

Approved _____

Date

2-4-88
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MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

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

1:30 a.m./p.m. on January 28, 1988 in room 423-S of the Capitol.

All members were present except:

Committee staff present:

Bill Wolff, Research
Norman Furse, Revisor
Sue Hill, Committee Secretary

Conferees appearing before the committee:

Mr. Jim Snyder, Executive Director, Kansas Funeral Directors

Chairman called meeting to order. Announcements made. Sub-committee is still working on HB 2464, and will meet again February 2nd, on adjournment of full Public Health and welfare Committee. Rep. Amos thanked members for their interest, his wife is improving well after surgery.

Chair asked wishes of members in regard to minutes of meetings of January 20, 21, 25, 26, 27. Rep. Pottorff moved these minutes be approved, motion seconded by Rep. Wells. Motion carried.

Chair invited those to come forward who had bill requests.

Mr. Jim Snyder, Executive Director of Kansas Funeral Directors, gave hand-out, see (Attachments No. 1 and No. 2), for details. He asked for legislation that speaks to providing authority for the disposition of cremated remains after a reasonable amount of time, in a respectful manner. He provided an attachment from Florida law as a model. He will meet with Mr. Furse to define language if this legislation is proposed. He answered questions.

Rep. Branson moved this committee introduce the bill, seconded by Rep. Harder. Discussion followed, i.e., yes, the family is contacted if possible; it has been suggested a certified letter could be sent to the last known address of the deceased, or their family. Vote taken, motion carried.

Mr. Snyder then requested a second bill be introduced that would speak to the issue of those people (either licensed funeral directors/embalmers/ ambulance or other medical personnel), first picking up dead human remains for the purpose of transportation to a funeral home, be notified if the deceased had a contagious disease. He explained a model bill with attachment that is used in Georgia. He answered questions, i.e., yes, a list of diseases would be indicated in the bill; there is a confidentiality section in the bill, and they regard that a serious matter, and have no problem with language.

Rep. Weimer moved this bill be introduced, seconded by Rep. Shallenberger, motion carried.

Chair asked members to refer to Committee Bill Book as he explained some of the carry-over bills from 1987 Session.

CONTINUATION SHEET

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room 423-S Statehouse, at 1:30 a.m./p.m. on January 28, 1988

Chair called attention to HB 2017 a hold-over bill from last year. The concerns in this bill have been taken care of in Rules and Regs, therefore is no longer needed. He entertained motions to report HB 2017 adversely. Rep. Hassler moved HB 2017 be reported adversely, seconded by Rep. Blumenthal, motion carried.

HB 2226, Chairman suggested this carry-over bill be passed over at this time, and hearings would be scheduled for it soon.

HB 2262:- Chair gave background on this bill, i.e., it was considered very expensive and he entertained a motion to report it adversely. Rep. Blumenthal asked to pass over the bill today that it might have some further study. Discussion held and bill had no further action this date.

HB 2364: - Chairman explained this legislation proposed premarital testing for AIDS. The Task Force, and National Task Force asked it not be considered. Discussion held in this regard. Rep. Neufeld moved to report HB 2364 adversely, seconded by Rep. Hassler. It was determined the bill had been tabled last year. Rep. Neufeld and Rep. Hassler withdrew their motions. Rep. Harder moved to take HB 2364 off the table, seconded by Rep. Amos. Then, Rep. Neufeld moved to report HB 2364 adversely, seconded by Rep. Hassler, motion carried.

HB 2417:- Chair explained this committee introduced this bill last session, at the request of the Kansas Medical Society. Legislation was in regard to selling tobacco products in any health treatment center. It was determined a law of this nature would be un-inforceable. Rep. Green moved to report HB 2417 adversely, seconded by Rep. Gatlin, motion carried.

HB 2527:-- Chair noted this bill had been tabled last year. Rep. Amos moved to bring HB 2527 off the table for discussion, seconded by Rep. Gatlin.

Chair explained bill, i.e., before a person who would go to a nursing home from the hospital had to be evaluated 24 hours ahead of time. There were many problems in respect to this bill. Discussion followed, It was determined there were numerous people that felt the bill has merit. Rep. Amos moved to report HB 2527 adversely, seconded by Rep. Neufeld. More discussion, i.e., SRS was satisfied with having this problem solved and is no longer concerned with this bill; some members felt concept of this bill is good; if mandating screening takes place, this is an infringement on a person's rights; private pay people have to pay for this screening if it is mandated. QUESTION called for, Vote taken, Motion carried, HB 2527 will be reported adversely.

Chair asked members to draw attention to new legislation for 1988. HB 2640 was heard this week. It was recommended to be amended, Line 77, strike "is a legal", Line 78, strike "citizen and resident of the state of Kansas," and also make language consistent with the embalming statutes. Rep. Hassler moved to amend HB 2640 in this manner, seconded by Rep. Harder, motion carried.

HB 2640 on the bill as a whole, Rep. Weimer moved to pass out favorably as amended, seconded by Rep. Harder, motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
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HB 2641:---Proposed amendments were discussed on HB 2641, Rep. Pottorff moved to amend the bill on line 221 by adding the word, "hygiene:", line 222 to delete "colleges", and add "programs", then strike "denistry and", also strike "surgery", and add in lieu thereof "hygiene". Line 270, strike "for", line 271, strike "purposes of board approval under this section." Line 274, strike "criteria", and add requirements of the new subsection. (This is a conceptional motion to amend as above and have Mr. Furse tie in language as necessary in the new subsection. Rep. Branson seconded the motion. Discussion ensued, i.e., some concerns, expense of the bill, are there not better ways to check schools other than questionnaires; point of the bill is to try and create uniformity in having credentials judged.

Vote taken motion carried. On the bill as a whole, Rep. Pottorff moved to pass HB 2641 as amended, seconded by Rep. Sader. Discussion continued. Vote taken, motion carried.

HB 2642:--- Chair explained this legislation would transfer authority of assessing fines from State Board of Healing Arts to the Secretary of Health and Environment. Motion made to report HB 2642 favorably for passage by Rep. Branson, seconded by Rep. Wells. It was moved this bill be requested to be placed on Consent Calendar, motion carried.

HB 2643:--- still needs work on it, so Chair determined to pass over discussion on it this date.

Chair noted agenda for next week.

Meeting adjourned 2:20 p.m.

CHAPTER 87-70

House Bill No. 589

An act relating to cremation; amending s. 470.0255, F.S., providing that the authorized procedures for the disposition of cremated remains apply retrospectively to remains cremated prior to October 1, 1986; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (3) is added to section 470.0255, Florida Statutes, 1986 Supplement, to read:

470.0255 Cremation; procedure required.--

(2) With respect to any person who intends to provide for the cremation of the deceased, if, after a period of 120 days from the time of cremation the cremated remains have not been claimed, the funeral or direct disposal establishment may dispose of the cremated remains. Such disposal shall include scattering them at sea, placing them in a licensed cemetery scatter garden or pond, or church columbarium or otherwise disposing of the remains as provided by rule of the department or board.

(3) Funeral or direct disposal establishments which have retained and stored the remains of deceased persons which were cremated prior to October 1, 1986, are authorized to dispose of any or all of these remains by means provided for in subsection (2) if said remains are not claimed on or before October 1, 1987.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 5, 1987.

Filed in Office Secretary of State June 5, 1987.

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* for 1500 copies or \$.0126 per single page for the purpose of *
* informing the public of Acts passed by the Legislature. *

CQDING: Words stricken are deletions; words underlined are additions.

*Altman #1
PXXW
1-28-8*

FORM 4
AUTHORITY TO CREMATE

This form has been approved by the Cremation Association of North America. It contains various provisions regarding pacemakers, items of value and authorization requirements. Members, however, are urged to consult with counsel to be assured it complies with local laws.

NOTICE:

Cremation in and of itself is not "final". Arrangements for the disposition and memorialization of the cremated remains should be completed concurrent with the execution of this authorization.

COMPANY
LOGO

COMPANY NAME
ADDRESS
TELEPHONE

CREMATION AUTHORIZATION

STATE/PROVINCE _____

Cremation Number. _____

COUNTY OF _____

Cremation Date _____
(for cremation use only)

The undersigned authorizes _____ ("Crematory"), in accordance with and subject to its Rules and Regulations, to cremate the remains of _____ who died at _____ on the _____ day of _____, 19____ at the age of _____ years and agrees to be responsible for and pay all charges incurred with respect to this authorization.

The Funeral Director in Charge is _____ (Funeral Director). I further state the death was was not due to infectious or contagious disease.

I understand that if I do not notify the Crematory about a death by infectious disease, that I will be liable for any damages to the Crematory or injury to Crematory personnel.

It is requested that the following disposition be made of the remains:

- Place the cremated remains in _____ Cemetery - fees furnished upon request.
- Delivery to _____. The undersigned hereby authorizes Crematory to deliver the cremated remains Via Registered Mail and agrees to assume all liability for any damages that may arise from any cause growing out of said delivery and to indemnify and hold harmless the Crematory and the Funeral Director from any and all claims related to said shipment. The undersigned also agrees to pay the charge for such delivery in the amount of \$_____.
- Hold cremated remains for further instructions in Crematory's Receiving Vault. (Quarterly charge of \$_____ after 30 days).

I hereby certify that I am related to the deceased as _____, the deceased died of natural causes, and I have the right to authorize this cremation and the disposition of the cremated remains. I understand that due to the nature of the cremation process any valuable material, including dental gold, will either be destroyed or not be recoverable. Any personal possessions accordingly have either been removed or may be destroyed. *If the container or any portion thereof is not suitable for cremation, Crematory may require the remains be removed to a suitable container. *I understand that cremated remains are bone fragments, which will be reduced in size and placed in an urn. Urns provided by Crematory are sufficient in size for all cremated remains. In the event the capacity of the urn I selected elsewhere is less than the amount of the cremated remains, Crematory is hereby authorized to return said excess cremated remains in a temporary container. I further agree that I will indemnify and hold harmless the Crematory and Funeral Director, their officers and employees from any liability, costs, expenses, or claims resulting from this authorization.

I further state that the deceased has not had a heart pacemaker implanted, radiation producing implant device nor any other life sustaining device that could be explosive. If such a device exists, I have instructed the funeral director or others to remove it before cremation. I also agree that in the event of my failure to notify the funeral director or any others responsible for the removal of such a device, I will be liable for any damages to the Crematory or injury to Crematory personnel.

Signed: _____

Address: _____

City: _____

WITNESS: _____
(can require Notary Seal)

State/Province: _____

Zip: _____ Telephone: _____

Custodian making delivery to Post Office _____
(a copy of the Post Office Receipt shall be attached to Company copy).

*These are alternative provisions, which the CANA Board feels a Crematory may wish to cover depending on the practice followed in this area.

REQUEST FOR INTRODUCTION
OF COMMITTEE BILL RELATING TO
"NOTIFICATION OF DEATH BY CONTAGIOUS DISEASE
TO FIRST-CALL PERSON ON DEAD HUMAN REMAINS"

This legislation is requested in order that people (either licensed funeral directors/embalmers or ambulance or other medical personnel) first picking up dead human remains for the purpose of transportation to a funeral home, be notified if the deceased had died either directly by a contagious disease pursuant to K.S.A. 65-128 and all amendments thereto, or by complications incurred by a contagious disease.

We recognize that licensees of the Board of Mortuary Arts should be and usually are careful when embalming anyone, but even more care is exercised when they know death was caused by any kind of contagious disease.

The attached law from Georgia covers this situation along with a 'confidentiality' provision. However, it specifies just a few contagious diseases, whereas, we refer to the list (KSA 65-128 and regulations thereby) which is maintained by the Kansas Department of Health and Environment.

Thank you.

*Attn # 2
P/H/W
1-28-8*

The House Committee on Health and Ecology offers the following substitute to SB 387:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 21 of Title 31 of the 31
2 Official Code of Georgia Annotated, relating to general 32
3 provisions concerning dead bodies, so as to require certain 33
4 notification to persons who handle the disposition of dead 34
5 bodies in cases where a dead person had been diagnosed as
6 having an infectious or communicable disease at the time of 35
7 death; to define a certain term; to provide procedures; to 37
8 provide for the confidential and privileged nature of
9 information in such notifications and restrict the 38
10 disclosure thereof subject to certain exceptions; to provide 39
11 for immunity from liability; to provide a penalty; to repeal 41
12 conflicting laws; and for other purposes. 42

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA: 45

14 Section 1. Article 1 of Chapter 21 of Title 31 of 48
15 the Official Code of Georgia Annotated, relating to general 49
16 provisions concerning dead bodies, is amended by adding at 50
17 the end thereof a new Code Section 31-21-3 to read as 51
18 follows:

19 "31-21-3. (a) For the purposes of this Code 53
20 section, the term 'infectious or communicable disease' 54
21 shall include the following:

- 22 (1) Infectious hepatitis; 56
23 (2) Tuberculosis; 58
24 (3) Any venereal disease enumerated in Code 60
25 Section 31-17-1; or
26 (4) Acquired immune deficiency syndrome 62
27 (AIDS).

1 (b) (1) When a person who has been diagnosed as 64
 2 having an infectious or communicable disease dies 65
 3 in a hospital or other health care facility, the 66
 4 attending physician shall prepare a written 67
 5 notification describing such disease to accompany 68
 6 the body when it is picked up for disposition.

7 (2) When a person dies outside of a hospital 70
 8 or health care facility and without an attending 71
 9 physician, any family member or person making 72
 10 arrangements for the disposition of the dead body
 11 who knows that such dead person had been diagnosed 73
 12 as having an infectious or communicable disease at 74
 13 the time of death shall prepare a written
 14 notification describing such disease to accompany 75
 15 the body when it is picked up for disposition.

16 (3) Any person who picks up a dead body for 77
 17 disposition and who has been notified that the 78
 18 person had been diagnosed as having an infectious 79
 19 or communicable disease at the time of death
 20 pursuant to the provisions of paragraph (1) or (2) 80
 21 of this subsection shall present such notification 81
 22 accompanying the dead body to any embalmer, funeral
 23 director, or other person taking possession of the 82
 24 dead body.

25 (c) Information regarding a deceased's infectious 84
 26 or communicable disease and contained in a notification 85
 27 required to be prepared pursuant to subsection (b) of 86
 28 this Code section shall be privileged and confidential
 29 and may only be disclosed if: 87

30 (1) That disclosure is required pursuant to 89
 31 Chapter 17 of this title;

32 (2) That disclosure is required by federal 91
 33 law, but only to the extent so required;

1	(3) That disclosure is made by a physician	93
2	pursuant to Code Section 24-9-40 or any other law	94
3	authorizing a physician to disclose otherwise	
4	privileged information;	95
5	(4) That disclosure is for research purposes	97
6	and does not reveal:	
7	(A) The identity of the deceased; or	99
8	(B) Information which would reveal the	101
9	identity of the deceased;	
10	(5) That disclosure involves information	103
11	regarding sexual assault or sexual exploitation of	104
12	a deceased child and is required to be reported	
13	pursuant to Code Section 19-7-5 or any other law	105
14	requiring the reporting of such assault or	106
15	exploitation of a child, but only to the extent	
16	that such disclosure is so required to be reported.	107
17	(6) That disclosure involves information	109
18	regarding a deceased minor and the disclosure is	110
19	made to the parent or guardian of that minor; or	
20	(7) That disclosure is made to the person who	112
21	picks up the dead body or is made in the ordinary	113
22	course of business to any employee or agent of any	115
23	person or entity authorized or required under this	
24	Code section to receive or report that information.	116
25	(d) Information privileged and confidential under	118
26	this Code section may not be disclosed pursuant to	119
27	discovery proceedings, subpoena, or court order.	120
28	(e) Any disclosure authorized by this Code section	122
29	or any unauthorized disclosure of information or	123
30	communications made privileged and confidential by this	124
31	Code section shall not in any way abridge or destroy the	
32	confidential or privileged character thereof except for	125
33	the purposes for which any authorized disclosure is	126
34	made. Any person making a disclosure authorized by this	

1 chapter shall not be liable therefor, notwithstanding 127
2 any contrary provisions of law.

3 (f) Any person having duties imposed upon that 129
4 person pursuant to subsection (b) of this Code section 131
5 who knowingly refuses or omits to perform such duties
6 shall be guilty of a misdemeanor." 132

7 Section 2. All laws and parts of laws in conflict 135
8 with this Act are repealed. 136