

118TH CONGRESS  
1ST SESSION

# S. 1040

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

---

## IN THE SENATE OF THE UNITED STATES

MARCH 29, 2023

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

---

## A BILL

To amend title 38, United States Code, to prohibit smoking on the premises of 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.—

6 (1) IN GENERAL.—Section 1715 of title 38,  
7 United States Code, is amended to read as follows:

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

3 “(a) PROHIBITION.—No person (including any vet-  
4 eran, patient, resident, employee of the Department, con-  
5 tractor, or visitor) may smoke on the premises of any facil-  
6 ity of the Veterans Health Administration.

7 “(b) DEFINITIONS.—In this section:

8 “(1) The term ‘facility of the Veterans Health  
9 Administration’ means any land or building (includ-  
10 ing any medical center, nursing home, domiciliary  
11 facility, outpatient clinic, or center that provides re-  
12 adjustment counseling) that is—

13 “(A) under the jurisdiction of the Depart-  
14 ment of Veterans Affairs;

15 “(B) under the control of the Veterans  
16 Health Administration; and

17 “(C) not under the control of the General  
18 Services Administration.

19 “(2) The term ‘smoke’ includes—

20 “(A) the use of cigarettes, cigars, pipes,  
21 and any other combustion or heating of to-  
22 bacco; and

23 “(B) the use of any electronic nicotine de-  
24 livery system, including electronic or e-ciga-  
25 rettes, vape pens, and e-cigars.”.

1           (2) CLERICAL AMENDMENT.—The table of sec-  
2           tions at the beginning of subchapter II of chapter 17  
3           of such title is amended by striking the item relating  
4           to section 1715 and inserting the following new  
5           item:

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

6           (b) CONFORMING AMENDMENT.—Section 526 of the  
7           Veterans Health Care Act of 1992 (Public Law 102–585;  
8           38 U.S.C. 1715 note) is repealed.

○