

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 February 15, 2004 in Room 231-N of the Capitol.

All members were present except:

Susan Wagle- excused

Committee staff present:

Terri Weber, Kansas Legislative Research Department

Norm Furse, Office of Revisor of Statutes

Whitney Nordstrom, Committee Secretary

Conferees appearing before the committee:

Ronald Hein, Kansas Beverage Association

Kevin Robertson, Executive Director of Kansas Dental Association

Donna Whiteman, Kansas Association of School Boards

Jim McLean, Kansas Health Institute

Cindy D'Ercole, Sr. Policy Analyst of Kansas Action for Children

Richard Morrissey, Interim Director of Health, KDHE

Reginald Robinson, President and CEO, Kansas Board of Regents

Elaine Schwartz, Ex. Director, Kansas Public Health Association, Inc.

Carolyn Middendorf, Kansas State Nurses Association

Nick Badgerow, Christian Science Committee on Publication

Others attending:

See attached list.

Final Action on SB 116

SB 116--Injunctive authority to cease operations of unlicensed psychiatric hospitals, community mental health centers and facilities for the mentally ill, mentally retarded or other handicapped persons.

Upon calling the meeting to order, Chairperson Barnett announced the Committee would be taking final action on **SB 116**, an act concerning social and rehabilitation services; providing injunctive authority against unlicensed facilities, amending K.S.A. 75-3307b and repealing the existing section. The Chair asked Mr. Norm Furse, Revisor of Statutes, to give a brief overview of the bill and its amendments. A copy of the amendments are (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

The Chair asks the Committee for any questions and/or comments for Mr. Furse.

Senator V. Schmidt asks, what classifies as "reasonable" in Section D. Senator Palmer asks if the legislation is opening up the Advocacy and State systems.

Senator Brungardt motioned to accept **SB 116** as amended, excluding amendment on page 3. Senator Journey seconded the motion. Motion Passed.

Senator Gilstrap motioned to pass the legislation favorably as amended. Senator Haley seconded the motion. Motion Passed.

Approval of Minutes

Senator V. Schmidt motioned to accept the Committee minutes for January 31, 2005 and February 1, 2005. Senator Palmer seconded the motion. Motion Passed.

CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 1:30 P.M. on February 15, 2004 in Room 231-N of the Capitol.

Hearing on SB 154

SB 154– Food service standards for public schools

The next order of business was a hearing on **SB 154**, an act relating to food and beverages available to students in Kansas school districts; providing for the adoption of certain standards. The Chair then asked Mr. Norm Furse to give a brief overview of the bill.

The Chair then asked the Committee for and questions and/or comments for Mr. Furse. Senator Haley requested the Fiscal Note for **SB 116**. Chairperson Barnett called upon Jodi Mackey, Child Nutrition & Wellness, Kansas Dept. Of Education, to give a brief financial summary of the legislation.

Chairperson Barnett then asked the Committee for any questions and/or comments for Ms. Mackey.

Senator Palmer asked about the Federal Wellness Policy, did the study show school lunches as being unhealthy, and what level do the parents get involved. Senator Haley asked about the availability of the nutritional value of foods served daily.

As there were no further questions for Ms. Mackey, the Chair called upon the first proponent conferee to testify. Ron Hein, Kansas Beverage Association, submitted written testimony in support of **SB 154**. A copy of his testimony is (Attachment 2) attached hereto and incorporated in to the Minutes as referenced.

The second proponent to testify was Kevin Robertson, Executive Director, Kansas Dental Association. A copy of his testimony is (Attachment 3) attached hereto and incorporated into the Minutes as referenced. His testimony included that the KDA supports **SB 154** as effective legislation to promote the overall health of Kansas children. The KDA would, however, like to ask that **SB 154** be amended to include oral health concerns between line 17 by inserting “and dental caries” following “obesity”.

As there were no questions for either proponent, the Chair called upon the only opponent conferee to testify, Donna Whiteman, Kansas Association of School Boards. A copy of her testimony is (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

As there were no question for Ms. Whiteman, Chairperson Barnett called upon the only neutral conferee to testify, Mr. Jim McLean, Kansas Health Institute. A copy of his testimony is (Attachment 5) attached hereto and incorporated into the Minutes as referenced.

Chairperson Barnett recognized a final proponent to testify, Cindy D’Ercole, Sr. Policy Analyst, Kansas Action for Children. Ms. D’Ercole stated that **SB 154** will help school districts comply with federal legislation by relying on the state’s collective expertise coordinated by the Department of Education. A copy of her testimony is (Attachment 6) attached hereto and incorporated into the Minutes as referenced.

Chairperson Barnett announced this would conclude the hearing of the above bill.

Hearing of SB 217

SB 217– Tuberculosis evaluations for faculty, staff and students who enter high school, college or university classrooms.

The next order of business was a hearing on **SB 217**, an act requiring tuberculosis evaluations for certain faculty, staff and students who enter high school, college or university classrooms. The Chair then asked Mr. Furse to give a brief overview of the bill.

As there were no question and/or comments for Mr. Furse, Chairperson Barnett called upon the first proponent to testify. Richard Morrissey, Interim Director of Health, Kansas Department of Health and Environment, stated that this bill in not only an effort to protect the health and safety of those attending academic institutions

CONTINUATION SHEET

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in Kansas, but it is also a fiscally sound and responsible measure to effectively improve health and save dollars. A copy of his testimony is (Attachment 7) attached hereto and incorporated into the Minutes as referenced.

Chairperson Barnett calls the Committee's attention to the written testimony submitted by Reginald Robinson, President and CEO, Kansas Board of Regents. A copy of his testimony is (Attachment 8) attached hereto and incorporated into the Minutes as referenced.

The Chair called upon the third proponent to testify, Elaine Schwartz, Executive Director, KPHA. Ms. Schwartz stated that **SB 217** is sound public health policy as a measure to continue to protect our Kansas citizens and visitors in the academic setting. The long range effect of not passing this measure could prove to be very costly as the incidence of multi-drug-resistant tuberculosis is increasing. A copy of her testimony is (Attachment 9) attached and incorporated into the Minutes as referenced.

Due to time constraints the Chair submitted Carolyn Middendorf's, R.N., Kansas State Nurses Association, testimony as written testimony. A copy of her testimony is (Attachment 10) attached hereto and incorporated into the Minutes as referenced.

As there were no questions for any of the proponents, Chairperson Barnett called upon the first opponent conferee to testify. Nick Badgerow, Christian Science Committee on Publication for Kansas, requested an amendment that respects the state's need to isolate and quarantine those infected with tuberculosis disease, while at the same time accommodating those who are practicing spiritual, prayer-based healing. A copy of his testimony is (Attachment 11) attached hereto and incorporated into the Minutes as referenced.

The Chair called upon the final opponent to testify, Ms. Donna Whiteman, Kansas School Board Association. Ms. Whiteman stated that the KASBs' position is that current law adequately addresses this issue for high school students and staff. A copy of her testimony is (Attachment 12 and Attachment 13) attached hereto and incorporated into the Minutes as referenced.

Chairperson Barnett announced this would conclude the hearing of the above bill.

Adjournment

As there was no further business, the meeting was adjourned at 2:40 p.m.

The next meeting is scheduled for Thursday, February 17, 2005.