

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

HB 473 - AS AMENDED BY THE HOUSE

11March2015... 0496h

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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HB 473 - AS AMENDED BY THE HOUSE

11March2015... 0496h

15-0429  
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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  
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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 Section; Smoking Policy. Amend RSA 119 by inserting after section 9 the following new  
11 section:

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

20       3 Effective Date. This act shall take effect 60 days after its passage.

HB 473 - AS AMENDED BY THE SENATE

11March2015... 0496h  
05/14/2015 1593s

2015 SESSION

15-0429  
09/06

HOUSE BILL

**473**

AN ACT

requiring the board of managers of the veterans' home to adopt a policy relative to therapeutic use of cannabis by residents of the 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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AMENDED ANALYSIS

The bill requires the board of managers of the veterans' home to adopt by rule a policy relative to therapeutic use of cannabis by residents of the home.

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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.

HB 473 - AS AMENDED BY THE SENATE

11March2015... 0496h  
05/14/2015 1593s

15-0429  
09/06

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fifteen*

AN ACT            requiring the board of managers of the veterans' home to adopt a policy relative to therapeutic use of cannabis by residents of the home.

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

- 1            1 Powers of Board; Rulemaking; Therapeutic Use of Cannabis Policy. Amend RSA 119:5 to read  
2 as follows:  
3            119:5 Powers of Board.  
4            I. The board shall have the custody and care of the property of the institution, shall make  
5 needed bylaws and shall adopt rules under RSA 541-A relative to:  
6            (a) The management of the veterans' home [~~and for~~];  
7            (b) The admission and discharge of residents[-] *and*  
8            (c) *A policy relative to therapeutic use of cannabis by residents.*  
9            II. The board shall do all things necessary to carry into effect the purposes for which the  
10 home was established.  
11           2 Effective Date. This act shall take effect upon its passage.

# Amendments



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

Amendment to HB 473

Amend the bill by replacing section 2 with the following:

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

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

Amendment to HB 473

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT requiring the board of managers of the veterans' home to adopt a policy relative to  
4 therapeutic use of cannabis by residents of the home.  
5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 Powers of Board; Rulemaking; Therapeutic Use of Cannabis Policy. Amend RSA 119:5 to read  
9 as follows:

10 119:5 Powers of Board.

11 I. The board shall have the custody and care of the property of the institution, shall make  
12 needed bylaws and shall adopt rules under RSA 541-A relative to:

13 (a) The management of the veterans' home [~~and for~~];

14 (b) The admission and discharge of residents[;] *and*

15 (c) *A policy relative to therapeutic use of cannabis by residents.*

16 II. The board shall do all things necessary to carry into effect the purposes for which the  
17 home was established.

18 2 Effective Date. This act shall take effect upon its passage.

2015-1593s

AMENDED ANALYSIS

The bill requires the board of managers of the veterans' home to adopt by rule a policy relative to therapeutic use of cannabis by residents of the home.

# Committee Minutes

**SENATE CALENDAR NOTICE**  
**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

Senator Sharon Carson Chairman  
Senator John Reagan V Chairman  
Senator Sam Cataldo  
Senator Donna Soucy  
Senator Jeff Woodburn

*Open 10:34 AM  
Close 10:44 AM*

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: March 25, 2015

**HEARINGS**

**Wednesday**

**4/1/2015**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

LOB 101

9:00 AM

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

- 9:00 AM HB216-FN relative to recovery of certain investigatory costs by regulatory boards and commissions.
- 9:15 AM HB217-FN relative to fees for reinstatement of licenses, registrations, and certifications established by the pharmacy board.
- 9:30 AM HB606-FN-L relative to costs for public records filed electronically.
- 10:00 AM HB455-FN relative to the board of managers of the New Hampshire veterans' home.
- ~~10:30 AM HB473~~ relative to the smoking policy at the New Hampshire veterans' home.

**Sponsors:**

**HB216-FN**

Rep. Carol McGuire

Rep. Peter Schmidt

Sen. John Reagan

**HB217-FN**

Rep. Virginia Irwin

Rep. Steven Smith

**HB606-FN-L**

Rep. David Bickford

**HB455-FN**

Rep. Robert Theberge

Rep. Leon Rideout

Sen. Sharon Carson

Rep. Alfred Baldasaro

Sen. Sam Cataldo

Rep. Frederick Rice

Rep. Linda Massimilla

Rep. Skip Rollins

**HB473**

Rep. Howard Moffett

Rep. Karen Ebel

Rep. Alfred Baldasaro

Rep. Herbert Richardson

Rep. Jeanine Notter

Rep. Skip Rollins

**SENATE  
EXECUTIVE DEPARTMENTS AND ADMINISTRATION  
COMMITTEE**

**Deb Chroniak, Legislative Aide**

**HB 473 - relative to the smoking policy at the New Hampshire veterans' home.**

Hearing Date: April 1, 2015

Time Opened: 10:30 a.m.

Time Closed: 10:44 a.m.

**Members of the Committee Present:** Senators Carson, Reagan, Cataldo, and Soucy

**Members of the Committee Absent:** Senator Woodburn

**Bill 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.

**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

**Who supports the bill:** Representative Mark Proulx, House ED & A; Representative Howard Moffett, Merrimack 9

**Who opposes the bill:** No one

**Summary of testimony presented in support:**

**Representative Howard Moffett:**

- July 1, 2013 the New Hampshire Veterans' home in Tilton became a "smoke free" campus. At that time, eight veterans at the home smoked. These eight veterans were grandfathered, so they could continue to smoke in two designated outside areas.

- Typically a veteran comes in to the home at age 82. Presently, there are 190 residents.

- To date, of the eight veterans who were grandfathered, six remain.

- This legislation is trying to strike a balance between two principles. Would like to see veterans encouraged to stop smoking, hopefully voluntarily.

- Residents who served their country honorably, were taught to smoke in the armed forces.

- Application into the Veterans' home is because there is nowhere else.
- Today, if they do not give up smoking, they cannot apply to the Veterans' home.
- These men and women are owed the dignity to decide what they want to enjoy for the last years of their lives.
- This bill took two terms to get through the House.
- Operative language in bill represents a compromise by the House ED & A Committee.
- Changes from the original bill are lines 15, 16, and 17 where the Committee inserted, "smoking veterans shall be offered smoking cessation assistance by the home, shall be required to agree to participate in such a program as a condition of admission, but shall not be required to complete such a program successfully as a condition of continued residence. Smoking veterans who refuse smoking cessation assistance or fail the voluntary smoking cessation program shall be permitted to smoke only in the home's designated smoking areas". The Committee thought this was a reasonable compromise and can be accepted. The preference would be a stronger provision, i.e., "if a veteran really does not want to engage in a smoking cessation policy, it should be his or her choice."

**Senator Cataldo** stated that his dad was a WW I veteran, his brother a WW II veteran, both smoked. It is a veterans right if they want to smoke.

- **Senator Carson** said the bill, as amended by the House, line 15 reads, "shall be required to agree to participate in such a program as a condition of admission." There are medical conditions of individuals that would preclude them from taking part in such a program, e.g. a problem with the interaction with drugs, nicotine, etc. She stated that **a medical clause should be inserted within this legislation to address this.** She also believes that the legislation **should be effective upon passage** and not 60 days after passage.

- Another matter needing to be addressed is that of the **medical marijuana law**, and if a physician recommends medical marijuana as a medical therapy, then **rulemaking authority needs to be authorized for the development of a policy** on its use. **Representative Moffett** was in agreement with **Senator Carson**.

**Fiscal Note:** N/A

**Future Action:** Pending

dac

Date hearing report completed: April 4, 2015-F

[file: HB 473 report]

# Speakers





# Testimony

#1

Testimony before the Senate Committee on Executive Departments & Administration  
HB 473 - re Smoking Policy at Veterans Home  
Rep. Howard Moffett, April 1, 2015

Madame Chair and Members of the Committee:

Thank you for the opportunity to appear before you this morning on HB 473, which deals with the smoking and admissions policies at the New Hampshire Veterans Home in Tilton.

For the record, I am Rep. Howard Moffett, of Merrimack District 9, which includes Loudon and Canterbury. Although I'm the prime sponsor of this bill, the list of co-sponsors will tell you that the bill had broad bi-partisan support in the House. It passed unanimously on the Consent Calendar on March 11, three weeks ago.

First, some relevant facts. There are roughly 190 New Hampshire veterans at the Home. The average age on admission is 82. As of July 1 2013, the Home became a "smoke-free campus" for residents, staff and visitors. I put 'smoke-free' in quotes because the campus is still not smoke-free, strictly speaking: at the time of the policy change, there were eight grand-fathered smoking residents who were permitted to continue smoking in the Home's designated outdoor smoking areas. Two have since passed away, but six remain. The non-smoking policy was instituted by the Home itself, on its own authority, and not because it is required by any state or federal law or regulation. Smoking veterans may still apply for admission, but are admitted only if they agree to participate in the Home's "voluntary" smoking cessation program.

So, if you are a New Hampshire veteran who otherwise qualifies for admission but does not agree to participate in the Home's smoking cessation program, you will not be admitted to the Home -- and if you drop out of the smoking cessation program, you are at risk of being asked to leave. You will not be allowed to use the designated outdoor smoking areas available to the six grand-fathered residents who still smoke.

There are two important principles at odds with each other here. On the one hand, we would all agree that smoking is not good for your health, and I suspect we would all like to see smoking residents voluntarily participate in a smoking cessation program. I'm sure the Veterans Home staff who recommended this policy, and the Board of Managers who adopted it, had the best interests of the majority of residents at heart, and that they were sincerely concerned about minimizing the risk of fire at the Home. I also understand that the new policy is supported by a majority of the residents. I applaud the Home's program to encourage smoking residents to learn to stop smoking, as long as it is voluntary.

But there's a second important principle here, and it needs to be recognized. The men and women that this new "smoke-free" policy discriminates against are New Hampshire veterans -- just like the residents of the Home who don't smoke. They put

themselves in harm's way for our sake -- just like the residents of the Home who don't smoke. In many cases they actually learned to smoke in the military because free cigarettes were distributed with combat rations, in order to quiet battle-jangled nerves and boost morale. These New Hampshire men and women -- veterans who smoke -- have counted on the fact, at least until now, that the NH Veterans Home is the one place they can go to spend their final years in dignity when no other place is available or affordable -- just like the residents of the Home who don't smoke.

And now we're saying to these New Hampshire veterans that actually this Home is not for them, unless they "voluntarily" agree to quit smoking. The House does not agree to tell them that, and I hope the Senate will not either. This non-smoking policy was well-intentioned, and its emphasis on promoting healthy behavior is laudable--but its discriminatory aspect is shameful, and I hope the Senate will not be a party to it.

This is a situation that calls for a compromise. The six grand-fathered residents who smoke have two designated outdoor smoking areas, where their smoking poses virtually no risk of fire or injury to themselves or others, and where non-smoking residents are not exposed to second-hand smoke. Why shouldn't those outdoor smoking areas be available to newly-admitted residents who - for whatever reason - are not prepared to give up smoking voluntarily? Why should we tell any New Hampshire veteran that there is no room for him or her at the New Hampshire Veterans Home - unless they agree to give up this one small source of pleasure in their declining years?

George Orwell said, "We sleep safely in our beds because rough men stand ready in the night to visit violence on those who would do us harm". He might well have added, "and some of them, God forbid, smoke cigarettes". Let's not treat any group of New Hampshire veterans as pariahs - they are the last class of people we should be discriminating against.

I thank you for your time, and I'd be happy to answer any questions.

**Chroniak, Deborah**

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**From:** Moffett, Howard  
**Sent:** Thursday, April 02, 2015 11:50 AM  
**To:** Chroniak, Deborah  
**Cc:** Moffett, Howard; Baldasaro, Al; Notter, Jeanine; skip@lavalleys.com; Ebel, Karen; Richardson, Herbert  
**Subject:** Senate ED&A Testimony on HB 473—Smoking Policy at NH Veterans Home  
**Attachments:** HB 473-Senate ED&A Testimony.doc

Dear Ms. Chroniak--

Attached, as we discussed, please find a Word document incorporating my testimony to the Senate ED&A Committee yesterday morning on HB 473, concerning the smoking policy at the New Hampshire Veterans Home. Please tell Sen. Carson that I and the other House co-sponsors (copied above) very much appreciate the hearing that the Committee gave to this bill.

Would it be possible to send me (and the other House co-sponsors) notice of any ED&A Committee executive session that may be scheduled on this bill? I will try to watch the Senate Journal, but I sometimes miss committee scheduling notices.

Thanks very much for your courtesy.

Rep. Howard Moffett

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: May 6, 2015

THE COMMITTEE ON Executive Departments and Administration  
to which was referred House Bill 473

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

Having considered the same, the committee recommends that the Bill:

**OUGHT TO PASS WITH AMENDMENT**

BY A VOTE OF:    5-0

AMENDMENT # 1593 s

Senator Sharon M. Carson  
For the Committee

Deb Chroniak 271-1403

## New Hampshire General Court - Bill Status System

**Docket of HB473**

Docket Abbreviations

**Bill Title:** (New Title) requiring the board of managers of the veterans' home to adopt a policy relative to therapeutic use of cannabis by residents of the home.

*Official Docket of HB473:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/8/2015	H	<b>Introduced</b> and Referred to Executive Departments and Administration; <b>HJ 12</b> , PG. 225
1/29/2015	H	Public Hearing: 2/5/2015 2:00 PM LOB 306
2/24/2015	H	Executive Session: 3/2/2015 12:30 PM LOB 306
3/5/2015	H	Committee Report: Ought to Pass with Amendment <b>#2015-0496h</b> for Mar 11 (Vote 15-2; CC); <b>HC19</b> , PG. 400
3/11/2015	H	Amendment #0496h: AA VV; <b>HJ 24</b> , PG. 787
3/11/2015	H	<b>Ought to Pass with Amendment</b> #0496h: MA VV; <b>HJ 24</b> , PG. 787
3/19/2015	S	Introduced and Referred to Executive Departments and Administration; <b>SJ 10</b>
3/25/2015	S	Hearing: 4/1/15, Room 101, LOB, 10:30 a.m.; <b>SC15</b>
5/6/2015	S	Committee Report: Ought to Pass with Amendment <b>#2015-1593s</b> , NT, 5/14/15; <b>SC21</b>
5/14/2015	S	Chair Ruled Non-Germane Amendment
5/14/2015	S	Without Objection Rule 3-17 is Suspended to Allow Non-Germane Amendment 1593s, 2/3 necessary, MA; <b>SJ 14</b>
5/14/2015	S	Committee Amendment 1593s, NT, AA, VV
5/14/2015	S	<b>Ought to Pass with Amendment</b> 1593s, NT, MA, VV; OT3rdg; <b>SJ 14</b>
6/3/2015	H	House Non-Concurs with Senate Amendment #1593s and Requests Committee of Conference (Rep A. Christie): MA VV
6/3/2015	H	Speaker Appoints: Reps Sytek, A. Christie, Beaudoin, Moffett
6/4/2015	S	Sen. Carson Accedes to House Request for Committee of Conference, MA, VV; <b>SJ 17</b>
6/4/2015	S	President Appoints: Senators Carson, Reagan, and Soucy
6/9/2015	H	Conference Committee Meeting: 6/10/2015 1:30 PM LOB 206
6/18/2015	S	Conference Committee Report; Not Signed Off; <b>SJ 19</b>

NH House

NH Senate



# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

HB 473 ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 0496h      \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_  
 - AMENDMENT # 1593S      \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED       AS AMENDED BY THE HOUSE  
 FINAL VERSION       AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

DATE DELIVERED TO SENATE CLERK

8-19-15

BY:

  
COMMITTEE AIDE