

Regular Session, 2012

HOUSE BILL NO. 80

BY REPRESENTATIVE TIM BURNS

HEALTH CARE/FACILITIES: Prohibits smoking in psychiatric facilities of DHH

1 AN ACT

2 To amend and reenact R.S. 40:2115(C), relative to smoking in hospitals; to eliminate the
3 requirement for accommodation of smoking by inpatients in psychiatric facilities of
4 the Department of Health and Hospitals; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:2115(C) is hereby amended and reenacted to read as follows:

7 §2115. Smoking in hospitals; prohibition; exceptions

8 * * *

9 C. Notwithstanding the provisions of Subsection A of this Section, the
10 governing board of the hospital may designate a well ventilated area for smokers.
11 Additionally, the governing board of a private psychiatric hospital; and the
12 Department of Public Safety and Corrections, ~~and the department of Health and~~
13 ~~Hospitals~~ shall establish rules and policies to reasonably accommodate inpatients and
14 inmates who smoke.

15 * * *

16 Section 2. This Act shall become effective upon signature by the governor or, if not
17 signed by the governor, upon expiration of the time for bills to become law without signature
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
20 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Tim Burns

HB No. 80

Abstract: Prohibits smoking in psychiatric facilities of DHH.

Present law prohibits smoking, with certain exceptions, in enclosed areas of all licensed hospitals.

Present law provides that the following entities shall establish rules and policies to reasonably accommodate inpatients and inmates who smoke:

- (1) The governing board of a psychiatric hospital.
- (2) DPS&C.
- (3) DHH.

Proposed law deletes DHH from the listing of entities required to accommodate inpatients who smoke; provides that governing boards of psychiatric hospitals which are required to accommodate inpatients who smoke shall be those of private facilities; and otherwise retains present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2115(C))