

Approved \_\_\_\_\_

Date

2-29-88  
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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

1:30/4:30 p.m. on February 23, 1988 in room 423-S of the Capitol.

All members were present except:

Representative Pottorff, excused

Committee staff present:

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

Conferees appearing before the committee:

Dr. Tom Huston, Doctor of Day/ also on staff of Medical Center,  
Wichita

Chair called meeting to order, noting staff briefing on HB 2655,  
HB 2777, HB 2830, HB 2901, HB 2972.

Briefing on HB 2830 began:

Ms. Correll explained HB 2830 section by section. She cited  
the penalty sections and fines. She noted a concern, i.e., the  
bill isn't clear in regard to nominal cost if coupons are involved.  
This will need to be clarified.

Dr. Tom Huston, who was Doctor of the Day at the Capitol is on  
the faculty at the KU Med. Center in Wichita and Chairman had talked  
earlier today. Dr. Huston is Consultant to American Academy of  
Family Physicians, and has been involved in the last 10 years in  
tobacco related matters in regard to health issues. He appreciated  
the opportunity to speak a few words before this committee.

Distribution as a practice is gaining popularity with the tobacco  
industry as a way to advertise a product. They will tell you they  
will not distribute to persons under the age of 21, but it has  
been documented on film, they do just that. Samples are geared  
to women and young people. Persons who already smoke won't change  
brands just because they are given samples of other brands. To  
try and get people to switch brands isn't the basic reason for  
distributing samples, it is to get them to begin smoking.  
Statistics indicate if people don't begin to smoke before they  
are age 21, they probably will not smoke. There appears to be  
an increase in young men using smokeless tobacco products. He  
offered to answer questions. There were no questions.

Chair thanked Dr. Huston for his remarks, and for his services  
this date at the Capitol.

Chair directed briefings to continue.

Briefing on HB 2901:

Mr. Furse noted this bill would require hotels to provide a portable  
smoke alarm to the hearing impaired that would provide a visual  
warning in case of fire. He explained the bill fully. Question  
what type of alarm this would be, and it was determined further  
information would be made available during hearings tomorrow.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,

room 423-S, Statehouse, at 1:30 /~~4:30~~/p.m. on February 23, 1988

Briefing began on HB 2655:

Mr. Furse explained the bill noting in Sub (b), Schools of Nurse Anesthesia accredited or approved by the Board under this section may offer, but shall not be required to offer less than a Masters Level Degree program in Nurse Anesthesia.

Chair noted as a member of the Joint Rules and Regs Committee, where this bill request originated, it was felt in Committee that schools other than KU School of Nursing might wish to offer the Master's Level Degree for Nurse Anesthesia.

Briefing began on HB 2972:

Mr. Furse explained HB 2972, saying it provides for a person participating in this training program for dogs to assist hearing impaired or vision impaired persons, which training program has been approved, would have the right to accompany such dogs on premises listed in K.S.A. 39-1101. There are current statutes on this issue, and this proposed legislation would expand those statutes.

Briefing on HB 2777:

Ms. Correll explained the bill citing new sections; line 37 noting the departure from current policy of having such autopsy being paid for by the state. She noted further the Secretary would have to approve reasonableness of such a fee for autopsy. She called attention to line 39-40, "or is found dead". Statute currently says, one of the times the coroner has to be notified is when death occurs when the decedent was in apparent good health, or when not regularly attended by a licensed physician. Ms. Correll noted questions may need to be asked of conferees for the purpose of covering this twice in the bill. She also raised question of the emotional impact on parents when they are notified an autopsy would be required.

Chair noted Agenda and bills that will be heard, and called attention to the fact that Nurses Day in the Capitol is Thursday, February 25th, and committee meeting will be held in the Old Supreme Court Room.

Chair noted a fiscal note on HB 2777 is recorded as (Attachment No.1).

Chair called attention to HB 2643:

Mr. Furse briefed members in regard to HB 2643. A letter to Chairman from SRS indicated they recommend the bill be amended by listing the institutions that comprise the state list of State Mental Health Retardation Facilities licensed; recommendation to amend in regard to confidentiality is not needed as it would be an overkill; Mr. Slaughter had recommended lines 128-129, that a peer review committee may report and then discuss its findings, activities, and information to other peer review committees. Further recommendations, i.e., by Ks. Hospital Association, Page 5, lines 174-177; Chip Wheelen Psychiatric Society Page 2, recommended changes in language.

Rep. Shallenburger had still another amendment to propose, and Chair at this time directed Mr. Furse and Rep. Shallenburger to confer, with Mr. Furse reconciling all these proposed amendments into a workable form, then committee will further discuss HB 2643.

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 23, 1988.

Discussion began on HB 2758. Ms. Correll noted language in lines 37-40 are not necessary since intent was taken care of in earlier sections of bill. Rep. Hassler made a motion to delete language in line 37, "The annual fee in effect under", also deleting lines 38 through 40. Motion seconded by Rep. Branson, vote taken, motion carried.

Rep. Neufeld made a motion to pass HB 2758 favorably out of committee as amended, seconded by Rep. Blumenthal, motion carried.

HB 2823:

Chairman invited Mr. Furse to report on a question that had come up during hearings, i.e., use of alcoholic beverages on public property; under sections 41-719, consumption would be prohibited, whether or not such property is rented out, Mr. Furse said.

At this point, Rep. Harder made a motion to pass HB 2823 out favorably, seconded by Rep. Sader. A lengthy discussion ensued, i.e., tobacco products are already pretty well defined; does the bill speak to public schools only; concerns with mandating elected officials to enforce this issue; state government often gets to involved in local issues; there are current statutes that direct County Commissions, and School Boards are also units of government.

At this point, Rep. Shallenburger noted an amendment to HB 2823 as recommended by Rep. Baker during hearings. Rep. Shallenburger made a substitute motion to amend HB 2823 in line 28-29 to delete, "or used for pupil attendance purposes by the Board of Education of", and insert, "by"; and to include the words, "Colleges, Universities, Community Colleges, except buildings used for housing". He stated this would solve concerns he has for private residences in his district that are on school owned property. Substitute motion was seconded by Rep. Neufeld. A lengthy discussion ensued, i.e., no, dormitories would not be included; yes, it would include a student union; intent here is too broad.

Vote taken, chair in doubt, show of hands indicated 6 in favor, 10 opposed, substitute motion failed.

Rep. Buehler made a substitute motion to amend as recommended by Rep. Baker, deleting language in lines 28-29, and adding "by" in line 29, before the words, "a unified school district. Substitute motion seconded by Rep. Hassler. Discussion ensued. Mr. Furse indicated to members, to amend in this manner would indicate any building whether or not it would be used for pupil attendance purposes would be affected.

Rep. Buehler and Rep. Hassler both withdrew their motions.

Discussion continued, i.e., some still have concerns about school districts in Western and rural Kansas, as many houses and buildings are owned by the School Boards in those areas; bus barn originally was intended to be singled out where the employees couldn't smoke and set an improper example for students; if we are serious about the non-smoking idea, we need to be consistent it was stated; if there is non-compliance will a penalty clause be needed; intent here is to make a statement that we as Legislators are concerned with the health of our students; many Churches rent their buildings for other functions and still maintain a no-smoking policy with no problems.

At this point, Chairman stated it appears committee is at an impasse in regard to HB 2823. He adjourned the meeting.

GUEST REGISTER

HOUSE

PUBLIC HEALTH AND WELFARE COMMITTEE

Date 2-23-88

NAME	ORGANIZATION	ADDRESS
Karl Behm	KCMB	Topeka
E. Redman	Kan State Fire Marshal	"
John E. Caslett	Kan State Fire Marshall <sup>dept</sup>	Topeka
James Ransom	Ks. Dept. HL + Env.	Topeka
Debra Sieda	WFOA	Topeka
Nancy Short	Baxter Co	Great Bend
Bob Corkins	Kan. Hospital Assn.	Topeka
Jon Bray	Life After Test	Topeka
KEITH KLANDIS	CHRISTIAN SCIENCE COMMITTEE of PUBLICATION FOR KANSAS	TOPEKA
Beverly Drenzel	Sp. Co. Health Dept	Mission
Tom Houston M.D.	Univ. of Medicine	Wichita
Jean Knoll	Ks Dept of SRS	Topeka
Steve Purje	KDHE	Topeka
Rita Kay Ryan	KDHE	Topeka
Vergene Tucker MD	KDHE	Topeka
Roberta Kunkle	American Lung association of Kansas	Topeka
Michael Hyman	Dr. Assn for Blind and visually impaired chie.	Topeka
Ron Hein	Smokers Tobacco Council	Topeka
Bill Henry	Philip Morris	Topeka
Kevin Robertson	Ks Lodging Assn	Topeka

Honorable Marvin Littlejohn, Chairperson  
Committee on Public Health and Welfare  
House Chamber  
Third Floor, Statehouse

Dear Representative Littlejohn:

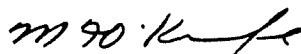
SUBJECT: Fiscal Note for House Bill No. 2777 by Representative Cribbs

In accordance with K.S.A. 75-3715a, the following fiscal note concerning House Bill No. 2777 is respectfully submitted to your committee.

House Bill No. 2777 amends K.S.A. 19-1031 and 19-1033, and requires that an autopsy be performed on any child under the age of two who has died from an unknown cause or who is suspected of having died from sudden infant death syndrome (SIDS). The costs of performing autopsies required by the bill are to be borne by the state from appropriations made to the Department of Health and Environment for that purpose.

The Department of Health and Environment estimates that it would require \$40,220 from the State General Fund in FY 1989 to implement the provisions of House Bill No. 2777. Of the total, \$39,000 would be required for professional fees and travel expenses authorized by the bill for reimbursement. The remainder would be for informational brochures and postage necessary to inform physicians, coroners and other health professionals of the bill's requirements. The department based its estimates on 56 SIDS deaths per year, which is the Kansas average for the past five years. Of the costs estimated for FY 1989, the \$1,220 required for informational brochures would not recur, at least at that level, in subsequent fiscal years. Other costs would increase at an annual rate of five to ten percent, if the incidence of SIDS deaths continues to increase as has been the case in recent years.

Any expenditures resulting from passage of House Bill No. 2777 would be from the State General Fund and would be adjustments to amounts contained in the FY 1989 Governor's Report on the Budget.

  
Michael F. O'Keefe  
Director of the Budget

cc: Dr. Stan Grant, Secretary of Health and Environment

MFO:JJ:pks

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*Attach 1*