

## MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman Jim Barnett at 1:30 p.m. on February 9, 2009, in Room 136-N of the Capitol.

All members were present except Senator Kelly, who was excused

## Committee staff present:

Nobuko Folmsbee, Office of the Revisor of Statutes  
Doug Taylor, Office of the Revisor of Statutes  
Kelly Navinsky-Wenzl, Kansas Legislative Research Department  
Terri Weber, Kansas Legislative Research Department  
Jan Lunn, Committee Assistant

## Conferees appearing before the committee:

Phil Griffin, Director of TB Prevention and Control, Kansas Department of Health and Environment  
Michael Giessel, MD, Cotton O'Neil Clinic  
Darrell Ringler, owner, The Midas Touch Golden Tans  
Mary Lou Davis, Executive Director, Kansas Board of Cosmetology  
Cyndi Treaster, Director of Farmworker, Refugee, and Immigrant Health, Kansas Department of Health and Environment

## Others attending:

See attached list.

Chairman Barnett requested Nobuko Folmsbee, revisor of statutes office, brief the committee members on the bills being heard.

**SB 62 - Department of health and environment; tuberculosis evaluation requirements and prevention and control plan for postsecondary educational institutions; rules and regulations.**

**SB 62** would create new law and amend existing law concerning responsibilities for the prevention and control of tuberculosis in postsecondary educational institutions. The Secretary of Health and Environment is responsible to adopt rules and regulations establishing guidelines for a tuberculosis prevention and control plan for any postsecondary educational institution in the state. The plan is designed to reduce the risk of tuberculosis transmission and is based on the recommendations of the American Thoracic Society, the Centers for Disease Control and Prevention, and the Infectious Diseases Society of America.

**SB 101 - Tanning facilities; regulating minors' use of tanning device.**

This bill deals prohibits anyone under 14 to receive tanning services and restricts tanning for individuals between 14 and 17 without the written consent of a parent or legal guardian. The written consent must contain language indicating the parent/guardian has read and understands hazards/warnings of tanning, and the parent/guardian must submit proof of the minor's age. The written consent is valid for one year and can be rescinded at any time by the parent/guardian. The Kansas State Board of Cosmetology is required to adopt rules and regulations to implement the act.

**SB 170 - Interpreters data bank.**

This legislation creates a volunteer interpreter data bank to serve any adult care home, hospital, local health department, community mental health center and other programs or facilities which provide medical, health care, or mental health care services. The Kansas Department of Health and Environment is accountable to maintain and to determine qualifications of interpreters included in the data bank with the assistance of an advisory committee.

Senator Barnett called attention to the attachments which are in follow-up to previous meetings. Therefore, they are incorporated into this permanent record.

Kansas Health Policy Authority follow up to questions heard at the January 13, 2009, Public Health and Welfare meeting concerning the State Employee Health Plan, 2009 healthcare reform initiatives, etc. (Attachment 1)

Kansas Health Policy Authority follow up to questions heard at the January 20, 2009, Public Health and

## CONTINUATION SHEET

Minutes of the Senate Public Health And Welfare Committee at 1:30 p.m. on February 9, 2009, in Room 136-N of the Capitol.

Welfare meeting concerning the total cost of all incentives and services provided to state employees for health screens in 2008 (Attachment 2).

Kansas Association for the Medically Underserved follow up to questions from the January 21, 2009, Public Health and Welfare meeting concerning specialty care access challenges (Attachment 3).

Kansas Department of Health and Environment follow up to questions from the January 22, 2009, Public Health and Welfare meeting concerning State-Funded Primary Care and Rural Health Clinic Sites by County (Attachment 4).

Kansas Health Policy Authority follow up to questions from the January 26, 2009, Public Health and Welfare meeting concerning heart transplantation reimbursements for children through Kan B Healthy and whether fees for reimbursement are negotiated or set. (Attachment 5)

Terri Weber, legislative research department, furnished 2009 Federal Poverty Guidelines as an informational resource (Attachment 6).

Senator Barnett opened the hearing on **SB 62 - Department of health and environment; tuberculosis evaluation requirements and prevention and control plan for postsecondary educational institutions; rules and regulations.**

Phil Griffin, Kansas Department of Health and Environment, discussed concerns with postsecondary educational institutions, and the fact that many students have not had a tuberculosis screening which places all students, staff, and faculty at risk of contracting tuberculosis (Attachment 7). He indicated this issue is of national concern and many states are struggling to pass legislation similar to **SB 62**. Mr. Griffin discussed individuals vaccinated with BCG and false positives generated when the individual undergoes a tuberculosis skin test (TST). Mr. Griffin indicated the KDHE is committed to working with all partners to achieve attainable results. Senators discussed costs of screening students and of providing therapeutic antibiotic treatment (in the case of a positive tuberculosis diagnosis).

Senator Barnett requested a scientific article about the most recent testing for BCG, and Senator Pilcher-Cook requested data on TB trends in the last 10 years in Kansas. Mr. Griffin indicated that information request would be forwarded to committee members.

Senator Schmidt moved to amend the legislation's effective date as publication in the Kansas Register, to technically amend as recommended by staff, and to favorably pass out SB 62, as amended. Senator Brungardt seconded the motion which passed unanimously.

Senator Barnett opened the hearing on **SB 101 - Tanning facilities; regulating minors' use of tanning device.** Senator Barnett introduced Dr. Michael Giessel, a local dermatologist, who spoke in support of **SB 101**. Dr. Giessel explained the types of skin cancer indicating melanoma is one of the most lethal. He cited various scientific studies supporting correlation between tanning beds and melanoma, particularly when beginning tanning at youthful ages (Attachment 8), and requested passage of **SB 101**.

Darrell Ringler, owner of Midas Touch Tanning Salon in Emporia, was recognized to provide testimony (Attachment 9) in opposition to **SB 101**. Mr. Ringler indicated that he requires patrons to use a form/consent in which a patron can identify his/her "skin type" using a table that is provided, employs trained operators to ensure exposure is based on the patron's "skin type as identified in the consent/form," provides protective eyewear, and attempts to ensure that his patrons are educated and informed relative to tanning hazards/warnings.

Mary Lou Davis, executive director of the Kansas State Board of Cosmetology, spoke from a neutral perspective (Attachment 10). Ms. Davis indicated that in 1992, the Board of Cosmetology was given regulatory authority to license and inspect tanning salons. She reminded those attending that in the 2007-08 Session, extensive legislation was passed granting the Board of Cosmetology the ability to deny or revoke licenses, to assess fines, and to cite tanning salons when there has been a failure to follow the law. Ms. Davis indicated that with the enactment of the Kansas statute in 2008 the Board can facilitate consumer protection. Ms. Davis shared that the fiscal impact of developing a consent form is minimal,

CONTINUATION SHEET

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the greatest expense would be enforcement should **SB 101** be passed.

Written testimony was submitted by Ann Spiess, American Cancer Society (Attachment 11) supporting the legislation, and Marlee Carpenter, Indoor Tanning Association (Attachment 12) opposing **SB 101**.

Senator Barnett closed the hearing on **SB 101**.

**SB 170 - Interpreters data bank.**

Chairman Barnett introduced Cyndi Treaster, Kansas Department of Health and Environment, who indicated that while the KDHE supported the concept of an interpreters data bank, there are concerns that the legislation raises (Attachment 13). Ms. Treaster indicated that to be helpful to health entities needing interpreters, the KDHE is required to develop interpreter standards. Therefore, verification of interpreter skills and certification is necessary to ensure precise interpretation. She indicated this process may take several years to develop. The fiscal impact projected is approximately \$70,000.

Chairman Barnett called attention to written testimony submitted by Chad Austin, Kansas Hospital Association (Attachment 14), and closed the hearing on **SB 170**.

The next meeting is scheduled for February 10, 2009.

The meeting was adjourned at 2:32 p.m.