

Approved 2-4-86
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by SENATOR ROY M. EHRLICH at
Chairperson

10:00 a.m. ~~noon~~ January 28, 1986 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Norman Furse, Clarene Wilms

Conferees appearing before the committee:

Pat Goodson, Right To Life of Kansas

Others attending: See attached list.

Minutes for meetings held on January 21, 22 and 23, 1986 were presented for approval. It was moved by Senator Mulich and seconded by Senator Hayden that the minutes be accepted as presented. Motion carried.

The chairman requested presentation of committee bills.

Senator Morris presented a proposal covering mandated health coverage to be added to certain health policies for groups and organizations. This would require that a prescribed process would be followed and that the group submit to the committee information as to the cost as well as social implications. The criteria would be similar to those conditions used in Washington and Arizona and would allow the committee access to the information prior to going through the entire process. Senator Francisco moved that Staff be instructed to introduce such a bill. Senator Mulich seconded the motion and the motion carried.

The chairman stated that the pharmacy people had indicated that SB 302 is not needed. Senator Mulich moved that SB-302 be reported adversely. Senator Francisco seconded the motion and the motion carried.

Pat Goodson requested that a bill similar to Substitute SB-130 that was stricken from the calendar be introduced. Considerable discussion followed as to whether or not the rules and regulations promulgated by Secretary Harder covered substitute SB-130. The apparent issue appeared to be whether a doctor other than the one performing an abortion was always present. Senator Riley made a motion to introduce the bill with a second by Senator Mulich. The motion carried.

Pages Gene Rugan, Mark Pohlman and Brooke Simpson from Ellinwood were introduced.

Senator Anderson made a motion that the committee adopt a non-smoking policy during committee meetings. The secretary of the Senate Public Health and Welfare Committee be directed to post non-smoking sign at the entrance of the room where hearings are held. Senator Riley seconded the motion. A show of hands indicated the motion carried 7-2.

Meeting adjourned.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE January 28, 1986

(PLEASE PRINT)

NAME AND ADDRESS

ORGANIZATION

John Pogue

KAPA

Deek Hammel

KACA

HAROLD PITTS

KCOA

Gary Robbins

KOA

Marilyn Bracht

KVNH

KEITH R. LANDIS

CHRISTIAN SCIENCE COMMITTEE
ON PUBLICATION FOR KANSAS

Merda Hutchison

K Medical Society

Substitute for SENATE BILL No. 130

By Committee on Public Health and Welfare

3-11

0017 AN ACT concerning children; providing that a child born as a
0018 result of an attempted abortion is a child in need of care under
0019 the Kansas code for care of children.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. As used in this act, "secretary" means the secre-
0022 tary of social and rehabilitation services.

0023 Sec. 2. A child born as a result of an attempted abortion who
0024 exhibits any sign of a live birth as defined in K.S.A. 65-2401 and
0025 amendments thereto shall be considered a child in need of care
0026 under the Kansas code for care of children.

0027 Sec. 3. The secretary shall adopt rules and regulations to
0028 carry out the provisions of this act.

0029 Sec. 4. This act shall take effect and be in force from and
0030 after its publication in the Kansas register.

SESSION OF 1985

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR SENATE BILL NO. 130**

**As Recommended by Senate Committee on
Public Health and Welfare**

Brief of Bill*

Substitute for S.B. 130 provides that any child born as the result of an attempted abortion, who exhibits any sign of live birth as defined in K.S.A. 65-2401, i.e., who breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached, shall be considered a child in need of care under the Kansas Code for Care of Children. The bill further directs the Secretary of Social and Rehabilitation Services (SRS) to adopt rules and regulations to carry out the provisions of the bill.

Substitute for S.B. 130 would become effective on publication in the Kansas Register.

Background

Substitute for S.B. 130 was proposed by Kansas Right to Life, Inc. In Opinion 85-26, the Attorney General opined that, under the Kansas Code for Care of Children, the Secretary of SRS, an SRS case worker, or other individual, may initiate a petition to have an infant declared to be a child in need of care.

* Bill briefs are prepared by the Legislative Research Department and do not express legislative intent.

Pat Goodson - apologized for being late. We had a bill that we introduced last year that we ran out of time on and we would like to get it re-introduced. A substitute for substitute bill 130.

Senator Morris - What happened to ^{Substitute} SB 130.

Pat / ^{Substitute} Senate Bill 130

Bill Morris - Was it killed, held over, ?? Where is 130? If it is here and alive we don't want to introduce a substitute? unless it has been killed.

Francisco - I don't know what happened to SB130but I remember the bill we kept getting requests on and then had never done anything with it.

Correll - SB 130 was the bill that related to the Baby Doe cases, the medical care, ~~in the case of~~ ~~handicapped~~ handicapped infants. This committee requested that Dr. Harder get an opinion from the AG as to whether that subject was covered under the Kansas Child Abuse Act. The AG replied that it is and Dr. Harder has subsequently adopted rules and regulations that meet all the federal requirements.

Morris - So why do we need this?

Goodson - This is along the same line but it relates to babies that survive abortions, not necessarily handicapped....(not audible)

Correll - not sure of location of bill -

Salisbury - I think it has remained on Senate Calendar.

I don't know whether or not this is needed.
I wanted to add/~~that~~ as far as I am concerned it remained on the calendar, and I felt that the questions I asked Secretary Harder about rules and regulations indicated that this had been taken care of under rules and regulations promulgated by him. That was my understanding and still is. My second question to staff is "Is there a bill somewhat similar to this that has been ^{introduced to, or} referred to the Senate Judiciary Comm?

Correll - There is a bill that was introduced by Federal & State Affairs last year which was referred to this committee which was reported out and which was re-referred to Judiciary which deals actually with third trimester abortions. It doesn't deal with this issue.

Salisbury - I think that was what I was thinking of. Thank you.

~~XXXXXXXXXX~~ -

Morris - Is this the one we heard last year that the hospital people said that there was some physician designated in each hospital to monitor this type of situation and if such did occur that the child did receive care the same/^{care}as any other living baby?

That was the original senate bill description.

Senator Hayden -Are you saying that was what was embodied in SB-130 or are you saying that what Senator Morris is saying is correct that each hospital does have a doctor designated to take care of this.

Goodson - I'm saying that that was what Dr. Harder claimed.

Senate Bill 130 dealt specifically with ~~small~~ children born handicapped. This bill deals with a different situation, one that a child surviving abortion. This is a very/^{specific} limited circumstance that I feel needs to be taken care of.

Hayden - Is this only in hospitals or is it in abortion clinics?

Goodson - It would be any place.

Hayden - So then there wouldn't be a doctor at the abortion clinic to handle it as there would be in a hospital.

Goodson - That is correct, no doctor other than the one who performed the abortion.

Ehrlich - What is the wish of the committee?

Salisbury - I guess I still need some clarification. Pat says that she doesn't feel that this has been included in the rules and regulations promulgated by Secretary of SRS and it is my understanding after specifically asking this question that this case is included and I for my part need the clarification.

Correll - Rules and regulations cover all infants. Maybe it would be helpful if we got a copy of the rules and regulations and made them available to the committee.

Salisbury - Mr. Chairman, I would appreciate that.

Ehrlich: - I believe what we will do is see where substitute SB 130 is. what happened to it and ^{also a copy of rules and regs} then the committee could act on it.

Goodson - Substitute Bill 130 was stricken from the calendar.

Ehrlich - In other words it is not alive.

Goodson - No - I don't know when you substitute a bill for 130 what happens to the original bill - I don't know if that automatically kills the original bill. I would a-sume that the original bill 130 would be killed or something.

Furse - Substitute bill of the same number simply replaces the original bill. The substitute bill was a ~~committee~~ amendment replacing the original bill.

Ehrlich - In other words substitute bill 130 replaced the original and ~~SB~~ substitute SB130 has been stricken from the calendar. We do not have a SB130 or a substitute SB130 and what you are asking for is a committee bill the same as Substitute SB130. What is the wishes of the committee?

Riley - I make a motion to introduce the bill.

Mulich - Second the motion

Ehrlich - I have a motion by Riley and a second my Mulich. Discussion?

Ehrlich - None appearing, all those in favor by saying Aye,
Opposed same sign, Motion carries.

Anderson - I would like to make a motion that the¹ committee adopt^a rule[#]
of non-smoking during committee meetings and that the Secretary be
directed to post such a notice on the~~xxxx~~ entrance of the door.

Motion carries 7 - 2

STATE OF KANSAS • SENATE CHAMBER

EUGENE (GENE) ANDERSON

Senator, 29th District, Sedgwick County
P.O. Box 4598, Wichita, Kansas 67204

memorandum

"For Your Information"

The motion was that the committee adopt a non-smoking policy in the committee room during committee hearings.

The secretary of the Public Health & Welfare Committee be directed to post a non-smoking sign at the entrance of room where hearings are held.

