

Substitute for HOUSE BILL No. 2183

By Committee on Health and Human Services

2-26

1 AN ACT concerning the designation and control of infectious and
2 contagious diseases; amending K.S.A. 65-116a and 65-128 and
3 repealing the existing sections; also repealing K.S.A. 2012 Supp. 65-
4 129a.

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 65-116a is hereby amended to read as follows: 65-
7 116a. As used in this act K.S.A. 65-116a through K.S.A. 2012 Supp. 65-

8 129f, and amendments thereto:

9 (a) ~~The word "tuberculosis" shall be construed to mean that the~~
10 ~~disease is in a communicable or infectious stage as established by chest x-~~
11 ~~ray, sputum examination of sputum, or other diagnostic procedures~~
12 ~~approved by the secretary of health and environment; and "Blood" means~~
13 ~~human blood, human blood components and products made from human~~
14 ~~blood.~~

15 (b) ~~the words "Health officer" shall include means the secretary of~~
16 ~~health and environment or the secretary's designee and all local health~~
17 ~~officers.~~

18 (c) ~~"Infectious and contagious diseases" means those diseases so~~
19 ~~designated by the secretary of health and environment pursuant to K.S.A.~~
20 ~~65-128, and amendments thereto.~~

21 (d) ~~"Occupational exposure" means skin, eye, mucous membrane or~~
22 ~~parenteral contact with blood or other potentially infectious materials that~~
23 ~~might result from the performance of an employee's duties.~~

24 (e) ~~"Other potentially infectious materials" means: (1) The human~~
25 ~~body fluids including semen, vaginal secretions, cerebrospinal fluid,~~
26 ~~synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic~~
27 ~~fluid, saliva, any body fluid that is visibly contaminated with blood, and~~
28 ~~all body fluids in situations where it is difficult or impossible to~~
29 ~~differentiate between body fluids; (2) any unfixed tissue or organ (other~~
30 ~~than intact skin) from a human (living or dead); (3) cell or tissue cultures~~
31 ~~containing human immunodeficiency virus (HIV), organ cultures, and~~
32 ~~culture medium or other solutions containing HIV, the hepatitis B virus~~
33 ~~(HBV), hepatitis C virus (HCV) and blood, organs, or other tissues from~~
34 ~~experimental animals infected with HIV, HBV or HCV; and (4) other~~
35 ~~biological materials, as designated by the secretary of health and~~
36

Amendments to Sub. HB 2183
Senate Committee on Public Health and Welfare
March 14, 2013
Prepared by Nobuko Folmsbee
Office of Revisor of Statutes

1 *environment, capable of transmitting an infectious or contagious disease-*
 2 *causing agent from one person to another.*

3 *(f) "Tuberculosis" means a latent infection or active disease caused*
 4 *by the bacterium, mycobacterium tuberculosis.*

5 Sec. 2. K.S.A. 65-128 is hereby amended to read as follows: 65-128.

6 (a) For the protection of the public health and for the control of infectious
 7 or contagious diseases, the secretary of health and environment by rules
 8 and regulations shall designate such diseases as are infectious or
 9 contagious in their nature, and the secretary of health and environment is
 10 authorized to adopt rules and regulations for the isolation and quarantine
 11 of such diseases and persons afflicted with or exposed to such diseases as
 12 may be necessary to prevent the spread and dissemination of diseases
 13 dangerous to the public health.

14 (b) ~~As used in K.S.A. 65-118, 65-119, 65-122, 65-123, 65-126 and~~
 15 ~~65-129, and amendments thereto, "infectious or contagious disease" means~~
 16 ~~any disease designated by the secretary of health and environment as an~~
 17 ~~infectious or contagious disease in accordance with subsection (a) but the~~
 18 ~~infectious or contagious disease acquired immune deficiency syndrome or~~
 19 ~~any causative agent thereof shall not constitute an infectious or contagious~~
 20 ~~disease for the purposes of K.S.A. 65-118, 65-119, 65-122, 65-123, 65-126~~
 21 ~~and 65-129, and amendments thereto, because such disease is subject to~~
 22 ~~the provisions of K.S.A. 65-6001 through 65-6007 and amendments~~
 23 ~~thereto. The secretary of health and environment is authorized to issue~~
 24 ~~such orders and adopt rules and regulations as may be necessary to~~
 25 ~~prevent the spread and dissemination of diseases injurious to the public~~
 26 ~~health, including, but not limited to, providing for the testing for such~~
 27 ~~diseases and the isolation and quarantine of persons afflicted with or~~
 28 ~~exposed to such diseases.~~

29 (c) *No later than January 1, 2014, the secretary shall develop and*
 30 *adopt rules and regulations providing for the protection of individuals who*
 31 *provide medical or nursing services, clinical or forensic laboratory*
 32 *services, emergency medical services and firefighting, law enforcement*
 33 *and correctional services, or who provide any other service, or*
 34 *individuals who receive any such services} or are in any other*
 35 *employment where the individual may encounter occupational exposure to*
 36 *blood and other potentially infectious materials.*

37 Sec. 3. K.S.A. 65-116a and 65-128 and K.S.A. 2012 Supp. 65-129a
 38 are hereby repealed.

39 Sec. 4. This act shall take effect and be in force from and after its
 40 publication in the statute book.

New Sec. 3. The changes to law in this act shall be known as Chy J. Miller's law.

And renumbering the remaining sections accordingly