

Regular Session, 2012

ACT No. 373

HOUSE BILL NO. 80

BY REPRESENTATIVE TIM BURNS

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~~ well-ventilated area
12 for smokers. Additionally, the governing board of a private psychiatric hospital; and
13 the 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:

23 (i) Screen the patient for smoking cessation needs.

24 (ii) Seek the consent of the patient to participate in education and treatment
25 regarding smoking cessation.

(iii) 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.

(iv) 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.

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

(vi) Provide information about smoking cessation in discharge planning, including information about smoking cessation resources in the community.

* * *

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____