

SESSION OF 2005

SUPPLEMENTAL NOTE ON SENATE BILL NO. 216

As Amended by House Committee of the Whole

Brief*

Control of Infectious and Contagious Disease

SB 216, if enacted, would enact new laws relating to the powers and duties of local health officers and the Secretary of the Department of Health and Environment, including authority to issue and enforce isolation and quarantine orders. Specifically, a local health officer or the Secretary could:

- issue an order requiring individuals to seek appropriate and necessary evaluation and treatment;
- issue an order requiring individuals to go to and remain in places of isolation or quarantine until it is determined they no longer pose a substantial risk of transmitting an infectious or contagious disease;
- order a sheriff, deputy sheriff, or other law enforcement officer to assist in the execution or enforcement of any order, and
- in addition, the proposed legislation sets out information to be included in any order and the manner in which the order is to be issued.

The proposed legislation would create protections for individuals placed in isolation or quarantine, including:

- the right to a court appeal;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- provision of counsel for individuals who are not represented by counsel in court proceedings; and
- making it unlawful for any employer to discharge an employee solely because the employee or an immediate family member was in isolation or quarantine pursuant to an order issued by a health officer or the Secretary.

Tuberculosis Control

SB 216 gives the Secretary of Health and Environment authority to adopt rules and regulations establishing tuberculosis evaluation requirements for students entering Kansas college or university classrooms if such students were born in, lived in, or traveled in countries identified by the Centers for Disease Control and Prevention as areas where tuberculosis is a health risk. Compliance with the regulations, including any associated cost, is made the joint responsibility of the educational institution and the student or the student's parents or guardian. Any rules are to be in compliance with best practice standards recommended by the Centers for Disease Control and Prevention. Anyone found to be infected with tuberculosis is to be provided treatment and ongoing monitoring in accordance with Kansas law.

Solid Waste Disposal

SB 216 amends one of the statutes that concern the regulation of solid waste processing facilities or the waste disposal area of a solid waste management system to add a new requirement to be met prior to the issuance of a permit by the Secretary of Health and Environment. Prior to issuing a permit to construct or operate a solid waste disposal area, the Secretary would be required to contract for a hydrogeologic site investigation to be conducted by a licensed geologist with the cost thereof to be paid by the applicant for a permit. A copy of the evaluation is to be supplied to local health officials.

Background

In its original form, SB 216 was requested by the Department of Health and Environment whose representative testified in the Senate Committee hearing that newly emerging diseases and the possibility of an intentional release of biological agents have increased the possibility of the use of large scale isolation or quarantine to control the spread of infectious and contagious diseases. Kansas laws are insufficient for appropriate control and lack protection for the rights of individuals affected by isolation or quarantine.

The provisions relating to the control of tuberculosis amended into SB 216 by the House Committee of the Whole were originally in SB 217, as amended by Senate Committee. SB 217 was requested by the Department of Health and Environment whose representative testified that tuberculosis is again a problem in certain parts of the world and in a form that is resistant to traditional treatment. Therefore, it is necessary to take steps to control its spread in the United States and in Kansas.

An amendment relating to a site study prior to the issuing of a permit to construct or operate a solid waste disposal area similar to that amended into SB 216 by the House Committee of the Whole was contained in 2004 HB 2123 which died in committee at the end of the 2004 Session.