

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman Jim Barnett at 1:30 p.m. on January 27, 2009, in Room 136-N of the Capitol.

All members were present.

Committee staff present:

Nobuko Folmsbee, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Kelly Navinsky-Wenzl, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Jan Lunn, Committee Assistant

Conferees appearing before the committee:

Rod Bremby, Secretary, Kansas Department of Health and Environment
Joyce Morrison, Clean Air Kansas
Dr. Tom Schultz, KU Medical Center, Wichita
Molly Johnson, Private Citizen and Student
Teresa Carter, Susan G. Komen for the Cure
John Neuberger, Dr.Ph.,, KU School of Medicine
Louie Reiderer, Owner, Johnny's Taverns
Anne Spiess, American Cancer Society for Dr. James Hamilton, American Cancer Society
Tracy Russell, Kansas Health Consumer Coalition
Cathy Porter, American Heart Association
Jace Smith, Private Citizen
Bob Harvey, AARP
Marcia Nielson, PhD, Kansas Health Policy Authority
Mary Jayne Hellebust, Tobacco Free Kansas Coalition
John Neuenswander, American Lung Association
Dave Pomeroy, Private Citizen and Clean Air Topeka
Bobbi Sauder, Clean Air Emporia
Rev. Craig Loye, Kansas Faith Alliance for Health Reform
Jeff Levin, Manhattan Chamber of Commerce
Jim Gardner, MD, Kansas Chapter American College of Physicians, Riley County Medical Society
Phil Black, Brown-Mackie College, Salina
Robert Vancrum, Greater Kansas City Chamber of Commerce
Graham Bailey, Vice President, Blue Cross and Blue Shield of Kansas, Inc.
Sharon Homan, PhD, Kansas Heart Institute

Others attending:

See attached list.

Chairman Barnett opened the public hearing for proponents on **SB 25** - State-wide prohibition on smoking in indoor public areas.

Rod Bremby, Secretary, Kansas Department of Health and Environment ([Attachment 1](#)), presented testimony supporting **SB 25**. He indicated that 27 U.S. states and 16 foreign countries have passed 100% smoke-free laws to protect the health of their citizens.

Joyce Morrison on behalf of Clean Air Kansas testified that 71% of Kansas voters favor clean air legislation, and 83% of them believe secondhand smoke is hazardous to their health. ([Attachment 2](#))

Tom Schultz, MD, Kansas University School of Medicine-Wichita cited statistics relative to lung cancer, secondhand smoke, and the 2006 US Surgeon General's Report ([Attachment 3](#)) detailing impact of tobacco smoke exposure.

Molly Johnson, Senior, University of Kansas, spoke from the perspective of a college student, and the benefits of clean air to the future ([Attachment 4](#)).

CONTINUATION SHEET

Minutes of the Senate Public Health And Welfare Committee at 1:30 p.m. on January 27, 2009, in Room 136-N of the Capitol.

Teresa Carter, Susan G. Komen for the Cure, spoke in support of a clean indoor air act and protection for Kansans from secondhand smoke. She indicated it is time to address what the Surgeon General (since 1966) has indicated is harmful. ([Attachment 5](#))

John Neuberger, DrPH, University of Kansas School of Medicine, provided in-depth testimony relative to a survey he conducted in 2008 that resulted in 60% of respondents indicating support for a comprehensive indoor smoking regulation. In addition, he cited statistics from other states indicating no there was no negative economic harm from indoor smoking ordinances. ([Attachment 6](#))

Louie Reiderer, owner of Johnny's Taverns throughout Kansas, provided testimony indicating his patrons enjoy a non-smoking environment ([Attachment 7](#)).

Dr. James Hamilton, American Cancer Society Government Relations Committee, was unable attend. Therefore, Anne Spiess of the American Cancer Society spoke for Dr. Hamilton. She provided a study that was done at Arizona University which reflected that banning of smoking had little effect on businesses ([Attachment 8](#)).

Tracy Russell of the Kansas Health Consumer Coalition, testified that while there seems to be little evidence to support claims of adverse financial impact resulting from clean air indoor laws, there is substantial proof of costs to Kansas taxpayers resulting from smoking and inhaling secondhand smoke. ([Attachment 9](#)).

Cathy Porter, American Heart Association, spoke relative to her experience as a heart attack survivor. She indicated the one cardiac risk factor she possessed was that she had been a smoker. She cited statistics relating to secondhand smoke and the risks to vulnerable populations ([Attachment 10](#)).

Jace Smith, a private citizen, provided testimony regarding his experience as a college student working in a smoking environment, and the negative impact on his health ([Attachment 11](#)).

Bob Harvey, representing the AARP, spoke in support of **SB 25** indicating state agencies should take specific and effective steps to control all forms of pollution which threaten health, safety, and quality of life ([Attachment 12](#)).

Dr. Marcia Nielson, Kansas Health Policy Authority, provided a fact sheet, "Statewide Clean Indoor Air" ([Attachment 13](#)) as well as a comprehensive list of current research on clean air initiatives. Dr. Nielson indicated the KHPA supports a uniform policy that would ensure protection from secondhand smoke.

Mary Jayne Hellebust from Tobacco Free Kansas Coalition, testified that the passage of **SB 25** would be a great step forward for public health in Kansas. Ms. Hellebust reported that currently almost \$200 million in state funding is for Medicaid costs to treat Kansans for tobacco-related diseases. ([Attachment 14](#))

John Neuenswander, Advocacy Director for the American Lung Association, provided testimony that scientific evidence indicates there is no risk-free level of exposure to secondhand smoke. He asserted that the Environmental Protection Agency predicts 3,000 lung cancer deaths and 37,000 heart disease deaths occur yearly in the United States due to exposure to secondhand smoke. ([Attachment 15](#))

Dave Pomeroy, a private citizen, and member of Clean Air Topeka, spoke poignantly about the death of his daughter and her exposure to secondhand smoke. He indicated that, in his opinion, no business has the right to permit a dangerous substance to be unnecessarily present where/when employees and patrons are present. ([Attachment 16](#)).

Bobbi Sauder, Clean Air Emporia, spoke about her involvement with the passage of a Clean Air Ordinance in Emporia. Ms. Sauder shared several statistics related to smoking and secondhand smoke. ([Attachment 17](#))

Rev. Craig Loya, Kansas Faith Alliance for Health Reform, was unable to testify; therefore, Barbara Gibson shared Rev. Loya's testimony ([Attachment 18](#)) reflecting the grassroots interests and local community perspectives of people living and working in Kansas support a clean air environment.

CONTINUATION SHEET

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Jeff Levin from the Manhattan Area Chamber of Commerce was present to discuss the impact of the recently-enacted smoking ban bill in Manhattan, and the issue of ensuring a statewide ban that provides no advantage to one business over another. ([Attachment 19](#))

Bob Strawn, Mayor Pro Tem, Manhattan, also spoke relative to the Manhattan smoking ban process, and the difficulties/issues surrounding the petition process. H encouraged a statewide ban that “levels the playing field” for all businesses. ([Attachment 20](#))

Dr. Jim Gardner appeared representing the Kansas Chapter of the American College of Physicians and Clean Air Manhattan. Dr. Gardner encouraged a clean air law that brings savings to health care costs, saves lives, and helps Kansas children grow up smoke free ([Attachment 21](#)).

Phil Black, Dean of Academic Affairs at Brown Mackie College in Salina, focused on the future and helping children negotiate through unhealthy influences. Mr. Black’s testimony is attached ([Attachment 22](#)).

Robert Vancum, Greater Kansas City Chamber of Commerce, spoke about the increasing cost of healthcare and health insurance resulting from smoking and secondhand smoke. He indicated members in his organization overwhelmingly support measures to ban smoking in public places. ([Attachment 23](#))

Graham Bailey, Vice President, Blue Cross and Blue Shield of Kansas, discussed healthcare costs in the last 12-month period for a member suffering a heart attack. He indicated in Pueblo, Colorado, three years following a smoking ban law, heart attack admissions were reduced 41%. In Kansas, if that percentage were applied to members who had heart attacks in a 12-month period, 838 fewer people would have heart attacks, saving \$28.9 million in claims expense. Mr. Bailey’s testimony is attached. ([Attachment 24](#))

Sharon Homan, PhD, Kansas Health Institute and speaking from a neutral position, discussed the economic impact of Lawrence’s smoke-free ordinance ([Attachment 25](#)). Dr. Homan indicated a study was performed analyzing taxable sales, both food (and other non-liquor sales) and liquor for bars and restaurants in Lawrence. Data was obtained from two sets of monthly tax receipts provided by the Kansas Department of Revenue. Results from the study did not show an overall negative impact on the restaurant and bar industry.

Chairman Barnett called committee member’s attention to the following written testimony that was submitted: City of Derby, KS ([Attachment 26](#))

Gail Dicus, Private Citizen ([Attachment 27](#))

Chad Austin, Kansas Hospital Association ([Attachment 28](#))

Carolyn Gaughan, Kansas Academy of Family Physicians ([Attachment 29](#))

James E. Sherow, City Commissioner, Manhattan ([Attachment 30](#))

Donna Bartholomew, Skaets Steak Shop ([Attachment 31](#))

Marcy Morris, Private Citizen ([Attachment 32](#))

Fee Monshizadeh, Mariscos Restaurant, Lawrence ([Attachment 33](#))

Bruce Snead, City Commissioner, Manhattan ([Attachment 34](#))

Debbie Fox, Kansas Respiratory Society ([Attachment 35](#))

Salvador Romero, Kansans for Nonsmokers Rights, Topeka ([Attachment 36](#))

Teresa Walters, Emporians for Drug Awareness ([Attachment 37](#))

Donald G. Carden, Registered Respiratory Therapist, Newton, ([Attachment 38](#))

Susan Bumsted, Kansas State Nurses Association ([Attachment 39](#))

Debra Zahr, Kansas Association of Homes and Services for the Aging ([Attachment 40](#))

Dan Morin, Kansas Medical Society ([Attachment 41](#))

Yvonne Gibbons and Del Byers, Saline County Health Department ([Attachment 42](#))

Ronald E. Weiner, MD, Asthma, Allergy and Rheumatology Associates of Topeka, ([Attachment 43](#))

Sonja Armbruster, Kansas Public Health Association, Inc. ([Attachment 44](#))

The next meeting is scheduled for January 29, 2009.

The meeting was adjourned at 2:31 p.m.