

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 January 16, 2008 in Room 136-N of the Capitol.

All members were present except:  
Peggy Palmer- excused

Committee staff present:  
Emalene Correll, Kansas Legislative Research Department  
Terri Weber, Kansas Legislative Research Department  
Sara Zafar, Kansas Legislative Research Department  
Nobuko Folsbee, Revisor of Statutes  
Jan Lunn, Committee Secretary

Conferees appearing before the committee:  
Representative Mike Kiegel  
Dawn Lewis  
Cynthia K. Smith, JD, Sisters of Charity of Leavenworth Health System  
Chad Austin, Kansas Hospital Association

Others attending:  
See attached list:

**HB 2341 – Disposition of fetal remains act**

Chairman Barnett called the meeting to order, welcomed everyone, and introduced new staff members, Jan Lunn and Sara Zafar to the Public Health and Welfare committee members. Chairman Barnett provided a brief schedule overview of topics to be discussed in the upcoming weeks: Bariatric Surgery, Healthcare Technology, Safety Net Clinics, Emergency Services, and Hospital Licensures..

Chairman Barnett introduced Emalene Correll from Legislative Research Services to brief the committee on **HB 2341** as amended by the House. Ms. Correll expressed concern about a possible conflict between subsections (1) and (2) in which “final disposition” and “remains of a human fetus” are defined. Specifically, gestational age is defined as “regardless of gestational age” in subsection (2) and in subsection (1) reference is made to “a gestation period of less than 20 completed weeks.” In addition, she noted that “outpatient birthing clinic” in subsection (c) is not defined by Kansas law, and she recommended a revision to “maternity home” as defined by Kansas statute.

Chairman Barnett opened the hearing on **HB 2341**, introducing Representative Mike Kiegerl who spoke as a proponent for the bill. Representative Kiegerl introduced proponent conferee, Dawn Lewis, who spoke about her pregnancy, miscarriage, and her desire to see this legislation enacted. A copy of her testimony is attached (Attachment 1) and is incorporated into these minutes as a matter of record.

Chairman Barnett recognized Cynthia K. Smith, JD, Sisters of Charity of Leavenworth Health System, who spoke as an opponent to **HB 2341**. Ms. Smith indicated that procedures regarding disposition of fetal remains at Sisters of Charity of Leavenworth facilities are comprehensive, and the new law is unnecessary. Ms. Smith provided written testimony (Attachment 2) which is attached, and therefore, are incorporated into these minutes as a matter of record.

Questions were heard from Senators Barnett, Haley, Brungardt and Wagle regarding language conflict, compliance with current standards, the mother’s right to determine final disposition, the time interval between miscarriage and notification, and additional costs to dispose of fetal remains separately.

Chairman Barnett called upon Chad Austin from the Kansas Hospital Association who spoke as a neutral conferee. He stated that **HB 2341** may be unnecessary, but it would provide a reasonable and consistent practice for hospitals across the state. Mr. Austin submitted written testimony which is attached and considered to be incorporated into these minutes (Attachment 3).

## CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 1:30 P.M. on January 16, 2008 in Room 136-N of the Capitol.

Chairman Barnett closed the hearing on **HB 2341**.

Chairman Barnett will work with staff for possible balloons containing suggested revisions.

### **Adjournment**

The meeting was adjourned at 2:05pm

The next meeting is scheduled for Wednesday, January 23, 2008