

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:34 A.M. on February 12, 2008, in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Athena Andaya, Kansas Legislative Research Department
Bruce Kinzie, Office of Revisor of Statutes
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Senator Roger Ritz
Senator Jim Barnett
Dr. Roy Jensen, Director, University of Kansas Cancer Center
Dr. David Meyers, Professor of Internal Medicine & Preventive Medicine, KU School of Medicine
Leon F. Vinci, Director, Johnson County Public Health Department
Dr. Howard Rodenberg
Terri Roberts, Executive Director, Kansas State Nurses Association
Mary Jane Hellebust, Executive Director, Tobacco Free Kansas Coalition
Garry Winget, Kansans for Addiction Prevention
Rod Bremby, Secretary, Department of Health and Environment
Senator David Wysong

Others attending:

See attached list.

Senator Jean Schodorf requested introduction of a bill regarding *ex parte* communication between judges and case workers in child custody cases. Senator Journey moved, Senator Goodwin seconded, to introduce the bill. Motion carried.

The Chairman opened the hearing on **SB 493–State-wide prohibition on smoking in indoor public areas.**

Senator Roger Reitz appeared in support, stating tobacco usage is a major contributor to several devastating diseases and secondhand smoke contributes to these diseases (Attachment 1). The costs to the general public, insurance premiums, Medicaid, and Medicare are becoming astronomical. Senator Rietz encouraged enactment of the bill and the county-by-county vote.

Senator Jim Barnett spoke in favor, stating it is the responsibility of government to protect the safety and welfare of its citizens (Attachment 2). **SB 493** represents sound public policy to ensure that Kansans do not inhale carcinogens when in public buildings and he supports the opportunity to offer that choice on November 4, 2008.

Dr. Roy Jensen testified in support, indicating reducing and eliminating exposure to cigarette smoke will save lives (Attachment 3). Lung cancer is the leading cancer killer in the U.S. By eliminating exposure to cigarette smoke, lives will be saved. Studies have shown smoke-free policies and regulation do not have an adverse effect on the hospitality industry and implementation of this bill will provide a level playing field for all businesses.

Senator David Wysong presented supporting testimony on behalf of Dr. Richard Carmona, 17th Surgeon General of the United States, in support of the bill (Attachment 4). Cigarette smoking is the leading preventable cause of death in the United States and cited data from *The Health Consequences of Involuntary Exposure to Tobacco Smoke - A Report of the Surgeon General* published in 2006.

Dr. David Meyers appeared as a proponent, stating cigarette smoking is the leading cause of preventable illness and premature death in the United States (Attachment 5). Dr. Meyers provided a summary of scientific data on the hazards of second hand smoke. Research shows that smoking is a health hazard, secondhand smoke is a health hazard, and bans on public smoking result in health benefits.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:34 A.M. on February 12, 2008, in Room 123-S of the Capitol.

Leon Vinci spoke in support, indicating Johnson County was the first county in Kansas to pass a resolution creating restrictions on smoking in public places and places of employment ([Attachment 6](#)). Other counties and municipalities have since enacted restrictions, some stricter with various exemptions resulting in a patchwork of protection extending across the State. Mr. Vinci encouraged this “consistency issue” be addressed. He also proposed to either:

- add a date certain by which all counties would come into compliance,
- pass the measure without the county by county vote, or
- make the bill effective statewide once 50% of the State enacted the restrictions.

Dr. Howard Rodenberg testified in favor, as an advocated of clean indoor air ([Attachment 7](#)). Dr. Rodenburg stated a recent survey shows that over 70% of Kansas favor clean indoor air laws and by placing the issue in the hands of the voters legislators can demonstrate that they are responsive to the will of the people.

Terri Roberts appeared in support, and proposed deletion of New Section 9, which requires a local ballot on the issue ([Attachment 8](#)). Ms. Roberts voiced concern that well financed tobacco companies will fight tobacco restrictions at the local level to defeat the initiative, county by county.

May Jane Hellebust spoke in support, but also voiced concern on the county by county vote fearing the tobacco industry could pour excessive funds into a media blitz to defeat the measure ([Attachment 9](#)).

Garry Winget spoke in favor, indicating a statewide smoking ban is critical in a market based economy where the profit motive comes before health concerns of staff or customers ([Attachment 10](#)). It is often difficult for owners in rural communities that have only one restaurant or bar to make the move to smoke free without the backing of a state law. Mr. Winget thinks the bill is good public policy and encouraged favorable passage of the bill.

Senator David Wysong testified as a proponent, stating **SB 493** is about saving lives ([Attachment 11](#)). There are several myths concerning indoor clean air laws. Many business owners claim clean air laws ruin local business. The reality is several studies have shown that clean air laws do not kill local businesses. Another myth is that clean air laws are anti-smoker. These laws are anti-smoke and seek to protect everyone’s right to breath clean air. Restaurant and bars are already regulated with public health and safety laws so the argument that business owners should be able to use their property with no restriction is a fallacy. And last, people do not choose to work in these places. Young people and minorities are disproportionately represented among restaurant and bar workers, it is often a choice between supporting themselves and their families` or endangering their health.

Dave Pomeroy appeared in support, stating several restaurants have the perception ([Attachment 12](#)) . The passage of a statewide smoking ban in public places will save the lives of many Kansas and make for a healthier state.

Secretary Rod Bremby testified in support, indicating Kansas is not alone in banning public smoking ([Attachment 13](#)). Secretary Bremby suggested changing the language of the bill to “the Kansas smoking restriction act” rather than characterizing the act as one of “prohibition”and requested resources be provided to Kansas Department of Health and Environment to launch a public education program to support the smoking restriction legislation.

Written testimony in support of **SB 493** was submitted by:

- Robert Vancrum, Greater Kansas City Chamber of Commerce ([Attachment 14](#))
- Chad Austin, Vice President, Kansas Hospital Association ([Attachment 15](#))
- Dan Morin, Kansas Medical Society ([Attachment 16](#))
- Teresa Walters, Executive Director, Emporians for Drug Awareness ([Attachment 17](#))
- Kathleen B. Sexton, City Manager, City of Derby ([Attachment 18](#))

The Chairman indicated the hearing on **SB 493** would continue tomorrow.

The meeting was adjourned at 10:25 A.M. The next scheduled meeting is February 13, 2008.