

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; to establish procedures for treatment of
5 smokers with mental illness in such facilities; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

8 §2115. Smoking in hospitals; prohibition; exceptions

9 * * *

10 C.~~(1)~~ Notwithstanding the provisions of Subsection A of this Section, the
11 governing board of the hospital may designate a well ventilated area for smokers.
12 Additionally, the governing board of a private psychiatric hospital; and the
13 Department of Public Safety and Corrections, ~~and the department of Health and~~
14 ~~Hospitals~~ shall establish rules and policies to reasonably accommodate inpatients and
15 inmates who smoke.

16 (2)(a) The Department of Health and Hospitals shall establish procedures for
17 treatment of smokers with mental illness in its psychiatric hospitals and forensic
18 facilities which are smoke free. The department shall implement such procedures
19 for patients currently being treated in its psychiatric hospitals and forensic facilities
20 which are smoke free and for new patients at the time of admission.

21 (b) In carrying out the provisions of this Paragraph, the department shall do
22 all of the following:

(i) Screen the patient for smoking cessation needs.

(ii) Seek the consent of the patient to participate in education and treatment

ing smoking cessation.

(iii) Train psychiatric hospital staff of the department in smoking cessation practices and monitoring of the patient's treatment plan, symptoms, and medication adjustments. Psychiatric hospital staff so trained may include tobacco treatment in the patient's treatment plan after a review of the patient's diagnosis and medication history.

(iv) Provide patients in department psychiatric hospitals and forensic
es with access to smoking cessation assistance, including but not limited to
counseling, nicotine replacement therapy, and oral medications.

(v) Provide patients in department psychiatric hospitals and forensic
es with access to smokeless tobacco cessation assistance.

(vi) Provide information about smoking cessation in discharge planning.

ing information about smoking cessation resources in the community.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not by the governor, upon expiration of the time for bills to become law without signature governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If by the governor and subsequently approved by the legislature, this Act shall become ve 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 the Dept. of Health and Hospitals (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.

Proposed law requires DHH to establish procedures for treatment of smokers with mental illness in its psychiatric hospitals and forensic facilities which are smoke free. Requires DHH to implement such procedures for current patients and for new patients at the time of admission.

Proposed law provides that in carrying out the provisions of proposed law relative to treatment of smokers in psychiatric hospitals and forensic facilities which are smoke free, DHH shall:

- (1) Screen the patient for smoking cessation needs.
- (2) Seek the consent of the patient to participate in education and treatment regarding smoking cessation.
- (3) Train psychiatric hospital staff of the department in smoking cessation best practices and monitoring of the patient's treatment plan, symptoms, and medication adjustments. Psychiatric hospital staff so trained may include tobacco cessation in the patient's treatment plan after a review of the patient's diagnosis and medication history.
- (4) Provide patients in department psychiatric hospitals and forensic facilities with access to smoking cessation assistance, including but not limited to counseling, nicotine replacement therapy, and oral medications.
- (5) Provide patients in department psychiatric hospitals and forensic facilities with access to smokeless tobacco cessation assistance.
- (6) Provide information about smoking cessation in discharge planning, including information about smoking cessation resources in the community.

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

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

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Added provision requiring DHH to establish procedures for treatment of smokers with mental illness in its psychiatric hospitals and forensic facilities which are smoke free. Provided that DHH shall implement such procedures for current patients and for new patients at the time of admission. Provided that in carrying out such procedures, DHH shall do all of the following:

- (a) Screen the patient for smoking cessation needs.
- (b) Seek the consent of the patient to participate in education and treatment regarding smoking cessation.
- (c) Train psychiatric hospital staff of the department in smoking cessation best practices and monitoring of the patient's treatment plan, symptoms, and medication adjustments. Psychiatric hospital staff so trained may include tobacco cessation in the patient's treatment plan after a review of the patient's diagnosis and medication history.
- (d) Provide patients in department psychiatric hospitals and forensic facilities with access to smoking cessation assistance, including but not limited to counseling, nicotine replacement therapy, and oral medications.
- (e) Provide patients in department psychiatric hospitals and forensic facilities with access to smokeless tobacco cessation assistance.
- (f) Provide information about smoking cessation in discharge planning, including information about smoking cessation resources in the community.