

SESSION OF 2005

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2264

As Amended by Senate Committee of the Whole

Brief*

Director of Health Term of Office

HB 2264 would amend current statutes concerning the term of employment for the Director of Health at the Kansas Department of Health and Environment.

The bill would amend KSA 75-5603 to specify that the Director of Health would be appointed by the Secretary and would serve a four-year term. After the four-year term, the Director would serve at the pleasure of the Secretary. The bill also would strike statutory language that required Senate confirmation of the first Director appointed after the effective date of the existing act.

Control of Infectious and Contagious Disease

The bill 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; and

*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>

- order a sheriff, deputy sheriff, or other law enforcement officer to assist in the execution or enforcement of any order.

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;
- providing 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. (SB 216)

Tuberculosis Control

The bill would give 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, would be 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. (SB 216)

Background

HB 2264, as originally introduced, concerned the term of office for the Director of Health. Proponents testifying on the original bill included the Kansas Department of Health and Environment and the Kansas State Nurses Association. No opponents appeared on the bill. The Appropriations Committee amended the bill to strike current statutory language requiring Senate confirmation. The Kansas Department of Health and Environment indicated that this was its original intention when it requested introduction of the bill. This portion of the bill would have no fiscal impact on the agency.

The Senate Committee of the Whole amended the bill to include portions of SB 216 concerning isolation and quarantine orders and tuberculosis evaluation requirements.

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 fiscal impact of this portion of the bill on the agency is unknown due to uncertainty regarding the potential number of cases involved and the costs of a large scale emergency response.

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. This portion of the bill would have no fiscal impact on the agency.