

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 March 26, 2008 in Room 136-N of the Capitol.

All members were present.

Committee staff present:

Emalene Correll, Kansas Legislative Research Department  
Terri Weber, Kansas Legislative Research Department  
Sara Zafar, Kansas Legislative Research Department  
Nobuko Folmsbee, Revisor of Statutes  
Renaë Jefferies, Revisor of Statutes  
Jan Lunn, Committee Secretary

Conferees attending:

Mary Lou Davis, executive director, Kansas State Board of Cosmetology

Others attending:

See attached list.

**HB 2721 - Board of cosmetology; licensing requirements**

Chairman Barnett briefly provided a summary of the meeting of March 19, 2008, in which several amendments to **HB 2721** were approved; and referred to the unresolved issue surrounding the use of laser and/or light emitting devices for temporary hair removal.

Chairman Barnett recognized Mary Lou Davis, executive director of the Kansas State Board of Cosmetology, who provided amendments that removed reference to "laser devices" from the appropriate "hair removal" sections; and added a new subsection (12) under Sec. 2., prohibiting electrolysis by use of a medical device registered with the FDA or as defined in federal or state law which may be distributed only upon the order of a licensed physician. However, the amended language does not prohibit the use of a medical device if it is operated by a licensee under the supervision of a licensed physician and in a location maintained by the physician.

Considerable discussion ensued. Senator Wagle expressed concern that many cosmetologists are practicing hair removal using laser devices, and the passage of such law may negatively impact such businesses. Discussion was heard related to FDA Laser Classifications and intermittent pulse light (IPL) technology, and whether the proposed amendments would exclude the use of IPL technology. Chairman Barnett requested staff from the research department conduct the appropriate searches defining laser and light technologies, medical devices, IPL devices, the use of laser and light technology, and FDA classifications. Research staff will provide findings to Senator Wagle and Chairman Barnett prior to debate on the Senate floor.

Ms. Davis explained the purpose of the proposed legislation is intended to be proactive and protect the public from harm.

Senator Brungardt moved to adopt the amendment as presented by Ms. Davis; Senator Vicki Schmidt seconded the motion. The motion carried.

Renaë Jefferies, reviser of statutes office, distributed another amendment explaining provisions to clarify courses of instruction and practice prior to July 1, 2009, and after July 1, 2009, at which time the instructional clock hours and instructor to student ratios change. Senator Schmidt moved to approve the amendment as submitted; Senator Journey seconded the motion. The motion carried.

Senator Journey moved to favorably pass out **HB 2721** as amended; Senator Brungardt seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 1:30 P.M. on March 26, 2008 in Room 136-N of the Capitol.

**HB 2672 - Long-term care units, inspection by department on aging**

Terri Weber, legislative research department, briefed committee members on the proposed legislation. She indicated that originally the bill had two focuses: one dealing with long-term care units attached to hospitals, and the other dealing with replacing references to the Health Care Data Governing Board with the Kansas Health Policy Authority. Since representatives from the the Kansas Department of Health and Environment and Kansas Department on Aging were finalizing a memorandum of understanding to shift positions and financial resources at the time the House considered the bill, they requested that language dealing with the surveying and certification of long-term care units attached to hospitals by KDHE be deleted. Therefore, **HB 2672**, as amended, replaced references to the Health Care Data Governing Board (HCDGB) with references to the Kansas Health Policy Authority (KHPA) in several statutes

Ms. Weber indicated that on Page 3 line 38, a technical amendment was overlooked by the House, and an amendment should be made to remove the reference to the "health care data governing board" and to insert "Kansas health policy authority."

Senator Schmidt spoke in support of the proposed technical amendment and moved to delete "health care data governing board" on page 3, line 38 and to insert "Kansas health policy authority" in its place. Senator Brungardt seconded the motion. The motion passed.

Senator Schmidt moved to favorably move out **HB 2672**, as amended; Senator Brungardt seconded the motion. The motion passed.

**HB 2207 - Relating to the Kansas board of pharmacy, authorizing emergency proceedings under subsections (d), (e) and (f) of K.S.A. 65-1627.**

Senator Barnett indicated the hearing on this bill occurred on March 6, 2008, and he recognized Senator Vicki Schmidt to discuss the proposed amendments.

Senator Schmidt distributed proposed amendments adding non-resident pharmacies and the requirement for a non-resident pharmacy license in Kansas, amending not only KSA 2007 Supp.65-1627 but also KSA 65-1657 and creating a new section with criminal penalties if non-resident pharmacies do not register and procure a non-resident Kansas pharmacy license.

Senator Schmidt added that the rationale behind these additions relate to internet pharmacies who ship drugs into the State of Kansas without oversight by the Kansas State Board of Pharmacy and health care providers. Senator Schmidt reviewed the list of participants in drafting the proposed amendments: Kansas Pharmacy Coalitions, Board of Healing Arts, Pharmacy Corporation, Medical Society, revisors, and Kansas Bureau of Investigation etc. The proposed amendment adds violations of the act carry a severity level 10, nonperson felony.

Senator Schmidt moved to adopt the amendments as submitted; Senator Brungardt seconded the motion. The motion carried.

Senator Schmidt moved to favorably pass out **HB 2207**, as amended; Senator Journey seconded the motion. The motion carried.

Those attending discussed two bills that had previously been heard and worked: **SB 529 - Educational awareness regarding meningococcal meningitis** which was amended to include educational awareness regarding infectious disease vaccines, and **SB 548 - School - based influenza vaccination pilot program.**

Senator Schmidt moved to remove the contents of **HB 2097** and amend **SB 529** and **SB 548** into Senate substitute **HB 2097** and recommend Senate substitute **HB 2097** favorably for passage. Senator Brungardt seconded the motion. The motion passed.

Minutes of the Public Health and Welfare Committee meetings from March 11, 12, 13, and 19, 2008, were reviewed by those attending. Senator Haley moved to accept the minutes as submitted; Senator Schmidt seconded the motion. The motion passed.

CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 1:30 P.M. on March 26, 2008 in Room 136-N of the Capitol.

Senator Barnett announced a tentative conference committee meeting has been set with House Committee on Health and Human Services for Monday, March 31, 2008, at 3:00pm (or upon adjournment of the Senate).

The meeting was adjourned at 2:15pm.