

LEGISLATIVE COMMITTEE MINUTES

# **HB473**

# Bill as Introduced

HB 473 - AS INTRODUCED

2015 SESSION

15-0429  
09/06

HOUSE BILL

**473**

AN ACT

relative to the smoking policy at the New Hampshire veterans' home.

SPONSORS:

Rep. Moffett, Merr 9; Rep. Baldasaro, Rock 5; Rep. Notter, Hills 21; Rep. Rollins, Sull 6; Rep. Ebel, Merr 5; Rep. Richardson, Coos 4

COMMITTEE:

Executive Departments and Administration

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ANALYSIS

This bill prohibits the New Hampshire veterans' home from denying admission to a veteran solely because the veteran is a smoker and is not willing to give up smoking on a voluntary basis.

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Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~[in brackets and struck through.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fifteen*

AN ACT relative to the smoking policy at the New Hampshire veterans' home.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1       1 Intent. The general court recognizes and applauds the veterans' home's recent policy change  
2 to a smoke-free campus, including the prohibition against smoking inside the home itself and the  
3 designation of limited outside smoking areas for grandfathered residents who came to the home as  
4 smokers and who have not successfully completed the home's voluntary smoking cessation program.  
5 However, the general court finds that New Hampshire veterans otherwise qualified for admission to  
6 the veterans' home should not be forced to give up smoking involuntarily in order to be admitted to  
7 the home, but should rather be allowed to use the home's designated outdoor smoking areas in the  
8 same manner as smoking residents grandfathered at the time of the home's change to a smoke-free  
9 campus.

10       2 New Hampshire Veterans' Home; Admission. Amend RSA 119:9 to read as follows:

11       119:9 Admission. A veteran who desires admission shall make application on forms furnished  
12 by the home. Rules relative to admittance or rejection of an applicant, including an appeal process,  
13 shall be adopted pursuant to RSA 541-A, by the board of managers. *No veteran shall be denied*  
14 *admission solely because he or she is a smoker who is unwilling to give up smoking on a*  
15 *voluntary basis.*

16       3 Effective Date. This act shall take effect 60 days after its passage.

# Amendments



Rep. Moffett, Merr. 9  
Rep. Baldasaro, Rock. 5  
Rep. Notter, Hills. 21  
Rep. Rollins, Sull. 6  
Rep. Ebel, Merr. 5  
Rep. Richardson, Coos 4  
Rep. Beaudoin, Straf. 9  
February 17, 2015  
2015-0414h  
09/10

NOT  
ADOPTED

Amendment to HB 473

1 Amend the bill by replacing section 2 with the following:

2

3 2 New Section; Smoking Policy. Amend RSA 119 by inserting after section 9 the following new  
4 section:

5 119:9-a Smoking Policy. No otherwise qualified veteran shall be denied admission or have his or  
6 her admission delayed solely because he or she is a smoker who desires to continue to smoke, as a  
7 resident, in the home's designated smoking areas. Smoking veterans shall be offered smoking  
8 cessation assistance by the home, but shall not be required to agree to participate in such a program  
9 as a condition of admission, and shall not be required to complete such a program successfully as a  
10 condition of continued residence. Smoking veterans who refuse smoking cessation assistance or fail  
11 the voluntary smoking cessation program shall be permitted to smoke only in the home's designated  
12 smoking areas.

Rep. Beaudoin, Straf. 9  
February 19, 2015  
2015-0496h  
08/10

Amendment to HB 473

1 Amend the bill by replacing section 2 with the following:

2

3 2 New Section; Smoking Policy. Amend RSA 119 by inserting after section 9 the following new  
4 section:

5 119:9-a Smoking Policy. No otherwise qualified veteran shall be denied admission or have his or  
6 her admission delayed solely because he or she is a smoker who desires to continue to smoke, as a  
7 resident, in the home's designated smoking areas. Smoking veterans shall be offered smoking  
8 cessation assistance by the home, shall be required to agree to participate in such a program as a  
9 condition of admission, but shall not be required to complete such a program successfully as a  
10 condition of continued residence. Smoking veterans who refuse smoking cessation assistance or fail  
11 the voluntary smoking cessation program shall be permitted to smoke only in the home's designated  
12 smoking areas.

# Speakers





# Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 473

**BILL TITLE:** relative to the smoking policy at the New Hampshire veterans' home.

**DATE:** 2/5/15

**LOB ROOM:** 306      **Time Public Hearing Called to Order:** 1:50 pm

**Time Adjourned:** 3:20 pm

(please circle if present)

**Committee Members:** Reps. A. Christie, Sytek, Hansen, Beaudoin, Proulx, Hoell, Shackett, Tamburello, Goulette, Kaczynski, G. Smith, Woitkun, Gagnon, P. Schmidt, Jeudy, D. Sullivan, Goley, Hansberry, Cilley and C. Roberts.

**Bill Sponsors:** Rep. Moffett, Merr 9; Rep. Baldasaro, Rock 5; Rep. Notter, Hills 21; Rep. Rollins, Sull 6; Rep. Ebel, Merr 5; Rep. Richardson, Coos 4

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep. Moffett, sponsor, introduced the bill and testified in favor. The bill would prohibit discrimination in admission to the Home against those veterans who smoke and who were not willing to participate in a smoking cessation program. Rep. Moffett said that two different interests needed to be weighed. Encouraging veterans to stop smoking and the grandfathering of present residents of the Home who smoke. Rep. Moffett said he knew of one person denied admittance for smoking.

Rep. Hansberry asked about a previous bill in this regard. Health and Human Services recommended ITL but it went to interim study.

Reps. Notter and Baldasaro, co-sponsors, testified in favor saying that veterans had served their country.

Reps. Beaudoin, Schmidt and Jeudy asked a series of questions about exactly how the smoking areas were configured and the number of smokers.

Michelle Pelletier testified in opposition citing safety concerns. There have been clothing fires from smokers.

Reps. Hansberry, Shackett and Beaudoin asked about federal considerations – whether there were rules, whether funds were at risk.

Rep. Proulx asked what would happen if the cessation program did not work for a particular veteran.

**Bill Bertholdt** testified in opposition saying that "the greater number" of residents supported the present policy.

**Lorrie Carey**, a past co-sponsor of similar legislation, described the history of smoking in the military and said the present policy was not clear.

**Barry Conway** described the history of smoking at the Home and noted that 80% of the veterans' homes in the country are non-smoking.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. Sytek".

John Sytek, Acting Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 473

BILL TITLE: relative to the smoking policy at the New Hampshire veterans' home.

DATE: 2/5/15

LOB ROOM: 306 Time Public Hearing Called to Order: 1:50

Time Adjourned: 3:28

(please circle if present)

**Committee Members:** Reps. A. Christie, Sytek, Hansen, Beaudoin, Proulx, Hoell, Shackett, Tamburello, Goulette, Kaczynski, G. Smith, Woitkun, Gagnon, P. Schmidt, Jeudy, D. Sullivan, Goley, Hansberry, Gilley and C. Roberts.

**Bill Sponsors:** Rep. Moffett, Merr 9; Rep. Baldasaro, Rock 5; Rep. Notter, Hills 21; Rep. Rollins, Sull 6; Rep. Ebel, Merr 5; Rep. Richardson, Coos 4

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

# Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB473

**BILL TITLE:** relative to the smoking policy at the New Hampshire veterans' home.

**DATE:** 3/2/15

**LOB ROOM:** 306

Amendments:

Sponsor: Rep. OLS Document #: 2015 0496h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Beaudoin

Seconded by Rep. Hansberry

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 13-2

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. John Sytek, Acting Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB473

BILL TITLE: relative to the smoking policy at the New Hampshire veterans' home.

DATE: 3/2/15

LOB ROOM: 306

Amendments: 0496 h

Sponsor: Rep. BEAUDOIN OLS Document #:

Sponsor: Rep. PARKER OLS Document #:

Sponsor: Rep. 164 OLS Document #:

Motions: OTP, OTPIA, ITL, Retained (Please circle one.)

Moved by Rep. BEAUDOIN

Seconded by Rep. HANSERBY

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 13-2

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. , Clerk







STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

2/18/2015 11:59:41 AM  
Roll Call Committee Registers  
Report

2015 SESSION

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: HB 473 Title: \_\_\_\_\_

PH Date: 1 / 1 / Exec Session Date: 3 / 2 / 15

Motion: AMEND 0496h Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Christie, Andrew , Chairman	X	
Sytek, John , V Chairman	X	
Hansen, Peter T.	X	
Beaudoin, Steven P.	X	
Proulx, Mark L.	X	
Hoell, J.R.		
Shackett, Jeffrey S.	X	
Tamburello, Daniel J.		
Goulette, William J.		
Kaczynski, Jr., Thomas L.	X	
Smith, Gregory G.	X	
Woitkun, Steven J.		
Parker, Harold B.	X	
Gagnon, Raymond G.		X
Schmidt, Peter B.	X	
Jeudy, Jean L.		
Sullivan, Daniel J.		X
Goley, Jeffrey P.		X
Hansberry, Daniel C.	X	
Cilley, Jacalyn L		X
Roberts, Carol R.		
<b>TOTAL VOTE:</b>		

11-

4.



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

2/18/2015 11:59:41 AM  
Roll Call Committee Registers  
Report

2015 SESSION

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: HB 473 Title: \_\_\_\_\_

PH Date: 1/1/ Exec Session Date: 3, 2, 15

Motion: OTP/A Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Christie, Andrew , Chairman	X	
Sytek, John , V Chairman	X	
Hansen, Peter T.	X	
Beaudoin, Steven P.	X	
Proulx, Mark L.	X	
Hoell, J.R.		
Shackett, Jeffrey S.	X	
Tamburello, Daniel J.		
Goulette, William J.		
Kaczynski, Jr., Thomas L.	X	
Smith, Gregory G.	X	
Woitkun, Steven J.		
Parker, Harold B.	X	
Gagnon, Raymond G.	X	
Schmidt, Peter B.	X	
Jeudy, Jean L.		
Sullivan, Daniel J.	X	
Goley, Jeffrey P.		X
Hansberry, Daniel C.	X	
Cilley, Jacalyn L		X
Roberts, Carol R.		
<b>TOTAL VOTE:</b>		

13- 2

# Committee Report

**CONSENT CALENDAR**

**March 4, 2015**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on EXECUTIVE DEPARTMENTS AND  
ADMINISTRATION to which was referred HB473,**

**AN ACT relative to the smoking policy at the New  
Hampshire veterans' home. Having considered the  
same, report the same with the following amendment,  
and the recommendation that the bill OUGHT TO PASS  
WITH AMENDMENT.**

**Rep. Steven P. Beaudoin**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>EXECUTIVE DEPARTMENTS AND ADMINISTRATION</b>
Bill Number:	<b>HB473</b>
Title:	<b>relative to the smoking policy at the New Hampshire veterans' home.</b>
Date:	<b>March 4, 2015</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT</b>

### STATEMENT OF INTENT

Though the Veterans Home allows six or so existing residents to continue to smoke, new residents are required to quit. The committee felt that forcing someone to give up a habit that, in many cases, was promoted during their military service, was unfair to someone who put their life on the line for their country. This bill as amended requires new residents to attend a smoking cessation program but, if unsuccessful, allows them to continue to smoke in the designated outdoor smoking areas.

Vote 15-2.

Rep. Steven P. Beaudoin  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**HB473**, relative to the smoking policy at the New Hampshire veterans' home. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven P. Beaudoin for EXECUTIVE DEPARTMENTS AND ADMINISTRATION. Though the Veterans Home allows six or so existing residents to continue to smoke, new residents are required to quit. The committee felt that forcing someone to give up a habit that, in many cases, was promoted during their military service, was unfair to someone who put their life on the line for their country. This bill as amended requires new residents to attend a smoking cessation program but, if unsuccessful, allows them to continue to smoke in the designated outdoor smoking areas. **Vote 15-2.**

HB 473

OTP/A 2015-0496h

Consent Calendar 13-2

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Rep. Steven Beaudoin for the Committee

A handwritten signature in black ink, appearing to read "Steven Beaudoin", written in a cursive style.

# COMMITTEE REPORT

COMMITTEE: Executive Depts and Administration

BILL NUMBER: HB473

TITLE: \_\_\_\_\_

DATE: 03-02-15 CONSENT CALENDAR: YES  NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2<sup>nd</sup> year-of-biennium)

Amendment No.

0496h

## STATEMENT OF INTENT:

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COMMITTEE VOTE: 13 yeas & nays

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Steven P. Beaudoin  
For the Committee



**Culberson, Kay**

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**From:** Larivee, Kathy

**Sent:** Wednesday, March 18, 2015 8:01 AM

**To:** Culberson, Kay

**Subject:** HB473-Majority.doc

**edited report**

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**CONSENT CALENDAR**

**March 4, 2015**

**HOUSE OF REPRESENTATIVES  
REPORT OF COMMITTEE**

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FOR THE COMMITTEE**

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Though the veterans' home allows six or so existing residents to continue to smoke, new residents are required to quit. The committee felt that forcing someone to give up a habit that, in many cases, was promoted during their military service, was unfair to someone who put their life on the line for their country. This bill as amended requires new residents to attend a smoking cessation program but, if unsuccessful, allows them to continue to smoke in the designated outdoor smoking areas.

Vote 15-2.

Rep. Steven P. Beaudoin  
FOR THE COMMITTEE

**CONSENT CALENDAR**

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