民代表大会常务委员会第七次会议《关于修改〈中华人民共和国劳动法〉等七部法律的决定》第三次修正）

(Adopted at the 21st session of the Standing Committee of the 8th National People's Congress on August 29, 1996; amended for the first time according to the Decision on Amending Certain Laws passed at the 10th session of the Standing Committee of the 11th National People's Congress on August 27, 2009; revised at the 30th session of the Standing Committee of the 11th National People's Congress on December 28, 2012; amended for the second time according to the Decision on Revising Six Laws including the Electric Power Law of the People's Republic of China passed at the 14th session of the Standing Committee of the 12th National People's Congress on April 24, 2015; and amended for the third time according to the Decision on Revising Seven Laws Including the Labor Law of the People's Republic of China passed at the 7th session of the Standing Committee of the 13th National People's Congress on December 29, 2018)

第一章 总 则

Chapter 1 General Provisions

第一条   为了保障老年人合法权益，发展老龄事业，弘扬中华民族敬老、养老、助老的美德，根据宪法，制定本法。

Article 1 This Law is enacted in accordance with the Constitution to protect the lawful rights and interests of the elderly, develop the undertakings related to the elderly and promote the Chinese people's virtues of respecting, providing for and helping the elderly.

第二条   本法所称老年人是指六十周岁以上的公民。

Article 2 The elderly referred to in this Law are citizens at or above the age of 60.

第三条   国家保障老年人依法享有的权益。

Article 3 The State protects the lawful rights and interests of the elderly.

老年人有从国家和社会获得物质帮助的权利，有享受社会服务和社会优待的权利，有参与社会发展和共享发展成果的权利。

The elderly have the right to obtain material assistance from the State and the society, to enjoy social services and social preferential treatments, to participate in social development and share the development achievements.

禁止歧视、侮辱、虐待或者遗弃老年人。

It is forbidden to discriminate against, insult, maltreat or abandon the elderly.

第四条   积极应对人口老龄化是国家的一项长期战略任务。

Article 4 It is a long-term strategic task for the country to actively respond to the aging of the population.

国家和社会应当采取措施，健全保障老年人权益的各项制度，逐步改善保障老年人生活、健康、安全以及参与社会发展的条件，实现老有所养、老有所医、老有所为、老有所学、老有所乐。

The State and society shall take measures to improve various systems for protection of the rights and interests of the elderly and gradually better the conditions that contribute toward their well-being, good health, safety and participation in social development, so that they are provided for, have access to necessary medical care, have opportunities for their own pursuits and studies and enjoy themselves.

第五条   国家建立多层次的社会保障体系，逐步提高对老年人的保障水平。

Article 5 The State will establish a multi-level social security system, and gradually improve the level of social security for the elderly.

国家建立和完善以居家为基础、社区为依托、机构为支撑的社会养老服务体系。

The State shall establish and improve the home-based elderly care system which is backed by communities and supported by institutions.

倡导全社会优待老年人。

Advocate the preferential treatment of the elderly.

第六条   各级人民政府应当将老龄事业纳入国民经济和社会发展规划，将老龄事业经费列入财政预算，建立稳定的经费保障机制，并鼓励社会各方面投入，使老龄事业与经济、社会协调发展。

Article 6 People's governments at all levels shall incorporate the undertakings related to the elderly into the plans for national economic and social development, include the funds used for these undertakings into their budgets, establish a stable funds guarantee mechanism, and encourage investment from all sectors of society, so that these undertakings and the economy and society develop in a coordinated manner.

国务院制定国家老龄事业发展规划。县级以上地方人民政府根据国家老龄事业发展规划，制定本行政区域的老龄事业发展规划和年度计划。

The State Council shall formulate a national plan on the elderly. People's governments at the county level or above shall, in accordance with the national development programs for the undertakings related to the elderly, formulate the development programs and annual plans for the undertakings related to the elderly within their respective administrative regions.

县级以上人民政府负责老龄工作的机构，负责组织、协调、指导、督促有关部门做好老年人权益保障工作。

The institutions responsible for the work relating to the elderly under the people's governments at or above the county level shall be responsible for organizing, coordinating, guiding and urging the work relating to the protection of the rights and interests of the elderly by the relevant departments.

第七条   保障老年人合法权益是全社会的共同责任。

Article 7 It is the common responsibility of the entire society to protect the legitimate rights and interests of the elderly.

国家机关、社会团体、企业事业单位和其他组织应当按照各自职责，做好老年人权益保障工作。

State organs, social groups, enterprises, public institutions and other organizations shall, according to their respective functions and responsibilities, protect the rights and interests of the elderly.

基层群众性自治组织和依法设立的老年人组织应当反映老年人的要求，维护老年人合法权益，为老年人服务。

Grassroots autonomous organizations and organizations of the elderly established in accordance with the law shall make known the demands of the elderly, safeguard their legitimate rights and interests and serve them.

提倡、鼓励义务为老年人服务。

Voluntary service for the elderly is advocated and encouraged.

第八条   国家进行人口老龄化国情教育，增强全社会积极应对人口老龄化意识。

Article 8 The State shall educate the people about our country's aging population, and enhance the awareness of actively responding to the aging population.

全社会应当广泛开展敬老、养老、助老宣传教育活动，树立尊重、关心、帮助老年人的社会风尚。

Publicity and education should be conducted throughout the society to establish the social values under which the elderly are respected, taken care of and helped.

青少年组织、学校和幼儿园应当对青少年和儿童进行敬老、养老、助老的道德教育和维护老年人合法权益的法制教育。

The organizations of young people, schools and kindergartens shall carry out moral and legal education among young people and children, so that the latter will have the right to respect, provide for and help the elderly.

广播、电影、电视、报刊、网络等应当反映老年人的生活，开展维护老年人合法权益的宣传，为老年人服务。

Radio programs, films, television programs, newspapers, periodicals and the Internet shall serve the elderly by covering their life and publicizing the need to safeguard their lawful rights and interests.

第九条   国家支持老龄科学研究，建立老年人状况统计调查和发布制度。

Article 9 The State supports the scientific research on the elderly, and establishes the system for statistical survey into and release of the situation of the elderly.

第十条   各级人民政府和有关部门对维护老年人合法权益和敬老、养老、助老成绩显著的组织、家庭或者个人，对参与社会发展做出突出贡献的老年人，按照国家有关规定给予表彰或者奖励。

Article 10 People's governments at various levels and relevant local departments shall, in accordance with relevant State regulations, commend or reward the organizations, families or individuals that have made remarkable achievements in protecting the lawful rights and interests of the elderly or in respecting, providing for or helping the elderly, as well as the elderly who have made outstanding contributions to social development.

第十一条   老年人应当遵纪守法，履行法律规定的义务。

Article 11 The elderly shall observe law and discipline and perform their duties prescribed by law.

第十二条   每年农历九月初九为老年节。

Article 12 The ninth day of the ninth lunar month in each year is designated as the Elderly Day.

第二章 家庭赡养与扶养

Chapter 2 Support and Maintenance by Families

第十三条   老年人养老以居家为基础，家庭成员应当尊重、关心和照料老年人。

Article 13 The elderly shall be provided for mainly by their families at home, and their family members shall respect, care for and look after them.

第十四条   赡养人应当履行对老年人经济上供养、生活上照料和精神上慰藉的义务，照顾老年人的特殊需要。

Article 14 Supporters of the elderly shall perform the obligations to financially provide for the elderly, take care of them in daily life and spiritually comfort them, and cater to their special needs.

赡养人是指老年人的子女以及其他依法负有赡养义务的人。

Supporters refer to the sons and daughters of the elderly and other people who are under the legal obligation to support the elderly.

赡养人的配偶应当协助赡养人履行赡养义务。

The spouses of the supporters shall assist the supporters in performing their obligation to provide for the elderly.

第十五条   赡养人应当使患病的老年人及时得到治疗和护理；对经济困难的老年人，应当提供医疗费用。

Article 15 Supporters shall make sure the elderly suffering from illnesses receive timely treatment and care, and pay medical expenses for those suffering from financial difficulties.

对生活不能自理的老年人，赡养人应当承担照料责任；不能亲自照料的，可以按照老年人的意愿委托他人或者养老机构等照料。

For the elderly who cannot take care of themselves, the supporters shall take care; if the elderly cannot take care in person, they may entrust others or elderly care institutions as willed by the elderly to take care.

第十六条   赡养人应当妥善安排老年人的住房，不得强迫老年人居住或者迁居条件低劣的房屋。

Article 16 Supporters shall properly arrange for the housing of the elderly and shall not compel the latter to live in or move to inferior houses.

老年人自有的或者承租的住房，子女或者其他亲属不得侵占，不得擅自改变产权关系或者租赁关系。

The sons and daughters or other relatives of the elderly shall not seize the houses owned or rented by the elderly, nor shall they, without permission of the elderly, change the property right or leasehold relationship.

老年人自有的住房，赡养人有维修的义务。

The supporters of the elderly have the duty to keep the houses owned by the elderly in good repair.

第十七条   赡养人有义务耕种或者委托他人耕种老年人承包的田地，照管或者委托他人照管老年人的林木和牲畜等，收益归老年人所有。

Article 17 Supporters have the duty to help farm or entrust others to farm the land the elderly contract for, and take care of the trees and livestock of the elderly, but the earnings therefrom shall go to the elderly.

第十八条   家庭成员应当关心老年人的精神需求，不得忽视、冷落老年人。

Article 18 The family members of the elderly shall care about the spiritual needs of the elderly, and shall not ignore or desolate the elderly.

与老年人分开居住的家庭成员，应当经常看望或者问候老年人。

The family members who live apart from the elderly shall visit or send regards to the latter on a regular basis.

用人单位应当按照国家有关规定保障赡养人探亲休假的权利。

Employers shall guarantee the right to home leave and family visit for the supporters in accordance with the relevant provisions of the State.

第十九条   赡养人不得以放弃继承权或者其他理由，拒绝履行赡养义务。

Article 19 Supporters may not refuse to perform their duties of providing for the elderly on the ground that they will give up their right of inheritance or for any other reasons.

赡养人不履行赡养义务，老年人有要求赡养人付给赡养费等权利。

If supporters do not perform their duties of providing for the elderly, the latter have the right to demand support payments from the former.

赡养人不得要求老年人承担力不能及的劳动。

Supporters shall not ask the elderly to work beyond their ability.

第二十条   经老年人同意，赡养人之间可以就履行赡养义务签订协议。赡养协议的内容不得违反法律的规定和老年人的意愿。

Article 20 With the consent of the elderly, an agreement may be concluded among the supporters on the performance of their obligations to support the elderly. The content of the maintenance agreement shall not violate laws or the wishes of the elderly.

基层群众性自治组织、老年人组织或者赡养人所在单位监督协议的履行。

Grassroots autonomous organizations, organizations of the elderly or units where the supporters are employed shall supervise the fulfillment of the agreement.

第二十一条   老年人的婚姻自由受法律保护。子女或者其他亲属不得干涉老年人离婚、再婚及婚后的生活。

Article 21 The freedom of marriage of the elderly is protected by law. Their sons, daughters or other relatives shall not interfere in their divorce, remarriage or married life.

赡养人的赡养义务不因老年人的婚姻关系变化而消除。

The maintenance obligation of the supporter shall not be eliminated due to the change of the marriage relationship of the aged person.

第二十二条   老年人对个人的财产，依法享有占有、使用、收益和处分的权利，子女或者其他亲属不得干涉，不得以窃取、骗取、强行索取等方式侵犯老年人的财产权益。

Article 22 The elderly have the right to possess, utilize, profit from and dispose of their personal property in accordance with the law, and their children or other relatives may not interfere, and may not infringe upon the property rights and interests of the elderly by stealing, cheating, extorting or other means.

老年人有依法继承父母、配偶、子女或者其他亲属遗产的权利，有接受赠与的权利。子女或者其他亲属不得侵占、抢夺、转移、隐匿或者损毁应当由老年人继承或者接受赠与的财产。

The elderly have the right to inherit the legacy of their parents, spouses, children or other relatives according to law and the right to accept donations. Their sons, daughters or other relatives may not encroach upon, seize, transfer, conceal or destroy the property that shall be inherited or accepted by the elderly.

老年人以遗嘱处分财产，应当依法为老年配偶保留必要的份额。

In disposal of the elderly's property under a will, a necessary portion of such property shall be reserved for the elderly's spouses according to law.

第二十三条   老年人与配偶有相互扶养的义务。

Article 23 The elderly and their spouses have the duty to support each other.

由兄、姐扶养的弟、妹成年后，有负担能力的，对年老无赡养人的兄、姐有扶养的义务。

If those who were brought up by their elder brothers or sisters can bear the burden, they shall provide for their elder brothers or sisters should the latter do not have supporters when they are advanced in years.

第二十四条   赡养人、扶养人不履行赡养、扶养义务的，基层群众性自治组织、老年人组织或者赡养人、扶养人所在单位应当督促其履行。

Article 24 If the supporters do not perform their duties of providing for the elderly, grassroots autonomous organizations, organizations of the elderly or the units where the supporters are employed shall urge them to perform such duties.

第二十五条   禁止对老年人实施家庭暴力。

Article 25 Domestic violence against the elderly is prohibited.

第二十六条   具备完全民事行为能力的老年人，可以在近亲属或者其他与自己关系密切、愿意承担监护责任的个人、组织中协商确定自己的监护人。监护人在老年人丧失或者部分丧失民事行为能力时，依法承担监护责任。

Article 26 The elderly with full capacity for civil conduct may determine their guardians through consultation among their close relatives or other individuals or organizations who are close to them and willing to assume the guardianship responsibility. When the elderly lose all or part of their capacity for civil conduct, their guardians shall bear the guardianship responsibility according to law.

老年人未事先确定监护人的，其丧失或者部分丧失民事行为能力时，依照有关法律的规定确定监护人。

If the elderly fail to determine their guardians in advance, when they lose all or part of their capacity for civil conduct, their guardians shall be determined in accordance with the relevant laws.

第二十七条   国家建立健全家庭养老支持政策，鼓励家庭成员与老年人共同生活或者就近居住，为老年人随配偶或者赡养人迁徙提供条件，为家庭成员照料老年人提供帮助。

Article 27 The State shall establish and improve the family-based elderly care support policies, encourage family members to live together with or close to the elderly, create conditions for the migration of the elderly with their spouses or supporters and provide help for family members in taking care of the elderly.

第三章 社 会 保 障

Chapter Three Social Protection

第二十八条   国家通过基本养老保险制度，保障老年人的基本生活。

Article 28 The State establishes an endowment insurance system to ensure the basic needs in the life of the elderly.

第二十九条   国家通过基本医疗保险制度，保障老年人的基本医疗需要。享受最低生活保障的老年人和符合条件的低收入家庭中的老年人参加新型农村合作医疗和城镇居民基本医疗保险所需个人缴费部分，由政府给予补贴。

Article 29 The State establishes a basic medical insurance system to ensure the basic needs of the elderly for medical care. The government shall grant subsidies for individual contributions by the elderly who enjoy subsistence allowances and from eligible low-income families to the new rural cooperative medical system and basic medical insurance for urban residents.

有关部门制定医疗保险办法，应当对老年人给予照顾。

When formulating medical insurance regulations, the departments concerned shall give favorable consideration to the elderly.

第三十条   国家逐步开展长期护理保障工作，保障老年人的护理需求。

Article 30 The State will gradually make long-term efforts to ensure the nursing needs of the elderly are satisfied.

对生活长期不能自理、经济困难的老年人，地方各级人民政府应当根据其失能程度等情况给予护理补贴。

For the elderly who cannot take care of themselves for a long time and have financial difficulties, local people's governments at all levels shall grant nursing subsidies to them in light of the seriousness of their disability.

第三十一条   国家对经济困难的老年人给予基本生活、医疗、居住或者其他救助。

Article 31 The State provides assistance to the elderly with financial difficulties in terms of basic life, medical care, residence or others.

老年人无劳动能力、无生活来源、无赡养人和扶养人，或者其赡养人和扶养人确无赡养能力或者扶养能力的，由地方各级人民政府依照有关规定给予供养或者救助。

Local people's governments at various levels shall, in accordance with the relevant provisions, provide support or relief to the elderly who are unable to work and have no sources of income or supporters or whose supporters are truly unable to provide for or support them.

对流浪乞讨、遭受遗弃等生活无着的老年人，由地方各级人民政府依照有关规定给予救助。

For the elderly who live a vagrant life and go begging without living sources or being abandoned, local people's governments at all levels shall, in accordance with the relevant provisions, give them relief.

第三十二条   地方各级人民政府在实施廉租住房、公共租赁住房等住房保障制度或者进行危旧房屋改造时，应当优先照顾符合条件的老年人。

Article 32 Local people's governments at various levels shall, in implementing low-rent housing, public rental housing and other housing security systems or carrying out the renovation of dilapidated and old houses, give priority to the eligible elderly.

第三十三条   国家建立和完善老年人福利制度，根据经济社会发展水平和老年人的实际需要，增加老年人的社会福利。

Article 33 The State establishes and improves the welfare system for the elderly, and according to the level of economic and social development and the actual needs of the elderly, increases the social welfare for the elderly.

国家鼓励地方建立八十周岁以上低收入老年人高龄津贴制度。

The State encourages local governments to establish an old-age allowance system for the low-income elderly over 80 years of age.

国家建立和完善计划生育家庭老年人扶助制度。

The State establishes and improves the support system for the elderly from families practicing family planning.

农村可以将未承包的集体所有的部分土地、山林、水面、滩涂等作为养老基地，收益供老年人养老。

Some of the collectively owned land, forests, bodies of water, shoals, or other assets that are not contracted out in rural areas may be made as the bases for the benefit of the elderly, and the earnings therefrom shall be used for the elderly.

第三十四条   老年人依法享有的养老金、医疗待遇和其他待遇应当得到保障，有关机构必须按时足额支付，不得克扣、拖欠或者挪用。

Article 34 The pensions, medical benefits and other benefits the elderly enjoy according to law shall be guaranteed and paid by the relevant institutions on time and in full without deduction, default or misappropriation.

国家根据经济发展以及职工平均工资增长、物价上涨等情况，适时提高养老保障水平。

The State will, in light of the economic development, increase in the average salary of workers and rise in commodity prices, enhance the level of pension security in due time.

第三十五条   国家鼓励慈善组织以及其他组织和个人为老年人提供物质帮助。

Article 35 The State encourages charitable organizations and other organizations as well as individuals to provide material assistance to the elderly.

第三十六条   老年人可以与集体经济组织、基层群众性自治组织、养老机构等组织或者个人签订遗赠扶养协议或者其他扶助协议。

Article 36 The elderly may conclude a legacy support agreement or other support agreements with organizations, grassroots autonomous organizations, elderly care institutions and other organizations or individuals.

负有扶养义务的组织或者个人按照遗赠扶养协议，承担该老年人生养死葬的义务，享有受遗赠的权利。

The organization or individual that has maintenance obligation shall, under the legacy support agreement, assume the duty to support the elderly during their lifetime and bury them after death in return for the right to the legacy.

第四章 社 会 服 务

Chapter 4 Social security services

第三十七条   地方各级人民政府和有关部门应当采取措施，发展城乡社区养老服务，鼓励、扶持专业服务机构及其他组织和个人，为居家的老年人提供生活照料、紧急救援、医疗护理、精神慰藉、心理咨询等多种形式的服务。

Article 37 Local people's governments at various levels and relevant local departments shall take measures to develop community elderly care services in both urban and rural areas, encourage and support professional service agencies and other organizations and individuals to provide the home-based elderly with various services such as daily care, emergency rescue, medical care, spiritual consolation and psychological counseling.

对经济困难的老年人，地方各级人民政府应当逐步给予养老服务补贴。

If the elderly suffer from financial difficulties, local people's governments at various levels shall gradually give them elderly care subsidies.

第三十八条   地方各级人民政府和有关部门、基层群众性自治组织，应当将养老服务设施纳入城乡社区配套设施建设规划，建立适应老年人需要的生活服务、文化体育活动、日间照料、疾病护理与康复等服务设施和网点，就近为老年人提供服务。

Article 38 Local people's governments at various levels, relevant local departments and grassroots autonomous organizations shall incorporate elderly care facilities into community supporting facilities construction planning in urban and rural areas, and establish service facilities and networks for the life services, cultural and sports activities, day care, disease nursing and rehabilitation as required by the elderly to provide services for the elderly in the neighborhood.

发扬邻里互助的传统，提倡邻里间关心、帮助有困难的老年人。

Carry forward the tradition of neighbourhood help, promote neighborhood care, help the elderly have difficulties.

鼓励慈善组织、志愿者为老年人服务。倡导老年人互助服务。

Charitable organizations and volunteers are encouraged in their effort to serve the elderly. Promote mutual assistance services for the elderly.

第三十九条   各级人民政府应当根据经济发展水平和老年人服务需求，逐步增加对养老服务的投入。

Article 39 People's governments at various levels shall gradually increase their investment in elderly care services according to the level of economic development and the demand for elderly care services.

各级人民政府和有关部门在财政、税费、土地、融资等方面采取措施，鼓励、扶持企业事业单位、社会组织或者个人兴办、运营养老、老年人日间照料、老年文化体育活动等设施。

People's governments at all levels and the relevant departments shall take measures in such aspects as finance, taxation, land and financing to encourage and support enterprises, public institutions, social organizations or individuals to establish and operate the facilities for the elderly including old-age support, day care and cultural and sports activities.

第四十条   地方各级人民政府和有关部门应当按照老年人口比例及分布情况，将养老服务设施建设纳入城乡规划和土地利用总体规划，统筹安排养老服务设施建设用地及所需物资。

Article 40 Local people's governments at various levels and relevant local departments shall, according to the proportion and distribution of the elderly population, incorporate the building of elderly care facilities into urban or rural development plans and overall plans for land utilization, and make overall arrangements for the land and materials required in the building of elderly care facilities.

公益性养老服务设施用地，可以依法使用国有划拨土地或者农民集体所有的土地。

For public welfare elderly care facilities, the allocated state-owned land or the land collectively owned by farmers may be used according to law.

养老服务设施用地，非经法定程序不得改变用途。

Land for elderly care facilities shall not be used for other purposes without legal procedures.

第四十一条   政府投资兴办的养老机构，应当优先保障经济困难的孤寡、失能、高龄等老年人的服务需求。

Article 41 Elderly service institutions invested by the government shall give priority to guarantee the service demands of the solitary, widowed, disabled, advanced aged and other old people with financial difficulties.

第四十二条   国务院有关部门制定养老服务设施建设、养老服务质量和养老服务职业等标准，建立健全养老机构分类管理和养老服务评估制度。

Article 42 Relevant departments of the State Council shall formulate standards for the construction of elderly care facilities, elderly care quality and elderly care profession, and establish and improve the classified management of elderly care agencies and the assessment system for elderly care services.

各级人民政府应当规范养老服务收费项目和标准，加强监督和管理。

People's governments at all levels shall standardize charging items and standards for elderly care services, and strengthen supervision and management.

第四十三条   设立公益性养老机构，应当依法办理相应的登记。

Article 43 Public welfare elderly care agencies shall be registered according to law.

设立经营性养老机构，应当在市场监督管理部门办理登记。

The establishment of a for-profit elderly care agency shall be registered with the market supervision and administration department.

养老机构登记后即可开展服务活动，并向县级以上人民政府民政部门备案。

An elderly service institution may carry out service activities immediately after registration and shall file for record with the civil affairs department of the people's government at the county level or above.

第四十四条   地方各级人民政府加强对本行政区域养老机构管理工作的领导，建立养老机构综合监管制度。

Article 44 Local people's governments at various levels shall strengthen the leadership over the management of elderly service institutions within their respective administrative areas and establish a comprehensive regulatory system for elderly service institutions.

县级以上人民政府民政部门负责养老机构的指导、监督和管理，其他有关部门依照职责分工对养老机构实施监督。

The civil affairs departments of the people's governments at or above the county level are responsible for the guidance, supervision and management of elderly service institutions, and other relevant departments shall carry out supervision over elderly service institutions in accordance with the division of their duties.

第四十五条   县级以上人民政府民政部门依法履行监督检查职责，可以采取以下措施：

Article 45 The civil affairs departments of the people's governments at the county level or above may take the following measures in the course of legally performing their supervision and inspection duties:

（一）向养老机构和个人了解情况；

1. To acquire relevant information from elderly service institutions and individuals;

（二）进入涉嫌违法的养老机构进行现场检查；

(II) Conduct on-site inspection at the elderly service institution which is suspected of violating laws;

（三）查阅或者复制有关合同、票据、账簿及其他有关资料；

(III) consult or copy relevant contracts, notes, account books and other relevant materials;

（四）发现养老机构存在可能危及人身健康和生命财产安全风险的，责令限期改正，逾期不改正的，责令停业整顿。

(IV) Where an elderly service institution is found to have potential risks endangering personal health and life and property safety, it shall be ordered to rectify within a time limit; if it fails to rectify within the time limit, it shall be ordered to suspend business for rectification.

县级以上人民政府民政部门调查养老机构涉嫌违法的行为，应当遵守《中华人民共和国行政强制法》和其他有关法律、行政法规的规定。

The civil affairs departments of people's governments at the county level or above shall abide by the Administrative Coercion Law of the People's Republic of China and other relevant laws and administrative regulations when investigating the alleged illegal acts of elderly service institutions.

第四十六条   养老机构变更或者终止的，应当妥善安置收住的老年人，并依照规定到有关部门办理手续。有关部门应当为养老机构妥善安置老年人提供帮助。

Article 46 Where there is any change to or termination of an elderly service institution, it shall properly settle the elderly it has accepted, and go through the formalities for alteration or termination with the relevant departments. Relevant departments shall assist the elderly service institutions in settling the elderly properly.

第四十七条   国家建立健全养老服务人才培养、使用、评价和激励制度，依法规范用工，促进从业人员劳动报酬合理增长，发展专职、兼职和志愿者相结合的养老服务队伍。

Article 47 The State shall establish and improve the training, use, evaluation and incentive system for elderly care talents, regulate employment according to law, and promote the reasonable growth of remunerations of practitioners, so as to develop a team of full-time, part-time and volunteers for elderly care services.

国家鼓励高等学校、中等职业学校和职业培训机构设置相关专业或者培训项目，培养养老服务专业人才。

The State shall encourage higher education institutions, secondary vocational schools and vocational training institutions to set up relevant professional or training programs to cultivate elderly care professionals.

第四十八条   养老机构应当与接受服务的老年人或者其代理人签订服务协议，明确双方的权利、义务。

Article 48 An elderly service institution shall sign a service agreement with the elderly it serves or the agent thereof, specifying the rights and obligations of both parties.

养老机构及其工作人员不得以任何方式侵害老年人的权益。

An elderly care agency or any of its personnel shall not infringe on the rights or interests of the elderly by any means.

第四十九条   国家鼓励养老机构投保责任保险，鼓励保险公司承保责任保险。

Article 49 The State shall encourage elderly service institutions to take out liability insurance and insurance companies to underwrite liability insurance.

第五十条   各级人民政府和有关部门应当将老年医疗卫生服务纳入城乡医疗卫生服务规划，将老年人健康管理和常见病预防等纳入国家基本公共卫生服务项目。鼓励为老年人提供保健、护理、临终关怀等服务。

Article 50 People's governments at various levels and relevant departments shall incorporate medical and health services for the elderly into plans for urban and rural medical and health services, and incorporate the health management and common disease prevention of the elderly into the national basic public health service items. Encourage the provision for health care, nursing, hospice care and other services for the elderly.

国家鼓励医疗机构开设针对老年病的专科或者门诊。

The State shall encourage medical institutions to set up specialist or outpatient services for geriatrics.

医疗卫生机构应当开展老年人的健康服务和疾病防治工作。

Medical and health institutions shall provide health services and carry out prevention and treatment of diseases for the elderly.

第五十一条   国家采取措施，加强老年医学的研究和人才培养，提高老年病的预防、治疗、科研水平，促进老年病的早期发现、诊断和治疗。

Article 51 The State will take measures to strengthen research in geriatrics, train more geriatricians, improve prevention, treatment and scientific research of geriatric diseases, and promote the early detection, diagnosis and treatment of geriatric diseases.

国家和社会采取措施，开展各种形式的健康教育，普及老年保健知识，增强老年人自我保健意识。

The State and society shall take measures to conduct health education in various forms to disseminate knowledge about health care of the elderly and enhance their awareness of the importance for them to maintain good health.

第五十二条   国家采取措施，发展老龄产业，将老龄产业列入国家扶持行业目录。扶持和引导企业开发、生产、经营适应老年人需要的用品和提供相关的服务。

Article 52 The State shall take measures to develop the aging industry, and include the aging industry into the catalogue of industries supported by the State. Support and guide enterprises to develop, produce and operate supplies needed by the elderly and provide relevant services.

第五章 社 会 优 待

CHAPTER 5 PREFERENTIAL TREATMENT FROM THE SOCIETY

第五十三条   县级以上人民政府及其有关部门根据经济社会发展情况和老年人的特殊需要，制定优待老年人的办法，逐步提高优待水平。

Article 53 People's governments at or above the county level and the relevant departments shall, in light of economic and social developments and the special needs of the elderly, formulate preferential treatment measures for the elderly and gradually improve the level of the preferential treatment.

对常住在本行政区域内的外埠老年人给予同等优待。

The same preferential treatment shall be given to the elderly living in other areas of the administrative areas.

第五十四条   各级人民政府和有关部门应当为老年人及时、便利地领取养老金、结算医疗费和享受其他物质帮助提供条件。

Article 54 People's governments at various levels and relevant departments shall facilitate the elderly to receive pensions, settle medical expenses and enjoy other material assistance in a timely and convenient manner.

第五十五条   各级人民政府和有关部门办理房屋权属关系变更、户口迁移等涉及老年人权益的重大事项时，应当就办理事项是否为老年人的真实意思表示进行询问，并依法优先办理。

Article 55 When people's governments at various levels and relevant departments handle major matters concerning the rights and interests of the elderly, such as changes to house ownership and registered permanent residence, they shall inquire about whether the matter to be handled is the true intention of the elderly and give priority to dealing with such matter according to law.

第五十六条   老年人因其合法权益受侵害提起诉讼交纳诉讼费确有困难的，可以缓交、减交或者免交；需要获得律师帮助，但无力支付律师费用的，可以获得法律援助。

Article 56 If the elderly really have difficulty in paying the cost of lawsuits they bring for infringement of their lawful rights and interests, they may postpone paying it, pay a smaller amount or be exempted from it. If they need the assistance of lawyers but cannot afford it, they may get legal aid.

鼓励律师事务所、公证处、基层法律服务所和其他法律服务机构为经济困难的老年人提供免费或者优惠服务。

Law firms, notary offices, grassroots legal service offices and other legal service institutions are encouraged to provide free services or give preferential treatment to the elderly with financial difficulties.

第五十七条   医疗机构应当为老年人就医提供方便，对老年人就医予以优先。有条件的地方，可以为老年人设立家庭病床，开展巡回医疗、护理、康复、免费体检等服务。

Article 57 Medical institutions shall make it easy for the elderly to get medical treatment and let them enjoy priority in this regard. Where conditions permit, hospital beds may be placed in the homes of the elderly patients and doctors are encouraged to go round to provide medical, nursing, rehabilitation and free physical examination services.

提倡为老年人义诊。

Advocate free medical treatment for the elderly.

第五十八条   提倡与老年人日常生活密切相关的服务行业为老年人提供优先、优惠服务。

Article 58 Service industries closely related to the daily life of the elderly are encouraged to provide priority and preferential services for the elderly.

城市公共交通、公路、铁路、水路和航空客运，应当为老年人提供优待和照顾。

Urban public transport, roads, railways, waterways and air passenger transport shall provide preferential treatment and care for the elderly.

第五十九条   博物馆、美术馆、科技馆、纪念馆、公共图书馆、文化馆、影剧院、体育场馆、公园、旅游景点等场所，应当对老年人免费或者优惠开放。

Article 59 The places such as museums, art galleries, science and technology museums, memorial halls, public libraries, cultural centers, cinemas and theaters, stadiums, parks and scenic spots shall be open to the elderly for free or at preferential price.

第六十条   农村老年人不承担兴办公益事业的筹劳义务。

Article 60 The elderly in rural areas are not obliged to establish public welfare undertakings.

第六章 宜 居 环 境

Chapter 6 Suitable Environment

第六十一条   国家采取措施，推进宜居环境建设，为老年人提供安全、便利和舒适的环境。

Article 61 The State will take measures to promote the construction of a favorable environment to provide a safe, convenient and comfortable environment for the elderly.

第六十二条   各级人民政府在制定城乡规划时，应当根据人口老龄化发展趋势、老年人口分布和老年人的特点，统筹考虑适合老年人的公共基础设施、生活服务设施、医疗卫生设施和文化体育设施建设。

Article 62 When formulating urban and rural plans, people's governments at various levels shall, in light of the development trend of the aging population, the distribution of the elderly population and the characteristics of the elderly, take into full account the construction of public infrastructure, living service facilities, medical and health facilities and cultural and sports facilities that are suitable for the elderly.

第六十三条   国家制定和完善涉及老年人的工程建设标准体系，在规划、设计、施工、监理、验收、运行、维护、管理等环节加强相关标准的实施与监督。

Article 63 The State will formulate and improve the standards for construction of the projects involving the elderly, and strengthen the implementation of and supervision over the relevant standards in the aspects of planning, design, construction, supervision, acceptance, operation, maintenance and management.

第六十四条   国家制定无障碍设施工程建设标准。新建、改建和扩建道路、公共交通设施、建筑物、居住区等，应当符合国家无障碍设施工程建设标准。

Article 64 The State shall formulate standards for the construction of barrier-free facilities. Newly-built, reconstructed or extended roads, public transport facilities, buildings, residential areas, etc., shall meet the national standards therefor.

各级人民政府和有关部门应当按照国家无障碍设施工程建设标准，优先推进与老年人日常生活密切相关的公共服务设施的改造。

People's governments at various levels and relevant departments shall, in accordance with the national standards for construction of barrier-free facilities, give priority to renovating public service facilities that are closely related to the daily life of the elderly.

无障碍设施的所有人和管理人应当保障无障碍设施正常使用。

Owners and managers of barrier-free facilities shall ensure that these facilities work properly.

第六十五条   国家推动老年宜居社区建设，引导、支持老年宜居住宅的开发，推动和扶持老年人家庭无障碍设施的改造，为老年人创造无障碍居住环境。

Article 65 The State will promote the development of livable communities for the elderly, guide and support the development of livable housing for the elderly, and promote and support the renovation of barrier-free facilities at home for the elderly, so as to create a barrier-free environment for the elderly.

第七章 参与社会发展

Chapter 7 Participation in Social Development

第六十六条   国家和社会应当重视、珍惜老年人的知识、技能、经验和优良品德，发挥老年人的专长和作用，保障老年人参与经济、政治、文化和社会生活。

Article 66 The State and society shall attach importance to and cherish the knowledge, skills, experience and good moral character of the elderly, give play to their special skills and role, and guarantee their participation in economic, political, cultural and social life.

第六十七条   老年人可以通过老年人组织，开展有益身心健康的活动。

Article 67 The organizations of the elderly shall carry out activities beneficial to the physical and mental health of the elderly.

第六十八条   制定法律、法规、规章和公共政策，涉及老年人权益重大问题的，应当听取老年人和老年人组织的意见。

Article 68 When formulating laws, regulations, rules and public policies involving the rights and interests of the elderly, relevant authorities shall listen to the opinions of the elderly and the organizations of the elderly.

老年人和老年人组织有权向国家机关提出老年人权益保障、老龄事业发展等方面的意见和建议。

The elderly and the organizations of the elderly have the right to put forward opinions and suggestions on protection of the rights and interests of the elderly, development of the undertakings relating to the elderly, etc.

第六十九条   国家为老年人参与社会发展创造条件。根据社会需要和可能，鼓励老年人在自愿和量力的情况下，从事下列活动：

Article 69 The State creates conditions for the elderly to take part in social development. If society so needs and if conditions permit, the elderly are encouraged to engage in the following activities on a voluntary basis and according to their capacity:

（一）对青少年和儿童进行社会主义、爱国主义、集体主义和艰苦奋斗等优良传统教育；

1. to help educate the youth and children in socialism, patriotism, collectivism, hard struggle and other fine traditions;

（二）传授文化和科技知识；

2. to pass on their cultural, scientific and technological knowledge;

（三）提供咨询服务；

(III) to provide consulting services;

（四）依法参与科技开发和应用；

(IV) Participating in the development and application of science and technology according to law;

（五）依法从事经营和生产活动；

(V) Engaging in business and production activities according to law;

（六）参加志愿服务、兴办社会公益事业；

(VI) to participate in volunteer service, and establish public welfare undertakings;

（七）参与维护社会治安、协助调解民间纠纷；

(VII) to take part in maintaining public order and help mediate civil disputes; and

（八）参加其他社会活动。

(VIII) to participate in other social activities.

第七十条   老年人参加劳动的合法收入受法律保护。

Article 70 The lawful earnings of the elderly from their work are protected by law.

任何单位和个人不得安排老年人从事危害其身心健康的劳动或者危险作业。

No entity or individual may arrange the elderly to engage in any work or dangerous operation that endangers their physical or mental health.

第七十一条   老年人有继续受教育的权利。

Article 71 The elderly have the right to receive continued education.

国家发展老年教育，把老年教育纳入终身教育体系，鼓励社会办好各类老年学校。

The State develops education for the elderly, incorporates education for the elderly into the lifelong education system, and encourages the society to run well all types of schools for the elderly.

各级人民政府对老年教育应当加强领导，统一规划，加大投入。

People's governments at various levels shall give more effective leadership to education for the elderly, make unified plans for the education, and increase their investment in this field.

第七十二条   国家和社会采取措施，开展适合老年人的群众性文化、体育、娱乐活动，丰富老年人的精神文化生活。

Article 72 The State and society shall take measures to carry out cultural, sports and recreational activities of a mass character that are suited to the elderly as to enrich their cultural life.

第八章 法 律 责 任

Chapter 8 Legal Liability

第七十三条   老年人合法权益受到侵害的，被侵害人或者其代理人有权要求有关部门处理，或者依法向人民法院提起诉讼。

Article 73 When the lawful rights and interests of the elderly are infringed upon, they or their agents shall have the right to refer the matter to the department concerned for handling or bring a lawsuit to a people's court according to law.

人民法院和有关部门，对侵犯老年人合法权益的申诉、控告和检举，应当依法及时受理，不得推诿、拖延。

The people's court and the department concerned shall, without delay, accept and handle the complaints, charges against or exposures of the infringement of the lawful rights and interests of the elderly according to law.

第七十四条   不履行保护老年人合法权益职责的部门或者组织，其上级主管部门应当给予批评教育，责令改正。

Article 74 Departments or organizations that do not perform their duties to protect the lawful rights and interests of the elderly shall be educated through criticism by the competent departments at the higher level and be ordered to make rectification.

国家工作人员违法失职，致使老年人合法权益受到损害的，由其所在单位或者上级机关责令改正，或者依法给予处分；构成犯罪的，依法追究刑事责任。

Where State functionaries neglect their duties in violation of the law and thus impair the lawful rights and interests of the elderly, the units to which they belong or the organs at the higher level shall order them to make corrections or shall give them administrative sanctions according to law. If the case constitutes a crime, they shall be investigated for criminal responsibility according to law.

第七十五条   老年人与家庭成员因赡养、扶养或者住房、财产等发生纠纷，可以申请人民调解委员会或者其他有关组织进行调解，也可以直接向人民法院提起诉讼。

Article 75 When the elderly have disputes with their family members over their support or maintenance or over housing or property, they may apply to the people's mediation committee or other relevant organizations for mediation. They may also bring a lawsuit directly to a people's court.

人民调解委员会或者其他有关组织调解前款纠纷时，应当通过说服、疏导等方式化解矛盾和纠纷；对有过错的家庭成员，应当给予批评教育。

When mediating disputes mentioned in the preceding paragraph, the people's mediation committee or other relevant organizations shall resolve conflicts or disputes by such means as persuasion and the giving of advice; and if the family members are found to be in the wrong, they shall be educated through criticism.

人民法院对老年人追索赡养费或者扶养费的申请，可以依法裁定先予执行。

When the elderly apply to a people's court to claim alimony or payments for support, the court may order advance execution according to law.

第七十六条   干涉老年人婚姻自由，对老年人负有赡养义务、扶养义务而拒绝赡养、扶养，虐待老年人或者对老年人实施家庭暴力的，由有关单位给予批评教育；构成违反治安管理行为的，依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

Article 76 Anyone who interferes with the freedom of marriage of the elderly, refuses to provide for or support the elderly whom he has the obligation to provide for or support, maltreats the elderly or commits domestic violence against the elderly shall be criticized and educated by the relevant organizations; if the case constitutes a violation of public security administration, he shall be punished in accordance with public security administration; if the case constitutes a crime, he shall be investigated for criminal responsibility in accordance with the law.

第七十七条   家庭成员盗窃、诈骗、抢夺、侵占、勒索、故意损毁老年人财物，构成违反治安管理行为的，依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

Article 77 The family members of the elderly who steal, defraud, seize, misappropriate, extort or deliberately damage the property of the elderly, and violate the public security administration, shall be punished in accordance with the public security administration; if the case constitutes a crime, they shall be investigated for criminal liability in accordance with the law.

第七十八条   侮辱、诽谤老年人，构成违反治安管理行为的，依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

Article 78 In the case that anyone insults or defames the elderly, where a violation of public security administration is constituted, he or she shall be subject to public security administration punishment; and where a crime is constituted, criminal liability shall be pursued in accordance with the law.

第七十九条   养老机构及其工作人员侵害老年人人身和财产权益，或者未按照约定提供服务的，依法承担民事责任；有关主管部门依法给予行政处罚；构成犯罪的，依法追究刑事责任。

Article 79 Where any elderly service institutions and their staff infringe upon the personal and property rights and interests of the elderly or fail to provide services in accordance with the agreement, they shall bear the civil liability according to law; the relevant competent authorities shall impose administrative penalties according to law; if a crime is constituted, they shall be investigated for criminal liability according to law.

第八十条   对养老机构负有管理和监督职责的部门及其工作人员滥用职权、玩忽职守、徇私舞弊的，对直接负责的主管人员和其他直接责任人员依法给予处分；构成犯罪的，依法追究刑事责任。

Article 80 Where any department responsible for administration and supervision over elderly service institutions or the personnel thereof abuses its power, neglects its duty or engages in malpractices for personal gains, the person directly in charge and other persons directly liable shall be punished according to law; if the act constitutes a crime, the wrongdoer shall be prosecuted for criminal liability according to law.

第八十一条   不按规定履行优待老年人义务的，由有关主管部门责令改正。

Article 81 If anyone fails to perform the duty of giving the elderly preferential treatment in accordance with the provisions, he or she shall be ordered to make corrections by the relevant competent departments.

第八十二条   涉及老年人的工程不符合国家规定的标准或者无障碍设施所有人、管理人未尽到维护和管理职责的，由有关主管部门责令改正；造成损害的，依法承担民事责任；对有关单位、个人依法给予行政处罚；构成犯罪的，依法追究刑事责任。

Article 82 If any project involving the elderly fails to meet the standards prescribed by the State or the owner or manager of barrier-free facilities fails to fulfill his or her maintenance or management duties, the relevant competent department shall order the project or owner or manager to make corrections. If any damage is caused, civil liability shall be borne in accordance with the law. Administrative penalty shall be imposed on relevant entities or individuals in accordance with the law. If the case constitutes a crime, criminal liability shall be investigated in accordance with the law.

第九章 附 则

Chapter 9 Supplementary Provisions

第八十三条   民族自治地方的人民代表大会，可以根据本法的原则，结合当地民族风俗习惯的具体情况，依照法定程序制定变通的或者补充的规定。

Article 83 The people's congresses of national autonomous areas may, in accordance with the principles of this Law, in light of the special customs and habits of the local nationalities and in pursuance of legal procedures, formulate regulations with appropriate adaptations or supplements.

第八十四条   本法施行前设立的养老机构不符合本法规定条件的，应当限期整改。具体办法由国务院民政部门制定。

Article 84 If elderly service institutions established before the implementation of the Law fail to meet the conditions stipulated herein, they shall make rectification within a time limit. The specific measures shall be formulated by the civil affairs department under the State Council.

第八十五条   本法自2013年7月1日起施行。

Article 85 This Law shall be effective 1 July 2013.