

M I N U T E S

SPECIAL COMMITTEE ON HEALTH AND HUMAN RESOURCES

October 3, 1975

Members Present

Representative Richard B. Walker, Chairman  
Senator Elwaine F. Pomeroy, Vice-Chairman  
Senator William Mulich  
Senator John F. Vermillion  
Representative J. Santford Duncan  
Representative Sharon Hess  
Representative Norman E. Justice  
Representative Marvin L. Littlejohn  
Representative Anita Niles

Staff Present

Myrta J. Anderson, Legislative Research Department  
Emalene Correll, Legislative Research Department  
Norman Furse, Revisor of Statutes Office

Others Present

Gary Robbins, Kansas State Nurses Association, Topeka, Kansas  
Sister M. Noel Walter, Kansas Catholic Conference, Kansas City,  
Kansas  
Cinda S. Vogel, Kansas Chiropractors Association, Topeka, Kansas  
Joe Harkins, Department of Health and Environment, Topeka, Kansas  
Dennis Hawver, Department of Health and Environment, Topeka,  
Kansas  
Richard Brown, Kansas Nursing Home Association, Topeka, Kansas  
Gregory G. Mills, Division of State Planning and Research,  
Topeka, Kansas  
Nelson Tilden, Kansas Hospital Association, Topeka, Kansas  
Jim Scott, Kansas Hospital Association, Topeka, Kansas  
Frank Gentry, Kansas Hospital Association, Topeka, Kansas

The meeting was called to order at 10:00 a.m., by the Chairman, Representative Richard B. Walker.

A motion was made and seconded to approve the minutes of the September meeting. Motion carried.

Staff distributed the revised draft of the bill discussed at the last meeting. (Attachment I). This draft reflects the changes requested by the Committee and additional sections which need to be changed because of policy decisions made by the Committee at its last meeting.

Staff went through the bill noting places where terminology changes had been made to comply with the Committee's previous action, for clarification, to make language more precise, to update language and for grammatical clean-up.

Sections 16 through 18. If S.B. 26 passes during the next session of the legislature, these sections may have to be further amended. Staff will keep track of this during the session and report any necessary changes to the proper committee.

Section 26. Page 23, lines 30 and 31 - Staff was asked to delete the provisos.

Sections 31 through 35 (relating to community nursing care). At the last meeting the Committee adopted the definition of community nursing care suggested by the Department of Health and Environment. Sections 32 through 35 are included in this bill as per the request of the Committee to make changes in other statutes as needed to comply with the change in definition.

Section 34. Page 29, line 16 - Add "or counties" after "county"; line 17 - Insert "or district" before "attorney".

Section 35. Page 29, line 30 - Delete "or" and insert in lieu thereof ", "; line 32 - Insert "maternity home or" before "home" and delete "in full"; line 33 - Delete "force" and "written".

Section 36. Page 30, lines 9 through 11 - Staff noted it is necessary to leave in the terms "license, license certificate and renewal certificate" and "registered and licensed" since these terms are all applicable under the present licensing act.

Section 38. Page 31, line 8 - Insert "health" before "officer".

Staff noted a repealer section and effective date section had been added to this draft.

Staff explained that the procedure this year is for a Committee to authorize the introduction of a bill under the name

of the Committee and to recommend to the Coordinating Council the House in which they prefer to have it introduced. The Coordinating Council will make the final decision as to whether it is a Senate or House Bill. Pre-filing cannot be done until after the Coordinating Council makes this decision.

A motion was made and seconded to authorize the introduction of this bill as a Committee bill and to recommend to the Coordinating Council that it be introduced in the House of Representatives. Motion carried.

Draft of Communicable Disease Control Bill. Staff presented a draft of this bill as requested by the Committee. (Attachment II). The bill draft changes "communicable" to "infectious or contagious" wherever it appears and includes a definition of the terms "infectious" and "contagious". Since the bill deals with two separate acts, specific sections are listed in the definition and penalty sections.

Section 1. Concern was expressed that a person not qualified to make a diagnosis could be held responsible for reporting an infectious or contagious disease. It was suggested that the penalty apply in cases where failure to report was intentional and willful. It was noted that the diseases to be reported are defined by rules and regulations to which the head of the household would not have access. The point was made that the person apprising the household of the disease, not the person so noticed should be held responsible for reporting. It was noted this would not cover cases where a person would travel or move. Staff noted K.S.A. 65-117, requiring a physician to report specified diseases so places could be placarded, had been repealed in 1974 since placarding was no longer considered necessary.

A motion was made and seconded to delete Section 1. It was noted in discussion this would mean no one would be responsible for reporting these diseases. Motion carried.

A motion was made and seconded to instruct staff to draft a section making health care providers responsible for reporting an infectious or contagious disease with a penalty for willful neglect to so do. Motion carried.

A motion was made and seconded to instruct staff to include in this section a list of people to be held responsible, similar to that in the child abuse law. Motion carried. Staff is to submit this draft to the Committee for further consideration.

Section 3. Committee action at the last meeting added "day care facility". Staff changed this to "licensed child care facility" as the former term could include facilities not intended by the Committee.

Section 7. Since this section may be changed by final action on Section 1, no action was taken on it.

Section 8. Page 3 - Staff noted the first clause (lines 29 through 31) may not be needed. Line 35 was struck because the procedure for adopting rules and regulations is spelled out in a separate statute.

Section 9. This section was changed to make it similar to the tuberculosis control statute.

Other changes made by staff were to change language to conform with present usage or decisions of the Committee, for clarity, or to make a meaning more precise.

Staff will try to have another draft of this bill for the meeting on October 17. However, the Committee requested staff give priority to the federal Health Planning and Resources Development Act.

The meeting was recessed at 11:55 a.m., and was reconvened by the Chairman at 1:40 p.m.

Draft Bill on School Inspections. Staff distributed the draft of the bill as requested by the Committee. (Attachment III). stating the bill requires inspections, authorizes the Secretary of Health and Environment to set standards by rules and regulations, gives the secretary the authority to order a remedy, and sets out an appeal procedure.

Staff reviewed the powers of the fire marshal in regard to school inspections since there was some concern about duplication of authority.

Section 1. Definitions.

Section 2. References specific statute giving this authority and specifies the conditions under which the Secretary may, but is not required to inspect. "May" was used rather than "shall" because of the number of complaints which may be received and the fiscal problems which might be created.

Section 3. Requires the Secretary to adopt rules and regulations establishing the standards for inspecting schools. Page 1, line 29 - Including "method of" was questioned. Staff stated that K.S.A. 65-202 requires the health officer to file reports as prescribed by the Secretary so it seemed logical to tie this section into that requirement. It is an attempt to create a more structured situation.

Staff noted the bracketed material, page 1, lines 31 and 32, is optional. By consensus this material is to be left in the bill.



It was noted that schools are now included under the food service and lodging statutes. There may be some overlapping in inspections but inspections are not necessarily done every year.

Section 4. Staff distributed a draft of a hearing procedure for consideration, (Attachment IV) noting Secretary Metzler had indicated that including a hearing procedure would be helpful in carrying out the act. The feeling was expressed that the option of a hearing should apply to all cases. A conceptual motion was made and seconded to amend Section 4 to include a mechanism for the Secretary to issue an order to the school district and giving the school district thirty days in which to request a hearing. In discussion of the motion, it was noted that only the Secretary has the authority to issue an order. There is no existing statute giving this authority to the local health officer. Concern was expressed over the delays in complying with an order which this procedure might permit if it applied to "any order".

A substitute motion was made and seconded that Section 4, be amended so that upon issuance of any order, the school governing body would have twenty days within which to request a hearing with the hearing to be held within thirty days of the request for hearing. It was clarified that the hearing is not to determine whether or not the order should be issued but whether or not it should be carried out. The substitute motion carried.

Section 5. Methods of funding required changes. Page 2, line 8 - "any order" will be changed so it is in line with the amendment to Section 4.

Staff noted another possibility for funding would be to give the district board of education the authority to call a bond election. The question was raised as to whether or not the board already has this authority. A motion was made and seconded that if the staff finds the district school board does not have the authority to call a bond election, this section be amended to include this authority. Motion carried.

Section 6. Allows the district school board to close the school in lieu of making the required changes. It was noted that as this section is written the board could close the school even if the required change were only a minor one. A motion was made and seconded to amend Section 6 to require the board of education to make a finding that costs do not warrant continued use of the building. Motion carried.

Section 7. Appeal procedure. This section is similar to the appeal procedure in the fire marshal's act. Staff will change the language to comply with the amendment to Section 4 or will put the appeal procedure in the same section. In answer to a question, staff stated the losing party would pay the court costs unless the court orders otherwise.

Concern was expressed over the appointing of commissioners since there is to be an administrative hearing procedure. The only thing that would be subject to court review would be whether the order was lawfully issued. Staff noted this procedure was put in the bill before the decision was made to have an administrative hearing and recommended it be deleted. A motion was made and seconded to strike, on page 3, all after the period in line 5; all of lines 6 through 17. Motion carried.

Staff distributed a recommended section relative to the jurisdiction of the state fire marshal and this act. (Attachment V). A motion was made and seconded that this recommendation be adopted and included in the bill as a separate section.

If possible, staff will mail an amended draft of this bill to Committee members prior to the October 17 meeting.

Delivery of Health and Environmental Services. Representative Duncan distributed a general listing of minimum health services collected from meetings held by the Health Planning Council of Central Kansas. (Attachment VI)

It was noted that mandating certain services to be provided in each county by a specified date would be an alternative to regionalization. Legislation could allow contracts with another county to provide services or cooperative agreements between counties similar to the special education act. Some services on the list are covered by statute although they are not necessarily mandatory; others are a state function. The important factor is that services be available close to home.

A motion was made and seconded that no further action be taken during this interim regarding minimum standards.

Points made in favor of the motion were: there are sufficient laws now for counties to provide health services; there are sufficient health standards now and the state department of health and environment is continuing to work on these problems; one set of standards would not be applicable in all counties; there are not enough trained health personnel to carry out the mandate; there needs to be time to develop the HSAs before mandating something else; to be successful there must be consumer involvement and most interested consumers are now involved in developing HSAs, making it difficult to find consumers to be involved in working toward this mandate; if people want services they can put pressure on their county commissioners to provide them; if counties have to pay for services, the tax lid could create problems for them.

Points made against the motion were: it cannot be said that because people live in a certain geographic area, they are not entitled to have public health services available at the local level rather than having to travel to an area where such services

are available; there are no statewide standards so if people go to the Department of Health and Environment, the Secretary has no authority to require county commissioners to provide the requested services; the compliance date could be set five years from now which would give time to train personnel and develop plans; establishing standards and setting a date for compliance would serve as an impetus; people do not always know what services could be available or how to get them in their own county; county commissioners have the authority to enact a mill levy to pay for these services.

A substitute motion was made and seconded to postpone a decision on mandating minimum health services and to continue the discussion at the next meeting. The substitute motion lost on a showing of hands by a vote of 2 to 4.

The original motion was called for and carried on a showing of hands by a vote of 4 to 1. Representative Duncan recorded a "no" vote.

The next meeting will be October 17, 1975 at 9:00 a.m.

The meeting was adjourned.

Prepared by Emalene Correll

Approved by Committee on:

10/17/75  
(Date)

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\_\_\_\_\_ BILL NO. \_\_\_\_\_

By Special Committee on Public Health and Human Resources

AN ACT relating to local health boards, departments and officials; amending K. S. A. 23-308, 23-310, 39-928, 39-933, 39-935, 65-116h, 65-1456, 65-4035 and 72-5210 and K. S. A. 1975 Supp. 17-1325, 17-1326, 19-2704a, 21-4310, 23-301, 23-501, 23-502, 39-925, 39-930, 39-931, 59-2905, 59-2916, 59-3012, 65-102, 65-116a, 65-159, 65-163, 65-164, 65-189e, 65-1,105, 65-201, 65-202, 65-204, 65-220, 65-221, 65-222, 65-225, 65-506 and 65-3413 and repealing the existing sections; and also repealing K. S. A. 65-118, 65-125, 65-153c, 65-203 and 65-301.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K. S. A. 1975 Supp. 17-1325 is hereby amended to read as follows: 17-1325. All crypts ~~and~~ and catacombs, if any be placed therein in such mausoleum, vault, or other structure, shall be ~~so~~ constructed so that all parts thereof may be readily and easily examined by the secretary of health and environment ~~or any other~~ or the secretary's designee or by a local health officer, and such crypts or catacombs ~~shall~~ be hermetically sealed ~~after such deceased bodies shall have been placed therein~~ so that no offensive or unhealthful odor or effluvia may escape therefrom.

Sec. 2. K. S. A. 1975 Supp. 17-1326 is hereby amended to read as follows: 17-1326. Should any firm, person or corporation fail to hermetically seal such crypts or catacombs ~~so~~ placed or constructed in such mausoleum, vault, or other burial structure and by reason of such failure, or other reasons, offensive odors or effluvia arise therefrom, the secretary of health and environment ~~or any the~~ or the secretary's designee or any the local health officer of the ~~state--or~~ county, in which such

1 mausoleum, vault or other burial structure shall be situated  
2 shall upon ~~the~~ complaint of any ~~city-health-officer-or~~ resident  
3 of the ~~township,~~ county where such mausoleum, vault or other  
4 structure may be situated, compel the sexton or other persons in  
5 charge of such mausoleum, vault or other burial structure to  
6 immediately place such mausoleum, vault or other burial structure  
7 in perfect and sanitary condition or immediately remove said  
8 ~~deceased~~ body or bodies therefrom, and properly inter the same at  
9 the expense of the person, firm, cemetery district or  
10 corporation, owning such mausoleum, vault or other burial  
11 structure. ~~And-if~~ If no such person, firm, cemetery district or  
12 corporation can be found in the county where the same may be  
13 located, then such interment shall be at the expense of the  
14 township or city where such structure may be situated.

15 Sec. 3. K. S. A. 1975 Supp. 19-2704a is hereby amended to  
16 read as follows: 19-2704a. Either with or without having had a  
17 preliminary survey prepared as provided in K. S. A. 1975 Supp.  
18 19-2704, the board of county commissioners of any county in the  
19 state, for the purpose of providing for the expenses of storm and  
20 sanitary sewerage, may upon presentation of a petition signed by  
21 the owners, or others having expressly reserved the right to do  
22 so, of fifty-one percent (51%) or more of the acreage in the main  
23 sewer districts, lateral or joint sewer districts or taxing  
24 districts sought to be created, provide one or more taxing  
25 districts in such county or divide such county into such number  
26 of taxing districts as it may deem best. All public roads,  
27 public parks and public cemeteries in such districts shall be  
28 exempt from assessment. The board of county commissioners shall  
29 not have the power to create any such district within or to  
30 extend any district into the limits of any incorporated city  
31 without the consent of the governing body of such city. In the  
32 creation of main sewer districts, lateral sewer districts or  
33 joint sewer districts, no such order shall be adopted until said  
34 board of county commissioners shall have published a notice of  
35 its intention to adopt the same. Such notice need not be given



1 when the petition is signed by the owners of one hundred percent  
2 (100%) of the area of land subject to assessment within any  
3 lateral sewer district sought to be created. Such notice shall  
4 describe the boundary lines of said proposed sewer district or  
5 the property within said boundary lines in sufficient detail to  
6 advise the owners of property within such proposed sewer  
7 district, or other persons interested in the formation of such  
8 district, of the proposed organization of such sewer district and  
9 shall inform such owners or interested persons that the board of  
10 county commissioners will meet at a specified time and place to  
11 consider the petition and the adoption of a resolution forming  
12 the sewer district and to hear objections thereto. Such notice  
13 shall be published once a week for two (2) consecutive weeks in a  
14 newspaper having general circulation within such county. In  
15 addition, the board shall notify the owners of property within a  
16 proposed lateral sewer district of the hearing held for the  
17 creation of such lateral sewer district and shall also notify  
18 said property owners as to the hearing for the apportionment of  
19 the costs. Said notices shall be mailed at least ten (10) days  
20 prior to the date fixed for the hearing. The failure of any  
21 property owner to receive such notice shall not invalidate the  
22 hearing or apportionment of the costs. Whenever the secretary  
23 of health and environment or the ~~county~~ local health officer of  
24 any county shall determine and shall certify to the board of  
25 county commissioners of such county that insanitary conditions  
26 exist or are expected to develop within any area of such county,  
27 describing the same, which may be removed or prevented by the  
28 installation and utilization of sewers, such board of county  
29 commissioners may proceed without the receipt of any petition to  
30 create and establish a sewer district consisting of the area  
31 described in the certificate of the secretary of health and  
32 environment or the ~~county~~ local health officer together with any  
33 other contiguous land, lying within the same natural drainage  
34 area, which the board of county commissioners shall determine  
35 necessary for the purpose of providing necessary sewer service to

1 such area, and to provide for the construction of sewers therein.  
2 No sewer district shall be established by the board of county  
3 commissioners of any such county until the notice and hearing  
4 procedure specified in this section has been carried out.

5 When additional storm or sanitary sewers are constructed  
6 after a part but not all of the sewers shall have been  
7 constructed in any lateral sewer district, the cost of the  
8 construction of such additional sewers shall be charged to the  
9 property served by said sewers and none other. The cost of any  
10 improvement apportioned and assessed pursuant to the provisions  
11 hereof, in the sewer district, shall become a lien on the  
12 property against which the assessment is made, from the date of  
13 the last publication of notice of apportionment required by this  
14 section.

15 If subsequent to the making of any special improvement  
16 assessment against any parcel or tract of land authorized herein,  
17 the owner thereof desires to plat or replat such property and  
18 dedicate streets and roads, or parts thereof, for public use, the  
19 governing body shall have the power to release such land proposed  
20 to be dedicated from the lien and effect of any such special  
21 assessment. The owner or owners thereof shall in or on the  
22 instrument making such dedication, consent and agree in  
23 appropriate form that the amount of the unpaid special assessment  
24 on such land so dedicated shall become and remain a lien on the  
25 remainder of such owner's land fronting or abutting on such  
26 dedicated road or street.

27 The board of county commissioners by resolution may combine  
28 any sewer districts which have been created under this act and  
29 which are served by the same treatment plant into a single main  
30 sewer district; and the cost of any future enlargements of any  
31 main sewers or treatment facilities that are used by all the  
32 districts within the main sewer district so created shall be  
33 levied against the properties in said main sewer district. All  
34 bonded indebtedness existing on the effective date of any such  
35 combination of districts shall remain a lien against and an

1 obligation of the individual districts the same as before such  
2 combination.

3 Whenever it is necessary to enlarge a sewerage system  
4 originally constructed under the provisions of this act, the cost  
5 of said enlargements shall be charged against all of the property  
6 in the entire main sewer district if the enlarged facilities are  
7 to be used by and benefit the entire main sewer district. Where  
8 such sewer enlargements will serve only a part of the main sewer  
9 district the cost shall be charged against only those properties  
10 located in the district which will use or be benefited by the  
11 same. The cost of all such enlargements shall be paid by levying  
12 a tax at a uniform rate on all the property in the entire main  
13 sewer district if the enlarged facilities are to be used by and  
14 benefit the entire main sewer district, but if only a part of the  
15 main sewer district is to use and benefit from such enlarged  
16 facilities then such tax shall only be levied on the properties  
17 in said part of the main sewer district. Said tax shall be  
18 levied and collected, in addition to other taxes and assessments,  
19 and shall be by the county clerk, when so ordered by the board of  
20 county commissioners, placed upon the tax roll for collection  
21 subject to the same penalties and collected in the same manner as  
22 other taxes. The board of county commissioners may provide for  
23 the payment of the costs of such enlargement by installments  
24 instead of levying the entire tax for such cost at one time and  
25 may issue and sell general obligation bonds of the county in like  
26 manner as is provided by the general bond law, except as herein  
27 otherwise specifically provided. Such bonds shall run not longer  
28 than twenty (20) years, shall bear interest at a rate not to  
29 exceed the maximum rate prescribed by K. S. A. 10-1009, and shall  
30 be issued to mature in installments of approximately equal  
31 amounts each year. Each bond shall specify the state of its  
32 separate maturity, and shall be in such denomination as the board  
33 of county commissioners shall direct. Such bonds shall be in  
34 addition to and may exceed the limits of bonds for any other  
35 purpose as provided by law.

1           The board of county commissioners may by resolution  
2 establish sewer connection charges for the privilege of making  
3 connection to any sewer constructed under this act. Such charges  
4 may be graduated based on the sewer capacity required to service  
5 the property to which the connection is made and where the  
6 connection is made to property consisting of more than one family  
7 living unit said sewer connection charge shall be based on the  
8 number of family living ~~unit~~ units. No such resolution shall be  
9 adopted until said board of county commissioners shall publish a  
10 notice of its intention to adopt the same; and such notice shall  
11 describe the proposed sewer connection charges in sufficient  
12 detail to advise the owners of the property within the district  
13 or districts wherein they are to be applicable as to the amount  
14 and application thereof; and shall inform such owners that the  
15 board of county commissioners will meet at a specified time and  
16 place to consider the adoption of a resolution establishing sewer  
17 connection charges. Such notice shall be published once a week  
18 for two (2) consecutive weeks in a newspaper having general  
19 circulation within such county. All moneys derived from the  
20 imposition of such sewer connection charges shall be placed in a  
21 special account and shall only be used for the enlargement of the  
22 sewers, pumping station or treatment plant serving the district  
23 wherein the charges were collected. Such sewer connection  
24 charges shall be collected before a sewer connection permit is  
25 issued.

26           Sec. 4. K. S. A. 1975 Supp. 21-4310 is hereby amended to  
27 read as follows: 21-4310. (1) Cruelty to animals is:

28           (a) Subjecting any animal to cruel mistreatment; or

29           (b) Having custody of any animal and subjecting such animal  
30 to cruel neglect.

31           (2) This section shall not be deemed applicable to accepted  
32 veterinary practices or activities carried on for scientific  
33 research. Any police officer or ~~public~~ local health officer or  
34 any officer or agent of any duly incorporated humane society,  
35 animal shelter or other appropriate facility or licensed

1 veterinarian may take charge of any animal found abandoned or  
2 clearly showing evidence of cruel neglect upon either private or  
3 public property and inspect, care for, treat or transport such  
4 animal to a duly incorporated humane society or licensed  
5 veterinarian for treatment, boarding or other care or, if it  
6 appears the animal is diseased or disabled beyond recovery for  
7 any useful purpose, for disposition.

8 (3) Cruelty to animals is a class B misdemeanor.

9 Sec. 5. K. S. A. 1975 Supp. 23-301 is hereby amended to  
10 read as follows: 23-301. Before any probate judge shall issue a  
11 marriage license, each applicant therefor shall file with such  
12 judge a certificate signed by a ~~physician--legally--qualified~~  
13 person licensed to practice medicine and surgery under the laws  
14 of the state of Kansas or of the state of the applicant's  
15 residence, which certificate shall state that the applicant has  
16 been given an examination, including a standard serological test  
17 for the discovery of syphilis, made not more than thirty (30)  
18 days prior to the date of issuance of such license, and stating  
19 whether or not in the opinion of the ~~physician~~ person licensed to  
20 practice medicine and surgery making such certificate, the  
21 applicant is infected with syphilis, or shows symptoms indicating  
22 infection with other venereal disease, and, if so infected,  
23 further stating whether or not in the ~~physician's~~ opinion of the  
24 person licensed to practice medicine and surgery the disease is  
25 in a stage which is or may become communicable to a marital  
26 partner.

27 Any person who by law is legally able to obtain a marriage  
28 license in this state shall also be legally able to consent to  
29 any examination and test required by this act. Any specimen  
30 submitted to a laboratory for serological test under the  
31 provisions of this act shall be designated that it is a  
32 premarital test. Serological tests shall be made without charge  
33 by the secretary of health and environment at the request of any  
34 county ~~or city, city-county or multicounty~~ health department and  
35 shall be accepted under the provisions of this act. Any ~~county~~



1 er--city local health officer shall, upon request of any  
2 applicant, perform the examination and make the certificate  
3 required hereunder, without charge.

4 Sec. 6. K. S. A. 23-308 is hereby amended to read as  
5 follows: 23-308. Certificates, laboratory statements or reports,  
6 applications and court orders, files and records, in this act  
7 referred to and the information therein contained, other than the  
8 marriage license and the application therefor, shall be  
9 confidential and shall not be divulged to or open to inspection  
10 by any person other than state the secretary of health and  
11 environment or the secretary's designee or local health officers  
12 or their duly authorized representatives, except by written  
13 permission of the party or parties affected. Any person who  
14 shall divulge such information or open to inspection such  
15 certificates, statements, reports, applications or court orders,  
16 without authority, to any person not by law entitled to the same  
17 shall be guilty of a class C misdemeanor, ~~and, upon conviction,~~  
18 ~~shall be fined not less than one hundred dollars nor more than~~  
19 ~~five hundred dollars.~~

20 Sec. 7. K. S. A. 23-310 is hereby amended to read as  
21 follows: 23-310. The probate judge of any probate court may  
22 destroy any certificates of premarital examinations and tests  
23 which have been on file in said probate court for at least five  
24 ~~(5)~~ two (2) years. ~~Such destruction shall be accomplished by~~  
25 ~~burning the certificates, which burning shall be done in the~~  
26 ~~presence of the probate judge, and in such a manner as to not~~  
27 ~~divulge any of the information on any such certificate to any~~  
28 ~~person other than state or local health officers or their duly~~  
29 ~~authorized representatives.~~ The probate judge shall provide for  
30 the destruction of such certificates in a manner which will not  
31 disclose the contents thereof.

32 Sec. 8. K. S. A. 1975 Supp. 23-501 is hereby amended to  
33 read as follows: 23-501. The secretary of health and  
34 environment shall establish and maintain family planning centers  
35 in cooperation with ~~state social welfare offices~~ the secretary of

1 social and rehabilitation services and county, city-county and  
2 multicounty health departments. Such family planning centers,  
3 upon ~~the~~ request of any person ~~who-is-over-eighteen-(18)-years-of~~  
4 ~~age-and-who-is-married-or-who-has-been-referred-to-said-center-by~~  
5 ~~a-licensed-physician-and-who-resides-in-this-state~~ or upon  
6 referral by a person licensed to practice medicine and surgery,  
7 may furnish and disseminate information concerning, ~~and the~~ means  
8 and methods of planned parenthood, ~~including~~ and may furnish such  
9 contraceptive devices as recommended by the secretary of health  
10 and environment to any resident of this state. Such methods and  
11 means shall be consistent with the religious and personal  
12 convictions of the individual to whom furnished.

13 Sec. 9. K. S. A. 1975 Supp. 23-502 is hereby amended to  
14 read as follows: 23-502. The secretary of social and  
15 rehabilitation services and county, city-county and multicounty  
16 health departments shall cooperate with and assist the secretary  
17 of health and environment in the establishment, maintenance and  
18 operation of the family planning centers required to be  
19 established and maintained by K. S. A. 1975 Supp. 23-501, as  
20 amended.

21 Sec. 10. K. S. A. 1975 Supp. 39-925 is hereby amended to  
22 read as follows: 39-925. The administration of this act shall  
23 be under the secretary of health and environment as the licensing  
24 agency in conjunction with the state fire marshal, and shall have  
25 the assistance of the ~~local~~ county, city-county or multicounty  
26 health departments, fire and safety authorities and other  
27 agencies of government in this state.

28 Sec. 11. K. S. A. 39-928 is hereby amended to read as  
29 follows: 39-928. Upon receipt of an application for license,  
30 the licensing agency ~~shall~~ with the approval of the state fire  
31 marshal shall issue a license if the applicant is fit and  
32 qualified and if the adult care home facilities meet the  
33 requirements established under this law. The licensing agency,  
34 the state fire marshal, and the ~~local~~ county, city-county or  
35 multicounty health departments or their designated

1 representatives shall make such inspections and investigations as  
2 are necessary to determine the conditions existing in each case  
3 and a written report of such inspections and investigations and  
4 the recommendations of the state fire marshal and the ~~local~~  
5 county, city-county or multicounty health department or their  
6 authorized agents shall be filed with the licensing agency. The  
7 licensing agency and the state fire marshal may designate and use  
8 ~~local--health,~~ county, city-county or multicounty health  
9 departments and local fire and safety authorities as their agents  
10 in making such inspections and investigations as are deemed  
11 necessary or advisable. Such local authorities are hereby  
12 authorized, empowered and directed to perform such duties as are  
13 designated. A copy of any inspection reports required by this  
14 section shall be furnished to the applicant.

15 A license, unless sooner suspended or revoked, shall be  
16 renewable annually upon filing by the licensee, and approval by  
17 the licensing agency and the state fire marshal or their duly  
18 authorized agents, of an annual report and application for  
19 renewal upon such uniform dates and containing such information  
20 in such form as the licensing agency prescribes. Each license  
21 shall be issued only for the premises and persons named in the  
22 application and shall not be transferable or assignable. It  
23 shall be posted in a conspicuous place in the adult care home.  
24 If application for renewal is not so filed, such license is  
25 automatically canceled as of the date of expiration. Any license  
26 granted under the provisions of this act shall state the type of  
27 facility for which license is granted, number of residents for  
28 which granted, the person or persons to whom granted, the date,  
29 the expiration date and such additional information and special  
30 limitations as are deemed advisable by the licensing agency.

31 Sec. 12. K. S. A. 1975 Supp. 39-930 is hereby amended to  
32 read as follows: 39-930. The annual fee for license to conduct  
33 an adult care home shall be five dollars (\$5) plus one dollar  
34 (\$1) for each bed of such home which shall be paid to the  
35 secretary of health and environment before the license is issued.

1 and shall be deposited in the general revenue fund unless the  
2 evaluation and inspection was made by ~~the~~ a county,  
3 city-county or multicounty health department at the direction of  
4 the secretary of health and environment and the papers required  
5 are completed and filed with the secretary then ~~two-fifths--(2/5)~~  
6 eighty percent (80%) of whatever fee is collected ~~will~~ shall be  
7 forwarded to ~~the~~ such county, city-county or multicounty  
8 health department. If a facility has a change of administrator  
9 after the start of the licensing period, the ~~charge--will~~ fee  
10 shall be fifteen dollars (\$15) ~~which~~ and shall be deposited in  
11 the general revenue fund.

12 Sec. 13. K. S. A. 1975 Supp. 39-931 is hereby amended to  
13 read as follows: 39-931. The licensing agency is authorized to  
14 deny, suspend, or revoke a license in any case in which it finds  
15 that there has been a substantial failure to comply with the  
16 requirements, standards, or rules and regulations established  
17 under this act. Whenever the licensing agency finds that there  
18 has been a substantial failure to comply with the requirements,  
19 standards, or rules and regulations established under this act,  
20 it shall make an order denying, suspending, or revoking ~~said~~ the  
21 license and ~~said~~ order shall set forth the particular reasons for  
22 the action taken. Such order shall be served upon the licensee  
23 or the applicant by personal service or ~~may--be--effected~~ by  
24 registered mail. Unless appealed from as hereinafter provided,  
25 said order shall become final and effective twenty (20) days from  
26 the date of its issuance.

27 Any applicant or licensee who is aggrieved by said order may  
28 appeal within twenty (20) days after its issuance by filing with  
29 the secretary of health and environment a written notice of  
30 appeal and said notice shall specify wherein said order is  
31 unreasonable, unjust, or illegal. Upon receipt of such notice it  
32 shall be the duty of the secretary of health and environment to  
33 fix a date for hearing which shall not be later than fifteen (15)  
34 days after the date of receipt of the notice of appeal. The  
35 secretary shall prescribe by rule and regulation the procedure

1 for hearing all appeals and may designate a member or members of  
2 the staff of the secretary as an appeals referee or committee who  
3 shall have authority to subpoena witnesses, and administer oaths,  
4 take testimony, and render decisions. On the basis of any such  
5 hearing or upon default of the applicant or licensee, the appeals  
6 referee or committee shall make a determination specifying its  
7 findings of fact and, where indicated, ~~conclusions~~ conclusions of  
8 law.

9 A copy of such determination shall be sent by registered  
10 mail or served personally upon the applicant or licensee.  
11 Pending the appeal a license previously issued shall remain in  
12 force. In case the decision at the hearing sustains the decision  
13 of the licensing agency in denying, suspending, or revoking the  
14 license, the applicant or licensee shall be given fifteen (15)  
15 days after the decision is mailed or served to comply with the  
16 decision made at the appeal hearing: ~~---Provided,---however,---That.~~  
17 Nothing herein shall be construed to prevent the licensing agency  
18 from commencing immediately an action for injunction or other  
19 process to restrain or prevent the operation of any licensed home  
20 which the secretary, upon investigation, shall have found to be  
21 operated or maintained in such a manner as to constitute a clear  
22 and immediate threat to the lives or health of its residents.  
23 Any such action shall be brought in the district court in the  
24 county in which the home is located, and shall be filed by the  
25 county attorney of such county or the attorney general. Any  
26 applicant or licensee aggrieved by the order of the secretary of  
27 health and environment in denying, suspending, or revoking a  
28 license may appeal therefrom by filing a petition specifying the  
29 action of the ~~board~~ secretary appealed from, in the district  
30 court of the county in which the applicant or licensee resides,  
31 within fifteen (15) days after receipt of a copy of the order of  
32 the ~~board~~ secretary, and said court shall have jurisdiction to  
33 affirm, reverse, modify, or vacate the order complained of if the  
34 court is of the opinion that the order was arbitrary, unlawful,  
35 or unreasonable.



1           ~~Such an appeal shall be tried de novo and the court shall~~  
2 ~~receive and consider any pertinent evidence, oral or documentary,~~  
3 ~~concerning the order of the board from which the appeal is taken.~~  
4       within seven (7) days after the petition has been filed in the  
5 district court, notice of the appeal shall be given to the  
6 secretary of health and environment by mailing certified copies  
7 of the petition, by certified mail. Upon receipt of such notice,  
8 the secretary shall forthwith make available, for examination and  
9 inspection, to the applicant and the applicant's attorney all its  
10 records pertaining to such matter. From the judgment of the  
11 district court, appeal may be taken to the supreme court as in  
12 other civil actions. An appeal to the district court or to the  
13 supreme court shall not operate to stay the effect of an order of  
14 the secretary, unless the judge or the court shall specifically  
15 allow such a stay.

16           Sec. 14. K. S. A. 39-933 is hereby amended to read as  
17 follows: 39-933. The licensing agency shall make or cause to be  
18 made by the ~~local~~ county, city-county or multicounty health  
19 departments such inspections and investigations as it deems  
20 necessary. The licensing agency may prescribe by regulation that  
21 any licensee or applicant desiring to make specified types of  
22 alterations or additions to its facilities or to construct new  
23 facilities shall ~~before commencing such alterations, additions~~  
24 ~~or new construction,~~ submit plans and specifications therefor,  
25 before commencing such alterations, additions or new  
26 construction, to the licensing agency for preliminary inspection  
27 and approval or recommendations with respect to compliance with  
28 the regulations and standards herein authorized. Necessary  
29 conferences and consultations may be provided.

30           Sec. 15. K. S. A. 39-935 is hereby amended to read as  
31 follows: 39-935. Inspections shall be made without notice to  
32 the operators and reported in writing by the authorized agents  
33 and representatives of the licensing agency and state fire  
34 marshal, and of the ~~local~~ county, city-county and multicounty  
35 health departments as often and in the manner and form prescribed

1 ~~under~~ by the rules and regulations promulgated under the  
2 provisions of this act. Access shall be given to the premises of  
3 any adult care home at any time upon presenting adequate  
4 identification to carry out the requirements of this section and  
5 the provisions and purposes of this act, and failure to provide  
6 such access shall constitute grounds for denial or revocation of  
7 license. A copy of any inspection reports required by this  
8 section shall be furnished to the applicant.

9 Sec. 16. K. S. A. 1975 Supp. 59-2905 is hereby amended to  
10 read as follows: 59-2905. Any person may be admitted to a  
11 "psychiatric hospital" as a "voluntary patient" when there are  
12 available accommodations and in the judgment of the "head of the  
13 hospital" or his or her designee such person is in need of "care  
14 or treatment" therein. Such person, if eighteen (18) years of  
15 age or older, shall make written application for admission. If  
16 such person is less than eighteen (18) years of age, then the  
17 parent or person in loco parentis to such person shall make such  
18 written application. In any case, if such person has a  
19 "guardian," the "guardian" shall make such application. The  
20 "head of the hospital" or his or her designee may require a  
21 statement of such person's attending "physician" or a statement  
22 of the ~~county~~ local health officer of the county in which such  
23 person resides that he or she is in need of "care or treatment"  
24 in a "psychiatric hospital."

25 Sec. 17. K. S. A. 1975 Supp. 59-2916 is hereby amended to  
26 read as follows: 59-2916. The notice required by subsection (E)  
27 of K. S. A. ~~1972~~ 1975 Supp. 59-2914 shall be given to the  
28 "proposed patient" named in the application, the attorney  
29 appointed pursuant to subsection (C) of K. S. A. ~~1972~~ 1975 Supp.  
30 59-2914, and to such other persons as the court shall direct.  
31 (1) The notice shall state:

32 (A) That an application has been filed, alleging that the  
33 "proposed patient" is a "mentally ill person" and requesting that  
34 the court order "care or treatment";

35 (B) the time and place of the hearing and whether the

1 "proposed patient" shall be present thereat;

2 (C) the name of the attorney appointed to represent the  
3 "proposed patient" and the time and place where he or she shall  
4 consult with such attorney;

5 (D) that the "proposed patient" has a right to demand a  
6 hearing before a jury.

7 (2) The court may order any of the following to serve the  
8 notice:

9 (A) The "physician" currently administering to the  
10 "proposed patient," provided the "physician" consents;

11 (B) the head of the local mental health clinic or his or  
12 her designee;

13 (C) the ~~county medical~~ local health officer or his or her  
14 designee;

15 (D) the director of social services or his or her designee;

16 (E) any peace officer;

17 (F) the attorney of the "proposed patient."

18 The notice shall be served personally on the "proposed  
19 patient" and the attorney appointed pursuant to subsection (C) of  
20 K. S. A. ~~1972~~ 1975 Supp. 59-2914 not less than five (5) days  
21 prior to the date of the hearing and immediate return thereof  
22 shall be made. Notice to all other persons shall be in such  
23 manner and within such time as the court shall direct.

24 Sec. 18. K. S. A. 1975 Supp. 59-3012 is hereby amended to  
25 read as follows: 59-3012. The notice provided by K. S. A. ~~1972~~  
26 1975 Supp. 59-3010 and 59-3011 shall be given to the proposed  
27 ward or proposed conservatee named in the application, his or her  
28 attorney, if any, and to such other persons as the court shall  
29 direct. If the proposed ward or proposed conservatee has a  
30 spouse, natural guardian, custodian, guardian, or conservator  
31 notice shall also be given them. (1) The notice shall state:

32 (A) That an application has been filed, alleging that the  
33 proposed ward or proposed conservatee is either an incapacitated  
34 person or a minor and requesting that the court appoint a  
35 guardian or a conservator, or both;

1 (B) the time and place of the hearing and whether the  
2 proposed ward or proposed conservatee shall be present thereat;

3 (C) the name of the attorney, if any, appointed to  
4 represent the proposed ward or proposed conservatee at and the  
5 time and place where he or she shall consult with such attorney;

6 (D) that the proposed ward, or proposed conservatee, if he  
7 or she is alleged to be an incapacitated person, has a right to  
8 demand a hearing before a commission or a jury.

9 (2) The court may order any of the following to serve the  
10 notice:

11 (A) the physician currently administering to the proposed  
12 ward, or proposed conservatee provided the physician consents;

13 (B) the head of the local mental health clinic or his or  
14 her designee;

15 (C) the ~~county-medical~~ local health officer or his or her  
16 designee;

17 (D) the director of social services or his or her designee;

18 (E) any peace officer;

19 (F) the attorney of the proposed conservatee.

20 The notice shall be served personally on the proposed ward  
21 or proposed conservatee and his or her attorney, if any, not less  
22 than five (5) days prior to the date of the hearing and immediate  
23 return thereof shall be made: ~~Provided, that if.~~ If the proposed  
24 ward or proposed conservatee may not be personally served within  
25 the state, the court may direct notice be given to him or her in  
26 such manner and for such a period of time as the court shall deem  
27 reasonable. Notice required to be given to any other person  
28 shall be given in such manner and for such a period of time as  
29 the court shall deem reasonable. If the proposed ward or  
30 proposed conservatee is a patient in any psychiatric hospital  
31 notice by mail shall be given to the head of the hospital.

32 Sec. 19. K. S. A. 1975 Supp. 65-102 is hereby amended to  
33 read as follows: 65-102. The 'secretary of health and  
34 environment shall supervise the registration of marriages, births  
35 and deaths, and also the registration of forms of disease

1 prevalent in the state; and the director of the division of  
2 health shall ~~superintend~~ supervise the registration of the vital  
3 statistics of the state. The secretary of health and environment  
4 shall prepare the blank forms necessary for obtaining and  
5 preserving such records, and forward them to ~~the~~ local health  
6 officers ~~of local boards~~ as may be required by physicians,  
7 assessors, local boards, and others whose duty it is to gather  
8 information in relation to the vital statistics of the state.

9 The secretary of health and environment shall also prepare  
10 the forms and establish the rules by which permits are obtained  
11 for transporting the ~~dead~~ bodies of persons for burial beyond the  
12 county where the death occurs.

13 Sec. 20. K. S. A. 1975 Supp. 65-116a is hereby amended to  
14 read as follows: 65-116a. As used in this act: (a) The word  
15 "tuberculosis" shall be construed to mean that the disease is in  
16 a communicable or infectious stage as established by chest x-ray,  
17 microscopical examination of sputum, or other diagnostic  
18 procedures approved by the secretary of health and environment;  
19 and

20 (b) the words "health officer" shall include the state  
21 secretary of health and environment or the secretary's designee  
22 and all local health officers.

23 Sec. 21. K. S. A. 65-116h is hereby amended to read as  
24 follows: 65-116h. Nothing in this act shall be construed or  
25 operate to empower or authorize the ~~state--health--officer,~~  
26 secretary of health and environment or the secretary's designee  
27 or a local health officer, to restrict in any manner the  
28 individual's right to select the mode of treatment of his or her  
29 choice.

30 Sec. 22. K. S. A. 1975 Supp. 65-159 is hereby amended to  
31 read as follows: 65-159. The secretary of health and  
32 environment and the ~~local~~ county or joint boards of health shall  
33 have power and authority to examine into all ~~nuisances,~~  
34 of filth ~~and~~ or causes of sickness that, in their opinion, may  
35 ~~in their opinion,~~ be injurious to the health of the inhabitants



1 within any county or municipality in this state; and whenever any  
 2 such ~~nuisance~~ source of filth or cause of sickness shall be  
 3 found to exist on any private property or upon any watercourse in  
 4 this state, the secretary of health and environment or ~~health~~  
 5 county or joint boards of health shall have power and authority  
 6 to order, in writing, the owner or occupant thereof, at his or  
 7 her own expense, to remove the same within twenty-four (24)  
 8 hours, or within such reasonable time thereafter as such  
 9 secretary or such county or joint board may order; and if the  
 10 owner or occupant shall ~~neglect so to do~~ fail to obey such order,  
 11 he such owner or occupant, upon conviction, shall ~~be~~  
 12 ~~be fined not less than ten dollars (\$10) nor more than one~~  
 13 ~~hundred dollars (\$100),~~ be guilty of a class C misdemeanor and  
 14 each day's continuance of such ~~nuisance, or~~ source of filth, or  
 15 cause of sickness, after the owner or occupant thereof shall have  
 16 been notified to remove same, shall be a separate offense.

17 New Sec. 23. The secretary of health and environment and  
 18 the county or joint boards of health shall have power and  
 19 authority to examine into all nuisances that, in their opinion,  
 20 may be injurious to the health of the inhabitants within any  
 21 county or municipality in this state; and whenever any such  
 22 nuisance shall be found to exist on any private property or upon  
 23 any watercourse in this state, the secretary of health and  
 24 environment or county or joint boards of health shall have power  
 25 and authority to order, in writing, the owner or occupant  
 26 thereof, at his or her own expense, to remove the nuisance within  
 27 twenty-four (24) hours, or within such reasonable time thereafter  
 28 as such secretary or such county or joint board may order; and  
 29 if the owner or occupant shall fail to obey such order, such  
 30 owner or occupant, upon conviction, shall be fined not less than  
 31 ten dollars (\$10) nor more than one hundred dollars (\$100), and  
 32 each day's continuance of such nuisance, after the owner or  
 33 occupant thereof shall have been notified to remove same, shall  
 34 be a separate offense.

35 Sec. 24. K. S. A. 1975 Supp. 65-103 is hereby amended to

1 read as follows: 05-163. ~~That~~ ~~no~~ No person, company,  
2 corporation, institution or municipality shall supply water for  
3 domestic purposes to the public within the state from or by means  
4 of any waterworks that shall have been constructed or extended,  
5 either in whole or in part, subsequent to the passage of this  
6 act, without a written permit from the secretary of health and  
7 environment for the supplying of such water, except this  
8 provision shall not apply to extension of water pipes for  
9 distribution of water. The application for such shall be  
10 accompanied by a certified copy of the maps, plans and  
11 specifications for the construction of such waterworks or  
12 extension, and of a description of the source from which it is  
13 proposed to derive the supply and of the manner of storage,  
14 purification or treatment proposed for the supply previous to its  
15 delivery to consumers, together with such other data and  
16 information as may be required by the secretary of health and  
17 environment; and no other or additional source of supply shall  
18 subsequently be used for any such waterworks, nor any change in  
19 the manner of storage, purification or treatment of the supply be  
20 made, without an additional permit to be obtained in a similar  
21 manner from the secretary of health and environment.

22 Whenever application shall be made to the secretary of  
23 health and environment for a permit under the provisions of this  
24 section, it shall be the duty of the secretary of health and  
25 environment to examine the application without delay, and, as  
26 soon as possible thereafter, to issue the said permit if in his  
27 or her judgment the proposed supply appears to be not prejudicial  
28 to the public health, or to make an order stating the conditions  
29 under which the said permit will be granted. If the said person,  
30 company, corporation, institution or municipality shall consider  
31 the terms of such order to be illegal or unjust or unreasonable,  
32 it may, within thirty days after the making of such order, appeal  
33 therefrom to the district court of the county in which the  
34 proposed waterworks, or extension thereof, is to be located; and  
the said court shall hear the said appeal without delay, and

1 shall render a decision approving, setting aside or modifying the  
2 said order, or fixing the terms upon which said permit shall be  
3 granted, and stating the reasons therefor.

4 The supplying of water for domestic purposes to the public  
5 within the state from or by means of any waterworks that shall  
6 have been constructed or extended, either in whole or in part,  
7 subsequent to the passage of this act, without a permit to do so  
8 obtained from the secretary of health and environment as  
9 hereinbefore provided, shall be deemed a misdemeanor, and shall  
10 be punishable by a fine of not less than twenty-five dollars  
11 (\$25) nor more than fifty dollars (\$50) for each offense. The  
12 supplying of water in each day contrary to the provisions of this  
13 act shall be considered to constitute a separate offense.  
14 Whenever complaint shall be made to the secretary of health and  
15 environment by the mayor of any city of the state, or by a ~~county~~  
16 local health officer, or by a ~~local~~ county or joint board of  
17 health, touching the sanitary quality of any water supplied to  
18 the public for domestic or drinking purposes within the county  
19 within which the said city or health officer or ~~local~~ county or  
20 joint board of health is located, it shall be the duty of the  
21 secretary of health and environment to investigate the character  
22 of the water supply concerning which the complaint is made.  
23 Also, whenever the secretary of health and environment shall have  
24 reason to believe that the sanitary quality of any water supplied  
25 to the public within the state for domestic or drinking purposes  
26 is such as to be prejudicial to the public health, ~~he~~ the  
27 secretary may upon his or her own motion investigate the  
28 character of such water supply.

29 Whenever an investigation of any water supply shall be  
30 undertaken, under either of the foregoing provisions, it shall be  
31 the duty of the person, company, corporation, institution or  
32 municipality having in charge the water supply under  
33 investigation to furnish, on demand, to the secretary of health  
34 and environment such information relative to the source or  
35 sources from which the said supply of water is derived and to the

1 manner of storage, purification or treatment of the water before  
2 its delivery to consumers as may be necessary or desirable for  
3 the determination of its sanitary quality. The secretary of  
4 health and environment is hereby given authority to make an order  
5 requiring such changes in the source or sources of the said water  
6 supply, or in the manner of storage, purification or treatment of  
7 the said supply before delivery to consumers, or in both, as may  
8 in ~~his~~ the secretary's judgment be necessary to safeguard the  
9 public health. It shall be the duty of the person, company,  
10 corporation, institution or municipality having in charge the  
11 water supply investigated, or the works for the development or  
12 distribution of the supply, to fully comply with the said order  
13 of the secretary of health and environment.

14 If any such person, company, corporation, institution or  
15 municipality shall consider the requirements of the said order to  
16 be illegal or unjust or unreasonable, it may, within thirty days  
17 after the making of the said order, appeal therefrom to the  
18 district court of the county in which the said waterworks are  
19 located, and the said court shall hear the case without delay,  
20 and shall render a decision approving, setting aside or modifying  
21 the said order or fixing the terms upon which said permit shall  
22 be granted, and stating the reasons therefor.

23 Sec. 25. K. S. A. 1975 Supp. 65-164 is hereby amended to  
24 read as follows: 65-164. ~~That---no~~ No person, company,  
25 corporation, institution or municipality shall place or permit to  
26 be placed or discharge or permit to flow into any of the waters  
27 of the state any sewage, except as hereinafter provided. But  
28 this act shall not prevent the discharge of sewage from any  
29 public sewer system owned and maintained by a municipality or  
30 sewerage company, provided such sewer system was in operation and  
31 was discharging sewage into the waters of the state on the  
32 twentieth day of March, 1907; but this exception shall not permit  
33 the discharge of sewage from any sewer system that shall have  
34 been extended subsequent to the aforesaid date, nor shall it  
35 permit the discharge of any sewage which, upon investigation by

1 the secretary of health and environment, as hereinafter provided,  
2 shall be found to be polluting the waters of the state in a  
3 manner prejudicial to the health of the inhabitants thereof.

4 For the purposes of this act, sewage is hereby defined as  
5 any substance that contains any of the waste products or  
6 excrementitious or other discharges from the bodies of human  
7 beings or animals, or chemical or other wastes from domestic,  
8 manufacturing or other forms of industry.

9 Whenever complaint shall be made to the secretary of health  
10 and environment by the mayor of any city of the state, or by a  
11 ~~county~~ local health officer, or by a ~~local~~ county or joint board  
12 of health, of the pollution or of the polluted condition of any  
13 of the waters of the state situated within the county within  
14 which the said city or local health officer or ~~local~~ county or  
15 joint board of health is located, it shall be the duty of the  
16 secretary of health and environment to make an investigation  
17 covering the pollution or the polluted condition concerning which  
18 complaint is made. Also, whenever the secretary of health and  
19 environment shall have reason to believe that any of the waters  
20 of the state are being polluted in a manner prejudicial to the  
21 health of any of the inhabitants of the state, it may upon its  
22 own motion investigate such pollution.

23 Whenever an investigation shall be undertaken by the  
24 secretary of health and environment, under either of the  
25 foregoing provisions, it shall be the duty of any person,  
26 company, corporation, institution or municipality concerned in  
27 such pollution to furnish, on demand, to the secretary of health  
28 and environment such information as may be required relative to  
29 the amount and character of the polluting material discharged  
30 into the said waters by such person, company, corporation,  
31 institution or municipality. And if the secretary of health and  
32 environment shall find that any of the waters of the state have  
33 been or are being polluted in a manner prejudicial to the health  
34 of any of the inhabitants of the state, the secretary of health  
35 and environment shall have the authority to make an order



1 requiring such pollution to cease within a reasonable time, or  
2 requiring such manner of treatment or of disposition of the  
3 sewage or other polluting material as may in his or her judgment  
4 be necessary to prevent the future pollution of such waters, or  
5 both. It shall be the duty of the person, company, corporation,  
6 institution or municipality to whom such order is directed to  
7 fully comply with the said order of the secretary of health and  
8 environment.

9 If the person, company, corporation, institution or  
10 municipality shall consider the requirements of the said order to  
11 be illegal or unjust or unreasonable, it may, within thirty (30)  
12 days after the making of the said order, appeal therefrom to the  
13 district court of the county in which the pollution or polluted  
14 condition occurs; and the said court shall hear the said case  
15 without delay, and shall render a decision approving, setting  
16 aside or modifying the said order, or fixing the terms upon which  
17 said permit shall be granted, and stating the reasons therefor.

18 Sec. 26. K. S. A. 1975 Supp. 65-189e is hereby amended to  
19 read as follows: 65-189e. The provisions of this act shall not  
20 apply to (1) land used exclusively for agricultural purposes as  
21 defined in this act or to land under the control of the state  
22 park and resources authority or the forestry, fish and game  
23 commission, but these state agencies shall not develop any land  
24 under their control without providing water, sewage disposal and  
25 refuse disposal facilities that are in conformity with these  
26 standards and have submitted plans therefor to the secretary of  
27 health and environment, and obtained ~~his~~ the secretary's  
28 approval;

29 (2) subdivisions platted and approved by the board of  
30 county commissioners prior to August 1, 1965: Provided, This  
31 waiver of compliance shall not be extended to any construction  
32 other than a single family residence: And provided further,  
33 Nothing in this exemption shall permit violation of any local  
34 ordinance or code or the creation of any condition that is  
35 detrimental to health or property of adjacent property owner;

1 (3) to land subject to a sanitary code or codes as defined  
2 in K. S. A. 19-3701 to 19-3708, inclusive, and acts amendatory  
3 thereof, which contain provisions for control of the subsurface  
4 disposal of sewage, supplying of water from on-lot wells and the  
5 disposal of refuse ~~---Provided,--That--the--local.~~ The county,  
6 city-county or multicounty health department enforcing such  
7 sanitary ~~codes~~ code shall furnish to the secretary of health and  
8 environment such information as said secretary may require  
9 concerning the number and types of such sewage, water and refuse  
10 facilities installed in the sanitation zone.

11 Sec. 27. K. S. A. 1975 Supp. 65-1,105 is hereby amended to  
12 read as follows: 65-1,105. The secretary of health and  
13 environment is hereby authorized to establish a statewide program  
14 of blood tests for sickle cell trait and the disease sickle cell  
15 anemia and to provide counselling and advice, without cost, to  
16 any person requesting such counselling relative to sickle cell  
17 anemia or sickle cell trait, its characteristics, symptoms,  
18 traits, effects and treatment. In conducting such testing  
19 program and counselling the secretary of health and environment  
20 is hereby authorized to contract with any city health department,  
21 county or joint board of health or with any private health  
22 organization to assist in administering such testing and  
23 counselling under terms and conditions specified by the secretary  
24 of health and environment.

25 Sec. 28. K. S. A. 1975 Supp. 65-201 is hereby amended to  
26 read as follows: 65-201. The county commissioners of the  
27 several counties of this state shall act as ~~local~~ county boards  
28 of health for their respective counties. Each ~~local~~ county board  
29 thus created shall appoint a ~~physician~~ person licensed to  
30 practice medicine and surgery, preference being given to ~~adepts~~  
31 ~~in-sanitary-science~~ persons who have training in public health,  
32 who shall serve in an advisory capacity to the ~~local~~ county board  
33 of health and as the local health officer ~~---Provided,--The,~~ except  
34 that the appointing authority of city-county, county or  
35 multicounty health units with less than one hundred thousand

1 (100,000) population may appoint a qualified local health program  
2 administrator as the local health officer, if a physician person  
3 licensed to practice medicine and surgery or dentist person  
4 licensed to practice dentistry is designated as a consultant to  
5 direct the administrator on program and related medical and  
6 professional matters. The local health officer or local health  
7 program administrator shall hold his office ~~during~~ at the  
8 pleasure of the board, ~~but may be removed for just cause at any~~  
9 ~~regular meeting of the same by a majority of the members voting~~  
10 ~~therefor.~~

11 ~~The local boards of health hereby created shall not~~  
12 ~~supersede or in any way interfere with such boards established by~~  
13 ~~municipal regulations in any of the counties of this state, but~~  
14 ~~all local boards of health of this state, created by this act, or~~  
15 ~~existing by authority of municipal law, shall be governed by the~~  
16 ~~provisions of this act.~~

17 Sec. 29. K. S. A. 1975 Supp. 65-202 is hereby amended to  
18 read as follows: 65-202. The county local health officer in  
19 each county throughout the state, immediately after his or her  
20 appointment, shall take the same oath of office prescribed by law  
21 for the county officers, ~~and shall give bond of five hundred~~  
22 ~~dollars--(\$500),--conditioned for the faithful performance of his~~  
23 ~~or her duties, to~~ keep an accurate record of all the transactions  
24 of his or her office, ~~and to~~ turn over to his or her successor in  
25 office or to the county ~~or local~~ board of health selecting such  
26 officer, on the expiration of his or her term of office, all  
27 records, documents and other articles belonging to the office,  
28 and ~~to~~ faithfully account to said board and to the county and  
29 state for all moneys coming into his or her hands by virtue of  
30 the office. Such officer shall ~~further~~ notify the secretary of  
31 health and environment of ~~the fact of~~ his or her appointment and  
32 ~~qualification, as herein provided for,~~ and give provide the  
33 secretary with his or her post-office address.

34 Such officer shall receive and distribute without delay in  
35 the county for which he or she is appointed all forms from the

1 secretary of health and environment to the rightful persons, all  
2 returns from ~~physicians~~ persons licensed to practice medicine and  
3 surgery, assessors and local boards to said secretary, and shall  
4 keep an accurate record of all of the transactions of his or her  
5 officer, and shall turn over all records and documents kept by  
6 such officer, as herein provided, and all other articles  
7 belonging to the office to his or her successor in office, or to  
8 the county ~~or local~~ or joint board electing such officer, on the  
9 expiration of his or her term of office.

10 Such officer shall upon the opening of the fall term of  
11 school, make or have made ~~a sanitary inspection~~ such inspections  
12 of each school building and grounds, ~~and shall make or have made~~  
13 ~~such additional inspections thereof~~ as are necessary for ~~the~~  
14 ~~protection of~~ to protect the public health of the students of the  
15 school. A copy of the report of such inspection on forms  
16 prescribed by the secretary of health and environment shall be  
17 sent, within fifteen (15) days of the making of such inspection,  
18 to the governing body of the school and to the secretary of  
19 health and environment.

20 Such officer shall make or have made an investigation of  
21 each case of ~~smallpox, diphtheria, typhoid fever, scarlet fever,~~  
22 ~~acute anterior poliomyelitis (infantile paralysis), epidemic~~  
23 ~~cerebro-spinal meningitis and such other acute infectious,~~  
24 ~~contagious or communicable diseases~~ infectious or contagious  
25 disease as may be required, and shall use ~~all known measures~~ such  
26 measures as may be necessary to prevent ~~their~~ the spread of such  
27 infectious or contagious disease, and shall perform such other  
28 duties as this act, his or her ~~local~~ county board, or the  
29 secretary of health and environment may require.

30 Such officer shall receive for his or her services such  
31 reasonable compensation as his or her board may allow, and with  
32 the approval of his or her ~~local~~ county board of health may  
33 employ ~~a skilled professional nurse and other~~ additional  
34 personnel whenever deemed necessary for the protection of the  
35 public health.

1 All of said several sums allowed shall be paid out of the  
2 county treasury; and for any failure or neglect of said health  
3 officer to perform any of the duties prescribed in this act, he  
4 or she may be removed from office by the secretary of health and  
5 environment, as well as in the manner prescribed by the preceding  
6 section. And in addition to removal from office as provided  
7 herein, for any failure or neglect to perform any of the duties  
8 prescribed by this act, said ~~county~~ local health officer shall  
9 be deemed guilty of a class C misdemeanor and, ~~upon conviction,~~  
10 ~~be fined not less than ten dollars (\$10) nor more than one~~  
11 ~~hundred dollars (\$100) for each and every offense.~~

12 Sec. 30. K. S. A. 1975 Supp. 65-204 is hereby amended to  
13 read as follows: 65-204. The board of county commissioners of  
14 any county of the state may levy a tax upon all taxable tangible  
15 property in such county and the proceeds thereof shall be placed  
16 into a separate fund designated as "the county health fund,"  
17 which fund is hereby created, and shall be used only to defray  
18 the cost of:

19 (1) Assisting in the carrying out of the health laws, rules  
20 and regulations of the state within such county;

21 (2) paying the salary of the ~~county~~ local health officer;

22 (3) the employment of additional personnel to assist the  
23 ~~county~~ local health officer and other health authorities within  
24 such counties: ~~Provided, That--in.~~ In all counties having a  
25 population over one hundred thousand (100,000) and not more than  
26 three hundred thousand (300,000), the board of county  
27 commissioners may levy in addition a tax ~~for such purposes and~~  
28 ~~also~~ for the purpose of paying the cost of building or equipping  
29 a health building, upon all tangible taxable property in such  
30 county. In counties having a population of more than two hundred  
31 fifty thousand (250,000), the board of county commissioners may  
32 levy an annual tax upon all taxable tangible property in such  
33 county for the purpose of financing garbage and trash disposal in  
34 such county, either as a joint operation with any city located in  
35 such county or as a sole operation of such county. The



1 provisions of this act shall not abrogate or amend any other  
2 existing health law, or laws incidental thereto. No levy shall  
3 be made by any county for the county health fund in an amount in  
4 excess of that which such county was authorized to levy for the  
5 year 1974, without the question of making such levy having been  
6 submitted to and approved by a majority of the electors of the  
7 county voting thereon at an election called and held thereon or  
8 at the next regular election. All such elections shall be  
9 noticed, called and held in the manner prescribed in K. S. A.  
10 10-120.

11 Sec. 31. K. S. A. 1975 Supp. 65-220 is hereby amended to  
12 read as follows: 65-220. As used in this act: (a) "County  
13 health department" means county health department established  
14 pursuant to K. S. A. 1975 Supp. 65-204, as amended or K. S. A.  
15 1975 Supp. 65-205.

16 (b) "Community nursing care" means ~~community--nursing--and~~  
17 ~~related--care--of~~ service provided by a community nurse for  
18 maintenance of health, prevention of illness, evaluation of  
19 health status and care for the ill and disabled rendered in a  
20 home or in a clinic, institution and clinic settings.

21 Sec. 32. K. S. A. 1975 Supp. 65-221 is hereby amended to  
22 read as follows: 65-221. ~~The~~ If in the judgment of the county  
23 health department community nursing care services are not  
24 otherwise available to the residents of the county, the county  
25 health department is hereby authorized to provide ~~community~~  
26 ~~nursing-care~~ such services to persons living in the county and to  
27 collect fees for said services, ~~to those persons living in~~  
28 ~~counties in the state wherein the judgment of the county health~~  
29 ~~department adequate home or clinic nursing care is not otherwise~~  
30 provided.

31 In order that it may effectively render community nursing  
32 care services, the county health department is authorized to  
33 employ the necessary personnel, including nursing and supervisory  
34 personnel, and shall have authority further to purchase equipment  
35 and materials necessary to maintain an effective program of

1 community nursing care service.

2 Sec. 33. K. S. A. 1975 Supp. 65-222 is hereby amended to  
3 read as follows: 65-222. Whenever a county health department  
4 has established a community nursing care program, it may render  
5 such community nursing care services as are authorized by this  
6 act and for that purpose may charge fees as set in a schedule of  
7 fees established by the ~~county department of health~~ county health  
8 department, and fees so collected shall be used for community  
9 nursing care services within the county. Any county health  
10 department may render such services anywhere within the county or  
11 counties which it serves.

12 Sec. 34. K. S. A. 1975 Supp. 65-225 is hereby amended to  
13 read as follows: 65-225. The county health departments are  
14 authorized to ~~maintain~~ bring legal action ~~in each county~~ for the  
15 collection of fees charged for community nursing care services  
16 which have been rendered to any person in the county and the  
17 county attorney shall aid in the collection ~~of fees charged for~~  
18 ~~community nursing care services which have been rendered to any~~  
19 ~~person in his county~~ of such fees.

20 Sec. 35. K. S. A. 1975 Supp. 65-506 is hereby amended to  
21 read as follows: 65-506. The secretary of health and  
22 environment shall serve written notice to the secretary of social  
23 and rehabilitation services and to the probate judge and to the  
24 ~~city and county~~ or joint boards of health in every ~~city and~~  
25 county in which a maternity hospital or home, or home for infants  
26 or children is located, of the issuance of a license to conduct  
27 such hospital or home, or the revocation of such license; and the  
28 secretary of social and rehabilitation services, the probate  
29 judge or other officer or any person shall not place or cause to  
30 be placed any maternity patient, or infant under three (3) years  
31 of age or child under sixteen (16) years of age in any maternity  
32 hospital or <sup>by order of the</sup> home, for infants or children not having ~~in full~~  
33 ~~force a~~ written <sup>license</sup> license from the secretary of health and  
34 environment.

35 Sec. 36. K. S. A. 65-1456 is hereby amended to read as

1 follows: 65-1456. ~~Public institutions and the health department~~  
2 ~~of the state of Kansas may employ licensed dental hygienists to~~  
3 ~~practice under the supervision of a licensed dentist.~~ Dental  
4 hygienists may remove lime deposits, accretions and stains from  
5 the exposed surfaces of the teeth directly beneath the free  
6 margin of the gums, but shall not perform any other operations on  
7 the teeth or mouth or any diseased tissues of the mouth. Dental  
8 hygienists shall perform their duties only under the supervision  
9 of a dentist. The board shall suspend or revoke the license,  
10 license certificate and renewal certificate of any registered and  
11 licensed dentist who shall permit any dental hygienist operating  
12 under his or her supervision to perform any operation other than  
13 that permitted under the provision of this act, and shall suspend  
14 or revoke the license of any hygienist found guilty of performing  
15 any operation other than those permitted under this act.

16 Sec. 37. K. S. A. 1975 Supp. 65-3413 is hereby amended to  
17 read as follows: 65-3413. The secretary may designate ~~local~~  
18 county, city-county and multicounty health departments to act as  
19 his or her agent in carrying out the provisions of this act under  
20 such terms and conditions as he or she shall prescribe.

21 Sec. 38. K. S. A. 65-4035 is hereby amended to read as  
22 follows: 65-4035. The notice required by ~~section 33~~ subsection  
23 (E) of K. S. A. 65-4033 shall be given to the proposed patient  
24 named in the application, the attorney appointed pursuant to  
25 ~~section 33~~ subsection (C) of K. S. A. 65-4033, and to such other  
26 persons as the court shall direct. (1) The notice shall state:

27 (A) That an application has been filed, alleging that the  
28 proposed patient is an alcoholic or is incapacitated by alcohol  
29 and requesting that the court order care or treatment;

30 (B) The time and place of the hearing and whether the  
31 proposed patient shall be present thereat;

32 (C) The name of the attorney appointed to represent the  
33 proposed patient and the time and place where he or she shall  
34 consult with such attorney;

35 (D) That the proposed patient has a right to demand a

1 hearing before a jury.

2 (2) The court may order any of the following to serve the  
3 notice:

4 (A) The physician currently administering to the proposed  
5 patient, provided the physician consents;

6 (B) The head of the local public or private treatment  
7 facility or his or her designee;

8 (C) The ~~county-medical-health~~ local officer or his or her  
9 designee;

10 (D) The county director of social welfare or his or her  
11 designee;

12 (E) Any law enforcement officer.

13 The notice shall be served personally on the proposed  
14 patient and the attorney appointed pursuant to ~~section--33~~  
15 subsection (C) of K. S. A. 65-4033 not less than five (5) days  
16 prior to the date of the hearing and immediate return thereof  
17 shall be made. Notice to all other persons shall be in such  
18 manner and within such time as the court shall direct.

19 Sec. 39. K. S. A. 72-5210 is hereby amended to read as  
20 follows: 72-5210. The local ~~board-of~~ health department, upon  
21 application of the school board of any school affected by this  
22 section shall, at public expense (to the extent that funds are  
23 available) and without delay, provide the test for tuberculosis  
24 and the immunizations required by this act to such pupils as are  
25 not provided therewith by their parents or guardians and who have  
26 not been exempted on religious or medical or personal grounds.  
27 The local health officer shall counsel and advise school boards  
28 concerning the administration of this act.

29 Sec. 40. K. S. A. 23-308, 23-310, 39-928, 39-933, 39-935,  
30 65-110h, 65-118, 65-125, 65-153c, 65-203, 65-301, 65-1456,  
31 65-4035 and 72-5210 and K. S. A. 1975 Supp. 17-1325, 17-1326,  
32 19-2704a, 21-4310, 23-301, 23-501, 23-502, 39-925, 39-930,  
33 39-931, 59-2905, 59-2916, 59-3012, 65-102, 65-116a, 65-159,  
34 65-163, 65-164, 65-189e, 65-1,105, 65-201, 65-202, 65-204,  
35 65-220, 65-221, 65-222, 65-225, 65-500 and 65-3413 are hereby

1 repealed.

2           Sec. 41. This act shall take effect and be in force from  
3 and after its publication in the statute book.



*Allockman*

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\_\_\_\_\_ BILL NO. \_\_\_\_\_

By Special Committee on Public Health and Human Resources

AN ACT relating to public health; concerning infectious or contagious diseases; amending K. S. A. 65-118, 65-122, 65-125 and 65-127 and K. S. A. 1975 Supp. 65-119, 65-123, 65-126, 65-128 and 65-129 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K. S. A. 65-118 is hereby amended to read as follows: 65-118. When ~~no~~<sup>no</sup> ~~physician~~ person licensed to practice medicine and surgery is <sup>not</sup> in attendance, (it shall be the duty of the head of a household or the individual in charge of any other place or premise where persons reside,) when any member of the household or anyone residing on the premises is suffering from a disease ~~presumably communicable or~~ suspected of being a ~~communicable~~ an infectious or contagious disease to report immediately to the county or joint board of health or the local health authority officer all the facts relating to the case, together with the name and address of the person suspected of having said the infectious or communicable contagious disease.

Sec. 2. K. S. A. 1975 Supp. 65-119 is hereby amended to read as follows: 65-119. Any ~~municipal or~~ county or joint board of health or local health officer having knowledge of any infectious or contagious disease, or of a death from such disease, within their jurisdiction, shall immediately exercise and maintain a supervision over such case or cases during their continuance, seeing that all such cases are properly cared for and that the provisions of this act as to isolation, restriction of communication, ~~placards,~~ quarantine and disinfection are duly enforced. The ~~local~~ county or joint board of health or local health officer shall communicate without delay all

*Since 65-117-1974 - removed*

1 information as to existing conditions to the secretary of health  
2 and environment. ~~Said~~ The local health officer ~~will~~ shall confer  
3 personally, if practicable, otherwise by letter, with the  
4 ~~physician~~ person in attendance upon the case, as to its future  
5 management and control. The ~~local~~ county or joint board of  
6 health or local health officer is hereby empowered and authorized  
7 to prohibit public gatherings when necessary for the control of  
8 any and all ~~communicable~~ infectious or contagious disease.

9 Sec. 3. K. S. A. 65-122 is hereby amended to read as  
10 follows: 65-122. No person afflicted with ~~any~~ an infectious or  
11 contagious disease dangerous to the public health shall be  
12 admitted into any public, parochial or private school or licensed  
13 child care facility. It shall be the duty of the parent or  
14 guardian, and the principal or other person in charge of any  
15 public, parochial, private school or ~~Sunday-school~~ licensed child  
16 care facility to exclude therefrom any child or other person  
17 affected with a disease presumably suspected of being  
18 ~~communicable~~ infectious or contagious, until the expiration of  
19 the prescribed period of isolation or quarantine for the  
20 particular ~~communicable~~ infectious or contagious disease. If the  
21 attending ~~physician~~ person licensed to practice medicine and  
22 surgery, or local health officer finds upon examination that the  
23 person affected with a disease, suspected of being infectious or  
24 contagious is not suffering from a ~~communicable~~ an infectious or  
25 contagious disease, he or she may submit a certificate to this  
26 effect to the ~~school authority, who shall readmit the person~~  
27 person in charge of the public, parochial, private school or  
28 licensed child care facility and such person shall be readmitted  
29 to school or to the child care facility.

30 Sec. 4. K. S. A. 1975 Supp. 65-123 is hereby amended to  
31 read as follows: 65-123. Funeral services for individuals who  
32 have died of a ~~communicable~~ an infectious or contagious disease  
33 shall be conducted in accordance with rules and regulations of  
34 the secretary of health and environment. In diseases requiring  
35 quarantine of contacts, a public funeral service may be permitted

1 only if the casket remains closed and those contacts subject to  
2 quarantine who attend the funeral are adequately segregated from  
3 the public.

4 Sec. 5. K. S. A. 65-125 is hereby amended to read as  
5 follows: 65-125. It shall be the duty of every ~~physician~~ person  
6 licensed to practice medicine and surgery in attendance upon any  
7 person afflicted with any contagious or infectious disease  
8 ~~designated-in-this-act~~ to notify the ~~proper~~ local health officer  
9 when ~~said~~ the premises are ready for disinfection, so that the  
10 ~~same~~ premises may be properly disinfected under the direction of  
11 ~~said~~ the local health officer or some other person under his or  
12 her authority.

13 Sec. 6. K. S. A. 1975 Supp. 65-126 is hereby amended to  
14 read as follows: 65-126. Whenever the county or joint board of  
15 health or the local health authorities neglect officer neglects  
16 to properly isolate and quarantine ~~communicable~~ infectious or  
17 contagious diseases, the secretary of health and environment may  
18 quarantine any ~~city, township or county~~ area in which any of  
19 these diseases may show a tendency to become epidemic.

20 Sec. 7. K. S. A. 65-127 is hereby amended to read as  
21 follows: 65-127. Any person found guilty of violating any of  
22 the provisions of ~~this-act~~ K. S. A. 65-118, 65-122, 65-125 and  
23 K. S. A. 1975 Supp. 65-119, 65-123 and 65-126, and any amendments  
24 thereto, or failing to comply with any requirements thereof shall  
25 ~~be, upon conviction,~~ be, upon conviction, fined, not less than  
26 twenty-five dollars (\$25) nor more than one hundred dollars  
27 (\$100) for each offense.

28 Sec. 8. K. S. A. 1975 Supp. 65-128 is hereby amended to  
29 read as follows: 65-128. (a) For the ~~better~~ protection of the  
30 public health and for the control of ~~communicable~~ infectious or  
31 contagious diseases, the secretary of health and environment by  
32 rules and regulations shall designate such diseases as are  
33 infectious or contagious ~~or communicable~~ in their nature, and  
34 the secretary of health and environment is ~~herewith~~ authorized to  
35 ~~make, prescribe and publish rules, regulations and procedures~~

1 adopt rules and regulations for the isolation and quarantine of  
2 such diseases and persons afflicted with or exposed to such  
3 diseases as may be necessary to prevent the spread and  
4 dissemination of diseases dangerous to the public health.

5 (b) As used in K. S. A. 65-118, 65-122, 65-125 and K. S. A.  
6 1975 Supp. 65-119, 65-123, 65-126 and 65-129, and any amendments  
7 thereto, "infectious or contagious disease" means any disease  
8 designated by the secretary of health and environment as an  
9 infectious or contagious disease in accordance with subsection  
10 (a) of this section.

11 Sec. 9. K. S. A. 1975 Supp. 65-129 is hereby amended to  
12 read as follows: 65-129. Any person violating ~~or~~, refusing, or  
13 neglecting to obey any of the rules and regulations ~~or procedures~~  
14 ~~made~~ adopted by the secretary of health and environment for the  
15 prevention, suppression and control of ~~dangerous, contagious,~~  
16 ~~infectious or communicable~~ contagious diseases, or who shall  
17 ~~leave~~ leaves any isolation hospital ~~or quarantined house or place~~  
18 area of a hospital or other quarantined area without the consent  
19 of the proper local health officer having jurisdiction, or who  
20 evades or breaks quarantine or knowingly conceals a case of  
21 infectious or contagious, ~~infectious or communicable~~ disease  
22 shall be guilty of a class C misdemeanor.

23 Sec. 10. K. S. A. 65-118, 65-122, 65-125 and 65-127 and  
24 K. S. A. 1975 Supp. 65-119, 65-123, 65-126, 65-128 and 65-129  
25 are hereby repealed.

26 Sec. 11. This act shall take effect and be in force from  
27 and after its publication in the statute book.

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\_\_\_\_\_ BILL NO. \_\_\_\_\_

By Special Committee on Health and Human Resources

AN ACT concerning public health; authorizing the secretary of health and environment to establish and enforce standards relating to the inspection of schools for public health purposes.

Be it enacted by the Legislature of the State of Kansas:

Section 1. As used in this act: (a) "School" means all elementary, junior high or high schools within the state, public or private;

(b) "School building and grounds" means any building or structure and its grounds operated or used for any purpose by any school;

(c) "Secretary" means the secretary of health and environment.

Sec. 2. All school buildings and grounds shall be inspected at least once each year as provided by K. S. A. 1975 Supp. 65-202, or any amendments thereto. The secretary upon the failure for any reason of the local health officer to perform the inspection required by K. S. A. 1975 Supp. 65-202, or any amendments thereto, or upon the verified complaint in writing of any person or upon the secretary's own motion may inspect or cause to be inspected the school buildings and grounds of any school.

Sec. 3. The secretary shall adopt rules and regulations establishing standards for the inspection of schools under K. S. A. 1975 Supp. 65-202, or any amendments thereto, and under this act. Such standards shall relate to the method of inspection and to the protection of the health and safety of the students attending school [including but not limited to proper heating, lighting, ventilation and sanitation].



1           Sec. 4. If the secretary determines that conditions exist  
2 in any school building or on any school grounds which are in  
3 violation of the standards adopted by the secretary pursuant to  
4 section 3 relating to the health of students attending school,  
5 the secretary shall order the governing body or authority having  
6 control of such school building and grounds to remedy such  
7 condition.

8           Sec. 5. After any order is issued under section 4, such  
9 governing body or authority shall make the changes required to  
10 comply with the order. A board of education of any school  
11 district is hereby authorized to make expenditures from its  
12 general fund or capital outlay fund to comply with such order, or  
13 said board may issue no-fund warrants in such amounts as are  
14 necessary to pay expenses incurred in complying with such order.  
15 Said no-fund warrants shall be issued, registered, paid and  
16 redeemed and bear interest as provided by K. S. A. 1975 Supp.  
17 79-2940, except that the approval of the state board of tax  
18 appeals shall not be required. Such warrants shall recite that  
19 they are issued by the board of education of the school district  
20 under authority of this act. Any board of education issuing  
21 warrants hereunder shall make a tax levy at the same time as  
22 other tax levies are made, after such warrants are issued,  
23 sufficient to pay such warrants and the interest thereon. Moneys  
24 paid from funds obtained under authority of this subsection shall  
25 be expended outside of and in addition to all of the limitations  
26 prescribed by K. S. A. 1975 Supp. 72-7030 et seq., and acts  
27 amendatory thereof.

28           Sec. 6. Whenever a board of education receives an order  
29 from the secretary pursuant to section 4, the board, in lieu of  
30 making the changes required to comply with the order, may close  
31 such school, notwithstanding any of the provisions of K. S. A.  
32 72-8213, and any amendments thereto.

33           Sec. 7. Whenever any board of education or other governing  
34 body or authority of any school finds that any order of the  
35 secretary issued pursuant to section 4 involves a cost in excess

1 of that which the board of education or other governing body or  
2 authority of any school finds the school can afford, or that the  
3 changes ordered are unwarranted or unnecessary, said board or  
4 governing body or authority may appeal such order to the district  
5 court of the county of such school. Upon receiving such appeal,  
6 the district court shall appoint three (3) disinterested  
7 commissioners and said commissioners shall inspect the building  
8 or facility affected by the order and report to the court its  
9 findings of fact as to the necessity for the changes ordered by  
10 the secretary, together with the estimated cost of each such  
11 change and such other recommendations as said commissioners deem  
12 advisable. Upon receiving said findings of fact and  
13 recommendations, or any other evidence relating to the appeal,  
14 the court shall enter its order affirming, reversing or modifying  
15 the order of the secretary. Said order of the court may be  
16 appealed to the Kansas supreme court in the same manner as other  
17 orders and judgments of the district court may be appealed.

18 Sec. 8. This act shall take effect and be in force from and  
19 after its publication in the statute book.

HEARING PROCEDURE

If it would be necessary in order to remedy such condition for the school to be closed to attendance of students for a period of time in excess of ( ) hours [days, etc.], the secretary, before issuing the order and after giving at least [ ] days' notice to the governing body or authority having control of such school, shall hold a hearing to determine whether the violations of such standards are sufficiently serious to justify the closing of a school for such period of time.

JURISDICTION

Nothing in this act shall be construed to limit or affect in any way the powers, duties and functions granted by law to the state fire marshal.

Duncan + Justice

→ (added, I separate it)

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HEALTH PLANNING COUNCIL OF SOUTH CENTRAL KANSAS, INC.  
420 Insurance Building/212 North Market Wichita, Kansas 67202 (316) 264-2861

Health Services which could be provided by governmental entities and should be available to all citizens

Basic Health Services which could be provided by governmental entities and should be available to all citizens

- I. Personal Health Services
  - A. Communicable Disease Control 1-8
  - B. Maternal and Child Health Programs 9-17
  - C. Mental Health 18-21
  - D. General Health 22-28
- II. Basic Environmental Health Services
  - A. Mandatory 1-12
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  - C. Laboratories in support of above 14
- III. Public Education for Health 1-6



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Basic personal health services which could be provided by governmental entities and should be available to all citizens

CONTROL OF COMMUNICABLE DISEASE

1. Data collection and reporting.
2. Monitoring of treatment to (1) prevent further spread, (2) prevent disability.
3. Tuberculosis: identification of source and spread; treatment and follow-up in Regional Clinic; continued follow-up by local nurses.
4. Venereal Disease Clinics available to all counties which may be in open walk-in clinics where all services are available.
5. Immunization services available on a continuing basis at least weekly intervals.
6. Monitoring of immunization levels from reports by schools with feedback to local authorities.
7. Professional consultation, e.g., for epidemiology of communicable disease.
8. Laboratory services for above.

MATERNAL AND CHILD HEALTH

9. Accident Prevention (See Health Education Item #3).
10. Family Planning Clinics available to each county; may be provided on a multi-county basis when local support is inadequate; sliding fee scale recommended.
11. Periodic Health Assessments for Title XIX (done by specially trained nurses or para-medical personnel).
12. Licensing of Child Care Facilities - Standards; inspection - enforcement
13. Dental Examination, demonstration of dental hygiene and assistance in obtaining dental care.
14. School Health Services (See Recommendation).
15. Referral to genetic counseling at regional medical centers; sliding scale might be applied.

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16. Peri-Natal follow up.
17. Services for crippled children

MENTAL HEALTH

18. Comprehensive Mental Health services available to all counties (some on a multi-county basis) with hospitalization in local hospitals as psychiatric services are available in a nearby hospital; sliding fee scale recommended.
19. Alcoholism and other substance abuse programs available to all counties.
20. Services for mentally retarded citizens available to every county including (in addition to public schools) training centers for employment, residential centers, and social services on a multi-county basis.
21. Child Protective Services provided by SRS/Juvenile Court with referral and/or consultation as indicated with Health Department staff and Mental Health Clinic staff.

GENERAL HEALTH

22. Licensure of adult care homes - Standards; inspection - enforcement.
23. Licensure of health facilities such as hospitals.
24. Home Health Nursing Services with home health aides, occupational, physical and speech therapy as needed available in each county; sliding fee scale recommended.
25. Fluoridation of all public drinking water supplies.
26. Emergency Medical Services by a coordinated statewide system which insures that help is available to all wherever an emergency occurs; fee-for-service to be applied but not as a qualification for service.
27. Disaster Preparedness Plan developed by cooperative agreement of all public bodies.
28. Nutrition and Dietetic Counseling for specific problems on a one-to-one basis by county health nurses.

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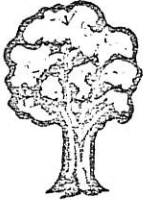
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RECOMMENDATIONS

1. That the State Board of Education must assume the mandated responsibility to provide school health services based upon minimum State standards developed by the State Health Department; that local school districts may contract with local health departments to provide services or to supervise/educate school Board employees to carry out services.
2. That the State Board of Education add curriculum for education in health practices to the end that basic education will include healthful living practices.
3. Licensing of both child and adult care homes - Standards are set by State. Inspection should be done by local staff with strong support from State to enforce standards and cooperation from SRS in placement of clients, especially children.
4. - Regarding V.D. Control - Item #4: Counties which do not have need for a clinic should establish a method of referral to a physician for diagnosis and treatment with contact interviewing by a public health epidemiologist or referral to a clinic in another county.
5. Emergency Medical Services are now in process of planning coordinated services. There needs to be coordination of all health related agencies including the College of Health Related Professions at WSU to inform the public how to obtain emergency services as well as when to call for help, how to recognize impending heart attacks, etc.
6. Guidelines for the State and local health department personnel defining administrative duties and responsibilities as well as functions of local health officers, to facilitate multi-county sharing of services of technical, administrative, and professional nature.
7. Encourage legislation to lower the age limit on those who can receive family planning services at a family planning clinic, to conform to V.D. legislation.

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## BASIC ENVIRONMENTAL GOVERNMENTAL SERVICES

There should be statewide standards on:

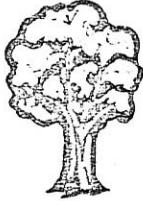
1. Air pollution
2. Water
  - a. Pollution control
  - b. Drinking water
3. Sewerage
4. Food and lodging inspection and education
5. Milk production
6. Rabies control
7. Control of rodent and other vectors
8. Solid waste
9. Swimming pools
10. Physical facilities for schools
11. Mobile home parks
12. Meat processing plants
13. Land use/residential housing/nuisance abatement to provide citizen recourse to satisfactory redress of problems such as animals and noise
14. Laboratory services for above

### RECOMMENDATION

State should set mandatory standards on #1-12 (guidelines in case of #13) with application by staff at the local or area-wide level. Land and housing problems could be served on a request for service basis. In counties, i.e. rural areas where there is not sufficient need to employ an individual, the State could provide service and charge it to the county, or counties could combine to provide service.

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SUGGESTIONS FOR MINIMUM STANDARDS  
FOR PUBLIC EDUCATION FOR HEALTH

1. Every county should have access to an individual who can promote Public Education for Health.

RECOMMENDATION: Counties which have professional health educators might share services and methodologies to develop programs in other counties in addition to printed materials and films available from State Health Department.

- 2a. Health education should begin in elementary schools using material appropriate to the age, and every school should be required to offer it.

RECOMMENDATION: Schools should coordinate their health curricula with public health educators in other to utilize the skills as well as materials available.

Workshops should be provided to educate public school teachers about health and how to integrate health knowledge into the curriculum.

- 2b. The second priority is the adult population using all appropriate media.

RECOMMENDATION: Service should include information on how to obtain health services as well as knowledge of what practices promote good health.

Education for all ages should include the following:

3. Programs should include education for accident prevention in the home, on the farm, highway and in recreational activities.
4. The programs must include education on nutrition for all age levels.
5. Every county should have a complete dental health education program including, but not limited to, school-aged children.
6. Every county should include education aimed at reducing use of alcohol, tobacco, and other chemical substances which promote dependency.

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SERVICE

PROVIDED BY

FUNDED BY

STANDARDS FOR HEALTH EDUCATION

|  | PROVIDED BY  |  |                                |   |   |                | FUNDED BY |              |  |              |  |  |
|--|--------------|--|--------------------------------|---|---|----------------|-----------|--------------|--|--------------|--|--|
|  | State        |  | Multi-County or Shared Service | Local, County, City or School Districts |   | Federal Code 1 |           | State Code 2 |  | Local Code 3 |  |  |
| 1. Access to Health Education  | Consul.<br>X |  | ✓                              | Sedg. Co.<br>X                          |   |                |           | ✓            |  | X            |  |  |
| 2. Information on services   | Consul.<br>X |  |                                | X                                       |   |                |           | ✓            |  | X            |  |  |
| Healthful practices  | Consul.<br>X |  |                                | X                                       |   |                |           | ✓            |  | X            |  |  |
| 3. Accident Prevention   | Consul.<br>X |  | ✓                              | X                                       |   |                |           | ✓            |  | X            |  |  |
| 4. Nutrition classes, seminars, etc.*  | Consul.<br>X |  |                                | X                                       |   |                |           | ✓            |  | X            |  |  |
| 5. Dental health program   | Consul.<br>X |  |                                | Schools<br>X                            |   |                |           | ✓            |  | BOE<br>X     |  |  |
| 6. Dependency on Alcohol & other Drugs   | X            |  | ✓                              |   | ✓ |                |           | ✓            |  | X            |  |  |
| *Coordination with extension units and voluntary health associations through the local county nurses.  |              |  |                                |   |   |                |           |              |  |              |  |  |
| ✓Indicates a consensus that these services could be provided by counties sharing services and that the State should provide assistance in funding. |              |  |                                |   |   |                |           |              |  |              |  |  |