

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chairperson Sandy Praeger at 10:00 a.m. on March 27, 2000 in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Norman Furse, Revisor of Statutes
Lisa Montgomery, Revisor of Statutes
Hank Avila, Legislative Research Department
JoAnn Buntten, Committee Secretary

Conferees appearing before the committee:

Clyde Graeber, Secretary of Kansas Department of Health and Environment
Alicia Salisbury, Kansas State Senator
Stephen Paige, Director, Bureau of Consumer Health, KDHE
Frances Kastner, Director of Governmental Affairs, Kansas Food Dealers Assn.

Others attending: See attached list

Hearing on HB 3005 - Child Care facilities, temporary permits; extension of

Clyde Graeber, Secretary of Kansas Department of Health and Environment, testified before the Committee in support of **HB 3005** which would authorize issuance of temporary permits by the Department of Health and Environment to allow maternity centers and child-care facilities to operate while licensure deficiencies are being corrected. Currently, the statute does not allow these permits to be extended once they expire. Mr. Graeber noted that the bill would allow the permits to be extended for up to 90 days only if the applicant can demonstrate that progress has been made to meet licensure compliance issues. (Attachment 1)

There were no opponents to the bill.

During Committee discussion it was noted that additional language needed to be added in the bill on page 1, line 36, relating to the secretary of health and environment may extend "without the approval of the secretary of social and rehabilitation services" the temporary permit.

Senator Salmans made a conceptual motion that language be added to the bill that would clarify the secretary of health and environment may extend the temporary permit without the approval of the secretary of social and rehabilitation services, seconded by Senator Langworthy. The motion carried.

Senator Salmans made a motion that the Committee recommend **HB 3005 as amended** favorably for passage, seconded by Senator Langworthy. The motion carried.

Hearing on SB 661 - Inspection of certain retail food stores and food processing plants

Alicia Salisbury, Kansas State Senator, called the Committee's attention to testimony from the Senate Ways and Means Subcommittee relating to grocery stores and food processors that are inspected the same as any food services establishment but are not required to pay fees. The cost of these inspections is paid out of the State General Fund. She noted that the Subcommittee recommended the introduction of a bill to establish annual license fees for retail food stores and food processors based on the complexity of the individual establishment. (Attachment 2)

Stephen Paige, Director, Bureau of Consumer Health, KDHE, testified in favor of **SB 661**, and noted that passage of the bill would establish a licensing requirement for retail food stores and food processors. The Secretary of KDHE would be authorized to adopt regulations to implement the provisions of the bill. He also pointed out that without a source of funding to off set reduction in the State General Fund, inspection services of non-licensed facilities would need to be reduced. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 526-S, Statehouse, at 10:00 a.m. on March 27, 2000.

Frances Kastner, Director of Governmental Affairs, Kansas Food Dealers Association, testified in opposition to **SB 661**. She noted that the bill as written would be a very expensive license for retail food stores. Many supermarkets have a deli, a bakery and a seafood department, and each of those separate areas would be subject to the additional fee up to \$50.00. Ms. Kastner also noted that the bill is another way to generate money for the general fund. The original idea for inspecting grocery stores was to use tax dollars to insure that Kansans have safe and healthy food products, and she felt the bill would make inspections a fee-supported function, and consumers would see a fee as nothing more than a hidden tax. (Attachment 4)

It was noted during Committee discussion that approximately \$838,000 was used for food inspection for fiscal year 2000 from the State General Fund, and \$415,000 would be generated from passage of this bill. Concerns were expressed that consumers would be picking up the fee for the inspections, as well as concerns on the impact the bill might have on a small grocery store. The Chair asked that a chart or diagram be drawn up that would show a traditional supermarket of today and what portion of the supermarket KDHE is currently licensing and what revenue is generated from that licensing. The Chair also requested the chart show what prepared food areas or entities are in a supermarket that would be effected by **SB 661**. Jim Sheehan with the Kansas Food Dealers Association volunteered to work with Health and Environment on the chart. Further discussion on the subject will continue at the next meeting.

Written testimony in opposition to the bill was received from Scott Riehl, National Food Processors Association. (Attachment 5)

Adjournment

The meeting was adjourned at 11:00 a.m.

The next meeting is scheduled for March 30, 2000.