

115TH CONGRESS  
1ST SESSION

# S. 2119

To amend title 38, United States Code, to prohibit smoking in any facility of the Veterans Health Administration, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 13, 2017

Mr. DURBIN (for himself, Mr. BLUMENTHAL, Mr. MARKEY, Mr. REED, Mr. BROWN, Mr. WYDEN, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to prohibit smoking in any facility of the Veterans Health Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROHIBITION ON SMOKING IN FACILITIES OF**  
4 **THE VETERANS HEALTH ADMINISTRATION.**

5 (a) PROHIBITION.—Section 1715 of title 38, United  
6 States Code, is amended to read as follows:

1 **“§ 1715. Prohibition on smoking in facilities of the**  
2 **Veterans Health Administration**

3 “(a) PROHIBITION.—(1)(A) Except as provided in  
4 subparagraph (B), no person may smoke indoors in any  
5 facility of the Veterans Health Administration.

6 “(B) In the case of a facility of the Veterans Health  
7 Administration that is a community living center, no per-  
8 son may smoke indoors in such facility on or after Decem-  
9 ber 31, 2018.

10 “(2) No person may smoke outdoors in any facility  
11 of the Veterans Health Administration on or after October  
12 1, 2021.

13 “(b) DEFINITIONS.—In this section:

14 “(1) The term ‘community living center’ means  
15 a facility of the Department that provides nursing  
16 home care.

17 “(2) The term ‘facility of the Veterans Health  
18 Administration’ means any land or building (includ-  
19 ing any medical center, nursing home, domiciliary  
20 facility, outpatient clinic, or center that provides re-  
21 adjustment counseling) that is—

22 “(A) under the jurisdiction of the Depart-  
23 ment of Veterans Affairs;

24 “(B) under the control of the Veterans  
25 Health Administration; and

1                   “(C) not under the control of the General  
2                   Services Administration.

3                   “(3) The term ‘smoke’ includes the smoking of  
4                   cigarettes (including e-cigarettes or electronic ciga-  
5                   rettes), cigars, pipes, and any other combustion of  
6                   tobacco.”.

7                   (b) CLERICAL AMENDMENT.—The table of sections  
8                   at the beginning of chapter 17 of such title is amended  
9                   by striking the item relating to section 1715 and inserting  
10                  the following new item:

                  “1715. Prohibition on smoking in facilities of the Veterans Health Administra-  
                  tion.”.

11                  (c) CONFORMING AMENDMENT.—Section 526 of the  
12                  Veterans Health Care Act of 1992 (Public Law 102–585;  
13                  38 U.S.C. 1715 note) is hereby repealed.

14                  (d) EFFECTIVE DATE.—The amendments made by  
15                  this section shall take effect on the date that is 90 days  
16                  after the date of the enactment of this Act.

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