

Approved _____

Date 3-17-83

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin Littlejohn at _____
Chairperson

1:30 a.m./p.m. on March 16, 1983 in room 423-S of the Capitol.

All members were present except: Rep. Kline, excused
Rep. Helgerson, excused

Committee staff present: Emalene Correll, Research Department
Bruce Hurd, Revisor's Office
Sue Hill, Secretary to committee

Conferees appearing before the committee:

Ms. Frances Kastner, Kansas Food Dealers' Association
Dr. Joseph Hollowell, Health and Environment

Visitor's register, see (Attachment No. 1.)

Chairman called meeting to order.

Chairman noted SB 247 will be heard in this committee, and he appointed a sub-committee to do some evaluation on seeing if anything could be done about reverting it back to the form of certification they presently have, and build in the continuing education. Chairman appointed Rep. Buehler as chairman, and Rep. Roenbaugh and Rep. Harder on this sub-committee.

Chairman directed committee's attention to the comments by Rep. Blumenthal on the possibility of a request for Mental Retardation programs be sent for Interim study.

Rep. Green moved that Chairman write a letter to the Legislative Coordinating Council, requesting this Interim study. Motion seconded by Rep. Harder. Long discussion followed regarding costs involved in Interim study, is there a duplication of programs being studied, perhaps a study of this type would be more informational than cost effective. Deadline on sending the letter of request was determined as the last day of committee, being March 28th.

Rep. Buehler then made a substitute motion to table this motion on the floor until day certain, March 28th. Rep. Spaniol seconded, and more discussion followed. Voice vote then taken and motion carried, this substitute motion to table the motion to send a letter to the Legislative Council requesting Interim study will be held until day certain, March 28th, 1983.

Emalene Correll then gave a comprehensive briefing to committee on, SB 321, SB 342, and HCR 1621. Questions from many members to Ms. Correll on these three bills, and much discussion followed the briefing.

Hearings began on SB 321:

Dr. Joseph Hollowell stated that his department supports this bill, and answered questions.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S Statehouse, at 1:30 a.m./p.m. on March 16, 1983

Hearings on SB 342:

No conferees appearing on this bill. It is strictly a clean-up bill. The conference committee had worked with the wrong copy of the bill, so there is need for some clean-up language, and SB 342 will address this.

Hearings on SCR 1621:

Frances Kastner of Kansas Food Dealers' Association distributed a printed statement to committee members. (See Attachment No. 2.) Senate Public Health Committee was requested to modify K.A.R. 28-36-25 (d), and SCR 1621 was subsequently introduced and amended, as before committee in present form. She requested committee's favorable consideration and passage of SCR 1621. (See attachment No. 2. for details.)

Hearings concluded on SB 321, SB 342, and SCR 1621.

Rep. Friedeman moved to pass out SCR 1621 favorable for passage, and asked that it be placed on the consent calendar. Motion seconded by Rep. Hassler, and motion carried.

Rep. Spaniol moved that SB 321 be reported favorable for passage and asked that it be placed on consent calendar. Motion seconded by Rep. Niles, and motion carried.

Rep. Spaniol moved to report SB 342 favorable for passage and placed on consent calendar. Motion seconded by Rep. Branson, and motion carried.

Emalene Correll, then gave comprehensive breifings on SB 32, SB 33, and SB 294. Questions by committee followed Ms. Corrells explanations of these bills.

Chairman announced that committee meeting tomorrow, March 17th, will convene at 2:00 p.m. rather than 1:30 p.m.

Meeting adjourned at 2:30 p.m.



Kansas Food Dealers' Association, Inc.

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March 16, 1983

SCR 1621 HOUSE PUBLIC HEALTH & WELFARE COMMITTEE

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**DIRECTOR OF
GOVERNMENTAL AFFAIRS**

FRANCES KASTNER

EXECUTIVE DIRECTOR
JIM SHEEHAN
SHAWNEE MISSION

Mr. Chairman, and members of the Committee, I am Frances Kastner, Director of Governmental Affairs for the Kansas Food Dealers Association. Our membership includes retailers, wholesalers and distributors of food products throughout Kansas.

For many years grocery stores have been inspected by the Food and Drug Division of the State Department of Health and Environment. All departments of the grocery stores were inspected, and if there was a restaurant operation within the grocery store, not only did that department get inspected by the inspectors from the Food and Drug Division, it also was inspected by the Food Service Establishment Division inspectors, and paid the annual license fee just as any other restaurant operation.

Our members that had restaurants in their grocery stores did not object to paying the license fees or the inspections. However when microwaves became popular, and customers liked to buy cold or frozen sandwiches and warm them in the ovens after making their purchase, many of our grocery stores were classified as "food service establishments" even though they provided the microwaves for their customers use and in no way handled the food products except to take the money for it, just the same as they did many of the other immediately consumable products sold in their stores like potatoe chips, candy bars, cookies, fruits, vegetables etc.

We maintained that that if the grocery store owner provided no place for consumption of the products warmed in the microwave on his premises, then he should not be classified as a "food service establishment". Our main objection was not to avoid the annual license fee. However, the classification would require that our grocery stores come under ALL the regulations that the restaurants come under, including providing restroom facilities for their customers.

*(Attachment
No. 2.)*

We believe that opening up the restroom facilities in small grocery stores that provide only an employee restroom would create numerous problems for the owners. The expense, and sometime physical impossibility of modification of the existing store to include customer restroom facilities was going to be such a burden that it would not be feasible for the grocery store to continue offering the service to his customers and we sought a compromise that would be suitable with the legislature as well as the Department of Health and Environment.

Passage of SB 655 by the 1982 legislature was supposed to be that compromise, and the Senators on the Senate Public Health and Welfare Committee's sub-committee, Senators, Vidricksen, Roitz and Francisco, recommended that restroom regulations be adopted which would exempt restroom requirements if no facilities for consumption of food was provided by the food service establishment.

When the Administrative Rules and Regulations were adopted by the Department of Health and Environment Food Service Establishment Division, the language would have required that all the grocery stores which have just a microwave for their customers to use, and which makes them a food service establishment, open up their restroom to all their customers.

In many instances the small grocery store has only one restroom for their employees and that is located in the back room area where supplies are also stored. When there is only one employee on duty, it would be impossible for the restroom facilities to be opened to the public (or to customers).

We asked that the Senate Public Health Committee modify K.A.R. 28-36-25 (d) so that if there is no place for consumption of food on the premises provided by the owner then the restroom facilities would not be open to the public. SCR 1621 was introduced by that committee which exempted those food service establishments located in a grocery store having no seating arrangements (page 3 of SCR 1621). It was further amended by the Senate Committee to exempt ALL food service establishments which had no seating arrangements, whether connected with a grocery store or not, for the same reasons we had outlined. We agreed with that amendment.

SCR 1621 as amended by the Senate Committee is necessary for all the food service establishments to continue serving their customers without exposing their employees to unnecessary risk, hassles and difficulties in addition to extra expense for the owners who would have to modify their restroom facilities or stop offering this type of service to their customers. We respectfully request your favorable consideration and passage of SCR 162.

Thank you for the opportunity to appear before you today, and if you have any questions, I will be happy to answer them.

Frances Kastner, Director
Governmental Affairs, KFDA.