

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Vice-Chair Peggy Mast at 1:30 P.M. on February 12, 2007 in Room 526-S of the Capitol.

All members were present except:  
Clark Shultz- excused

Committee staff present:  
Norman Furse, Revisor's Office  
Rena Jefferies, Revisor's Office  
Melissa Calderwood, Legislative Research  
Mary Galligan, Legislative Research  
Patti Magathan, Committee Assistant

Conferees appearing before the committee:  
Mary Lou Davis, Kansas Board of Cosmetology  
Malinda McHenry, owner of the Academy of Aesthetic Arts in Shawnee  
Representative Lance Kinzer  
Judy Smith, Concerned Women of America  
Duane Simpson, Biotechnology Industry Organization  
Drew Dimmel, Parkinson Foundation  
Durant Abernath, Kansas University Medical Center Student  
Nick Nikas, Bio Ethics Defense Fund

Others Attending:  
See Attached List.

Vice-Chair Mast opened hearings on **HB2174 - Board of cosmetology; standards of practice.**

**Melissa Calderwood**, Legislative Research, presented an overview of **HB2174**. This bill would amend the statute that allows the board of cosmetology to adopt rules and regulations as necessary for administrative matters within the board's jurisdiction, including standards of practice. The bill was introduced by this committee and introduced by **Representative Storm**. Fiscal note indicates that any costs associated with this bill would not be significant.

**Mary Lou Davis**, Executive Director of the Board of Cosmetology, testified as a proponent of **HB2174**. This bill enables the board to establish standards of practice through the administrative process for each profession. This will assure continuing competence in both practice skills and safety. Cosmetologists provide nail, skin, and hair services. (Attachment 1)

**Malinda McHenry**, owner of the Academy of Aesthetic Arts in Shawnee, testified as a proponent of **HB2174**, stating that this bill will allow the board to expand the standards of practice to accommodate the rapid changes and demands for skills related to our industry. By allowing the board to set the standards of practice in regulations, they can also insure that educational requirements are expanded within our schools. (Attachment 2)

Chair Landwehr closed the hearings on **HB2174** and opened hearings on **HB2255 - Human cloning, prohibiting certain expenditures of moneys appropriated from the state treasury by state agencies.**

Representative **Lance Kinzer** testified as a proponent, stating that he had proposed a similar bill last year which passed the House but not the Senate. This bill has the exact same purpose as last year's bill. He believes that there is a dangerous principle at work if we say that certain types of life are treated as a product rather than as a person. (Attachment 3)

**Nikolas T. Nikas**, President and General Counsel of the Bioethics Defense Fund, testified as neutral on **HB 2255**. He explained that he is not here to support or oppose **HB2255**. He is here because of his experience in this area to testify about the legal issues surrounding the bill.

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Seven states have banned cloning for research. These states have seen no decrease in their biotech industry. Mr. Nikas supported the wording and approach of this bill by stating that the purpose of this bill is to ensure that Kansas taxpayers are not forced to fund research that a large majority of the population finds morally unacceptable. The bill does not address or disallow embryonic stem cell research, but disallows research done at taxpayer expense. He also stated that this bill is substantially the same as Kansas' current law which prohibits taxpayer funding of abortion in most cases. ([Attachment 4](#))

### **Proponents providing Written testimony:**

Concerned Women for America of Kansas ([Attachment 5](#))

Kansans for Life ([Attachment 6](#))

Kansas Catholic Conference ([Attachment 7](#))

Diane Beeson, Medical Sociologist at California State Univeristy and M.L. Tina Stevens, Author, "Bioethics in America", San Francisco State University ([Attachment 8](#))

**Duane Simpson**, representing Biotechnology Industry Organization (B.I.O) of Washington, D.C., testified as an opponent of **HB2255**, stating that Kansas has established itself as a leader in the area of biomedical and life science research and development. The Kansas Economic Growth Act and the creation of the Kansas Bioscience Authority are model pieces of legislation for the rest of the country. We are now seeing the fruits of this Legislature's labor as we attempt to recruit the National Bio and Agro Defense Facility to Kansas. The current growth in the Kansas economy is due to biotechnology and the future of the Kansas economy depends on expansion of Kansas' role in biotechnology research.

He added that there is a significant difference between cloning to create a new human being (reproductive cloning) and cloning specific human cells, genes and other tissues for therapeutic purposes (therapeutic cloning). Not only does **HB2255** not recognize the difference, it intentionally encompasses all forms of therapeutic cloning. In fact, the definition of "human cloning" in **HB2255** is not the same definition as the one written in **HB2098**. There is a significant difference in regenerative nature of stem cells depending on amount of differentiation that has gone on in the cells. For instance adult stem cells are rather specialized, cord blood stem cells are less specialized but are still differentiated to a degree, while embryonic stem cells are "pluripotent" in that they can become just about any cell in the body given the proper differentiation. That's why these cells hold so much potential for researchers.

We support recommendations by the National Academies of Science that the cloning of human beings for reproductive purposes should be prohibited; but that therapeutic cloning should be permitted. The Academy has taken steps to provide guidelines for research on embryonic stem cells, including a recommendation that institutions conducting embryonic stem cell research establish oversight committees. We support these recommendations.

**HB2255** does not just prohibit funding from the State General Fund; it prohibits funding from any money in the state treasury including special revenue funds. By placing a limit on all of these funds, **HB2255** effectively bans any money that touches a state agency, whether it is a tax dollar or not. ([Attachment 9](#))

**Drew Dimmel**, Opponent and Chairman of the Board of Directors of the Parkinson Foundation of the Heartland, stated that this bill unfairly "taints" Somatic Cell Nuclear Transfer (S.C.N.T.) research, which many experts believe could eventually cure diseases and injuries that afflict more than two hundred thousand Kansas adults and children. One of those diseases is Parkinson's. No one wants human reproductive cloning. The potential for medical solutions to many debilitating and deadly conditions is the reason that so many groups, such as the National Parkinson's Foundation, The Parkinson's Action Network and the Parkinson Foundation of the Heartland support S.C.N.T. research. ([Attachment 10](#))

**Durant Abernathy** identified himself as a student at the University of Kansas Medical Center and as a person who may one day be cured through embryonic stem cell research. He said that he has been diagnosed as a Type 1 diabetic and would die without insulin. Insulin is not a cure for diabetes, but remains the only treatment since 1922. Adult stem cells are unlikely to produce a cure for diabetes, however, embryonic stem cell research is likely to produce a cure. **HB2255** fails to differentiate between reproductive and therapeutic cloning. It erroneously defines S.C.N.T. as human cloning when it is instead therapeutic cloning. A ban on

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the use of state funds for S.C.N.T. research would have the effect of shutting down any current or future S.C.N.T. research in Kansas, and it could unfairly prevent Kansas residents from having access to therapies and cures available to the citizens of other states. (Attachment 11)

Opponents providing written testimony were:

Kansas Coalition for Lifesaving Cures (Attachment 12)

American's for Stem Cell Therapies & Cures (Attachment 13)

Neutral written testimony was provided by Dr. Paul Terranova, Vice Chancellor for Research, Office of the Executive Vice Chancellor, University of Kansas Medical Center. (Attachment 14)

Chair Landwehr closed hearings on HB2255 and adjourned the meeting. Next meeting is Feb. 13<sup>th</sup> at 1:30.