

Approved _____

Date

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Vice-Chairman, Frank Buehler at _____
Chairperson

1:30 a.m./p.m. on February 15, 1988 in room 423-S of the Capitol.

All members were present except:

Chairman Littlejohn, Representative Neufeld, both excused.

Committee staff present:

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

Conferees appearing before the committee:

Vice-Chairman, Representative Frank Buehler called meeting to order in absence of the Chairman. He noted there would be discussion and possible action on several bills previously heard. He called attention to committee minutes of February 3, 4, 8, 10, 11 that would need to be considered for approval, and asked members to be prepared to take action on this later in meeting this date.

HB 2643:

Mr. Furse noted there were concerns from both members and Board of Healing Arts in regard to HB 2643, and Mr. Furse is to meet with Mr. Larry Buening to discuss these concerns. This discussion will take place in a few days.

HB 2717:

Rep. Branson sponsor of this bill offered balloon copy of HB 2717, (Attachment No.1), for members evaluation. She explained proposed amendments, i.e., to delete all of Section 1; add language on line 46, "which has a total area of 1,000 square feet or more", after the word "place"; line 47, delete (21-4010 and); delete "are", and insert in lieu thereof, "is". Rep. Branson moved to have these amendments adopted, seconded by Rep. Hassler. Discussion, i.e., yes, you still do have the opportunity to make your business a smokefree place, if that is your choice; small diners, or a Mom and Pop business would not be affected since the square foot space is 1000 feet; square foot space would be about 24 X 40 feet; it was felt the word, "contiguous" would cause confusion and be superfluous. Vote taken, motion carried.

Rep. Branson made a motion to report HB 2717 out favorably as amended, seconded by Rep. Pottorff. Vote taken, Chair in doubt, show of hands indicated 10 in favor, 5 against. Motion carried. Rep. Amos and Rep. Shallenburger recorded as voting NO.

HB 2759:

Ms. Correll of Research Department had committee note the language, "tests for syphilis" seems rather restricting. Vice-Chairman asked to have a person from Health and Environment help members with these concerns. Ms. Theresa Hodges stated the serological test for syphilis is the only prenatal lab test required by the State. There was a lengthy discussion in this regard, i.e., why is there not state requirements for more labs, or all labs doing testing; labs not under the jurisdiction of Health and Environment are subject only to the physician who requires other tests; these tests could be for rubella, and other diseases.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,

room 423-S, Statehouse, at 1:30 A.M./P.M. on February 15, 1988.

Discussion continued on HB 2759:

Kansas has no requirements for lab testing at all. It would have to be looked at as approving establishing clinical laboratory regulations across the board, or as the State Agency, only approve those tests the legislature has mandated by statute to be performed.

At this point, Rep. Hassler moved to amend HB 2759 by deleting in lines 27 and 57, the words, "for syphilis". This would remove the restriction of testing for only that disease in prenatal exams. Motion seconded by Rep. Branson. Discussion ensued, i.e., how many laboratories will then be the responsibility of the Department of Health and Environment to monitor; now there are 82 labs, 9 large clinics that are OBGYN, there would be many; yes, there would probably be a fiscal note involved in a change such as this.

Chair asked for a vote at this time on the amendment, vote taken division requested, show of hands indicated 7 in favor, 8 against, motion failed.

It was noted a need for technical changes to clean up language in lines 61 and 62 to delete "registered". Motion to amend as recommended by Staff in this technical manner, made by Rep. Branson, seconded by Rep. Weimer, motion carried.

Rep. Sader moved to report HB 2759 favorably as amended, seconded by Rep. Whiteman, motion carried.

HB 2715:

Vice Chairman invited discussion on this bill.

Rep. Amos noted (Attachment No.2), he offered for members to study. This fact sheet prepared by Bureau of Vital Statistics notes, "it shall be unlawful for anyone who possesses, stores or in any way handles vital statistics records under contract with the state to disclose any data contained in the records, except as authorized by law". Rep. Amos stated he had inquired about a pring-out being sent to local offices, whether this would be feasible, or appropriate. There have been no complaints from delays at local level. He feels HB 2715 is a good bill.

It was noted language in lines 212-217 speak to availability of records to the public the data created before 1911 are open, but not at the state level.

HB 2614:

Certificate of Need bill was discussed, i.e., the main proponent of this legislation has stated their Association could support deletion of sub section (c) of Section 1, in respect to ICFMR's. Statistics indicate there is a waiting list of 1200 for these services.

Mr. Dick Morrissey, Health and Environment was invited to respond to questions about bed count data. He indicated beds are counted from different categories, i.e., beds licensed in use, beds licensed already under construction, beds licensed yet to be built. This data is tallied monthly.

Vice-Chairman directed attention to committee minutes. Rep. Amos moved minutes of February 3,4,8,10,11th be approved as written, seconded by Rep. Green, motion carried.

Meeting adjourned 2:30 p.m.

HOUSE BILL No. 2717

By Committee on Public Health and Welfare

1-28

[Material within brackets would be deleted.]

Attm. #1
2-15-8
PHW

0017 AN ACT relating to smoking in public places; concerning desig-
0018 nated smoking areas; amending K.S.A. 1987 Supp. [21-4010
0019 and] 21-4011 and repealing the existing [sections].

[section

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

0021 Section 1. [K.S.A. 1987 Supp. 21-4010 is hereby amended to
0022 read as follows: 21-4010. (a) No person shall smoke in a public
0023 place or at a public meeting except in designated smoking areas.

0024 (b) Smoking areas may be designated by proprietors or other
0025 persons in charge of public places, except in passenger elevators,
0026 school buses, public means of mass transportation, *waiting lines,*
0027 *waiting areas and lobbies, public access areas of facilities where*
0028 *the public must gather to transact business, purchase tickets,*
0029 *gain admission or claim property* and any other place in which
0030 smoking is prohibited by the fire marshal or by other law,
0031 ordinance or regulation.

0032 (c) Where smoking areas are designated, existing physical
0033 barriers and ventilation systems shall be used to minimize the
0034 toxic effect of smoke in adjacent nonsmoking areas.

0035 Sec. [2.] K.S.A. 1987 Supp. 21-4011 is hereby amended to read
0036 as follows: 21-4011. The proprietor or other person in charge of
0037 the premises of a public place shall post or cause to be posted in
0038 a conspicuous place signs clearly stating that smoking is prohib-
0039 ited by state law. The person in charge of the premises shall also
0040 post or cause to be posted in any designated smoking area, signs
0041 stating that smoking is permitted in such room or area. The
0042 proprietor or person in charge of the public place shall have the
0043 authority to establish the percentage of area in the public place
0044 which shall be posted and designated as a smoking area *except*
at the total area of all designated smoking areas in any public

attm #1
2-15-8
PHW

place shall not exceed 50% of the total area of the public place.

which has a total area of 1,000 square feet or more

0047 Sec. 3. K.S.A. 1987 Supp. 21-4010 and 21-4011 are hereby is

0048 repealed.

0049 Sec. 4. This act shall take effect and be in force from and
0050 after its publication in the statute book.

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
Bureau of Vital Statistics

H.B. 2715 Fact Sheet
With Regard to Direct Reporting

During the 1986 legislative session, the House Governmental Organization Committee recommended that the state seriously consider direct reporting.

K.S.A. 65-2422(a) states: The records and files of the division of health pertaining to vital statistics shall be open to inspection, subject to the provisions of this act and rules and regulations of the secretary. It shall be unlawful for any officer or employee of the state to disclose data contained in vital statistical records, except as authorized by this act and the secretary, and it shall be unlawful for anyone who possesses, stores or in any way handles vital statistics records under contract with the state to disclose any data contained in the records, except as authorized by law.

At least three attorney general opinions specifically state local registrars are not to release vital statistics information -- One opinion dated September 25, 1959 (no opinion number), Opinion No. 79-95 and Opinion No. 84-101.

Death certificates are given priority attention and processed within three days of receipt of the application, provided the certificate has been received. All other requests are being processed within three to five days of receipt of the application in the Bureau of Vital Statistics.

The Bureau of Vital Statistics also provides several types of special service to applicants in an effort to expedite service even more; i.e., credit card payment and 24-hour turnaround on applications received by special mail.

The Bureau of Vital Statistics does not wait until the check has cleared the bank before processing the application and issuing certified copies.

Applicants do not have to call ahead to get over-the-counter service. Over-the-counter service is provided within 20-30 minutes to walk-in customers. If the applicant calls ahead, the certified copies can be ready when they arrive--eliminating the 20-30 minute wait.

The Bureau of Vital Statistics processes on an average of 800-1,000 certified copies per day.

Paternity actions, adoptions, court actions, amendments and corrections are not reflected in the information at the local level. Once this type of action is taken, the original vital statistics record/information is statutorily "sealed" and not to be released except by court order.

Frequently verifications issued at the local level are not accepted thereby requiring the applicant to spend more time and money to obtain a certified copy of the record.

According to records in the Registration Unit, certificates from Wyandotte County are being transmitted to the Bureau of Vital Statistics three times a week.

*Attn. # 2
2-15-88
P49cc*

The Bureau of Vital Statistics must query, correct or amend approximately 26% of all certificates submitted. Certificates submitted by Wyandotte County must be queried the same as any other county. Three Wyandotte County funeral homes in particular require a great deal of querying on a continual basis.

Incoming Vital Statistics data is entered into the data base on a daily basis making the constant flow of incoming vital statistics records, as would be accomplished by direct reporting, important for the most efficient operation of the system.

Direct reporting would facilitate conversion to an electronic birth certificate system.

It should also be noted that the Bureau of Vital Statistics cooperates with local, state and national law enforcement officials to carry out highly classified law enforcement programs. Information released at the local level could jeopardize the success of these programs.