

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman James Barnett at 1:30 P.M. on January 30, 2008 in Room 136-N of the Capitol.

Eight members were present. Senator Haley was excused.

Committee staff present:

Emalene Correl, Kansas Legislative Research Department
Teri Weber, Kansas Legislative Research Department
Sara Zafar, Kansas Legislative Research Department
Nobuko Folmsbee, Revisor of Statutes
Rena Jefferies, Revisor of Statutes
Jan Lunn, Committee Secretary

Conferees appearing before the committee:

Cynthia K. Smith, J.D., Advocacy Counsel, Sisters of Charity of Leavenworth Health System
Chad Austin, Vice President, Government Relations, Kansas Hospital Association

Others attending:

See attached list.

Chairman Barnett called committee members' attention to minutes included in their informational packet and indicated minutes approval would occur prior to conclusion of the meeting.

HB 2341 - Disposition of fetal remains.

Chairman Barnett opened the hearing on this bill. He announced a balloon amendment had been prepared by Nobuko Folmsbee, Revisor of Statutes, with suggested language provided by Cynthia Smith, Advocacy Council of the Sisters of Charity of Leavenworth Health System. The balloon was distributed to those attending (Attachment 1) and therefore, becomes part of this record.

He recognized Cynthia Smith, Advocacy Council of the Sisters of Charity of Leavenworth Health System, who spoke as an opponent to **HB 2341** at the Public Health and Welfare Committee, January 16, 2008. Ms. Smith repeated her concern that **HB 2341** was too restrictive creating more harm than good (no written testimony). Ms. Smith indicated she had discussed the balloon with Representative Mike Kiegerl, who sponsored the original bill at the urging of one of his constituents. Ms. Smith indicated that in her conversation with Representative Kiegerl, he would support the balloon amendment.

Chairman Barnett called on Chad Austin, Vice President, Kansas Hospital Association, requesting any additional comments from those heard at the Public Health and Welfare committee meeting on January 16, 2008. Mr. Austin reiterated his earlier neutral-position testimony indicating the proposed bill was unnecessary, however, **HB 2341** could provide some consistency throughout the state (no written testimony).

Senator Palmer commented that according to conversations with her constituents, policy and procedural inconsistencies do exist throughout hospitals in the state, and therefore, indicated her support for the balloon amendment.

Senator Barnett stated that as a medical physician caring for many patients, the bill could provide options to patients/families who have experienced these types of personal losses. Therefore, he supported the balloon amendment.

Senator Palmer moved to accept the balloon amendment to **HB 2341** and to move the bill out favorably. Senator Barnett seconded the motion. Discussion was heard relative to whether **HB 2341** should be amended or a substitute bill offered. Senator Palmer withdrew her previous motion; Senator Barnett withdrew his second.

Senator Palmer moved that the balloon amendment be passed and placed in a substitute bill. Senator Barnett seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 1:30 P.M. on January 30, 2008 in Room 136-N of the Capitol.

Senator Palmer moved that **HB 2341** be advanced to the floor of the Senate. Senator Barnett seconded the motion. The motion passed.

The minutes of the Public Health and Welfare Committee meetings of January 23 and January 24, 2008 , were reviewed by members. Senator Brungardt moved to accept the minutes as submitted. Senator Jordan seconded the motion. The motion carried.

Chairman Barnett adjourned the meeting at 2:50pm.

Chairman Barnett indicated the Public Health and Welfare Committee will meet on Monday instead of Wednesday, February 6, 2008, and requested members note the change on their personal calendars.

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE GUEST LIST

DATE: January 30, 2008

NAME	REPRESENTING
DEBORAH STERN	KS. HOSPITAL ASSN.
Cynthia Smith	SCL Health System
Chad Austin	KHA
Carolyn Smith	VCHS
Todd Feischer	Ks. Optometric Assoc.
Michael Harper	Kearney & Assoc.
Gabrielle Zuckelby	Sen. Dennis Pyle
THOMAS WITT	KEC
Jason Chaiika	Self
John Peterson	Capitol Strategies
Michelle Peterson	Capitol Strategies
Don Rummy	KHI
Holly Weatherford	Planned Parenthood

HOUSE BILL No. 2341

By Committee on Health and Human Services

2-1

10 AN ACT enacting the disposition of fetal remains act.

11
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) This section shall be known and may be cited as the
14 disposition of fetal remains act.

15 (b) As used in this section:

16 (1) "Final disposition" means the burial, cremation or other disposi-
17 tion of the remains of a human fetus following a spontaneous fetal demise
18 occurring after a gestation period of less than 20 completed weeks;

19 (2) "remains of a human fetus" means the fetal remains or fetal prod-
20 ucts of conception of a mother after a miscarriage, regardless of the ges-
21 tational age or whether the remains have been obtained by spontaneous
22 or accidental means.

23 (c) In every instance of fetal death, the mother has the right to de-
24 termine the final disposition of the remains of the fetus, regardless of the
25 duration of the pregnancy. The mother may choose any means of final
26 disposition authorized by law or by the secretary of health and
27 environment.

28 (d) The final disposition of the remains of a human fetus may be by
9 cremation, interment by burial, incineration in an approved medical waste
10 incinerator or other means authorized by the secretary of health and en-
11 vironment. The disposition shall be in accordance with state law or ad-
12 ministrative rules and regulations providing for the disposition. If the
13 remains are disposed of by incineration, the remains shall be incinerated
14 separately from other medical waste.

15 (e) Every hospital, outpatient birthing clinic and any other health care
16 facility licensed to operate in this state shall adopt written standards for
17 the final disposition of the remains of a human fetus as provided in this
18 section for protection of a mother's right pursuant to subsection (c) and
19 for notice as required in subsection (f).

20 (f) Within 24 hours after a miscarriage occurs spontaneously or ac-
21 cidentally at a hospital, outpatient birthing clinic or any other health care
22 facility, the facility shall disclose to the mother of the miscarried fetus,
23 both orally and in writing, the mother's right to determine the final dis-

Public Health & Welfare
1/30/08
Attachment 1-1

PUBLIC HEALTH AND WELFARE
DATE ATTACHMENT:

1 ~~position of the remains of the fetus. The facility~~
 2 ~~giving the mother a copy of the facility's written~~
 3 ~~suant to subsection (c). The facility shall make a~~
 4 ~~death of the fetus available to the mother. The~~
 5 ~~counseling or refer the mother to another provi~~
 6 ~~sing services.~~

facility licensed to operate in the state shall adopt written
 policies and inform parents regarding their options for
 disposition or taking of fetal remains in an event of a fetal
 death.

7 Sec. 2. This act shall take effect and be in force from and after its
 8 publication in the statute book.

1-2