

Approved: February 21, 2005
Date

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 1:37 P.M. on February 17, 2005, in Room 526-S of the Capitol.

Committee members absent:

Representative Delia Garcia- excused
Representative Judy Showalter- excused
Representative Don Hill - excused

Committee staff present:

Melissa Calderwood, Kansas Legislative Research Department
Mary Galligan, Kansas Legislative Research Department
Rena Jefferies, Revisor of Statutes' Office
Gary Deeter, Committee Secretary

Conferees appearing before the committee:

Representative Paul Davis
Amy Swan, Lawrence
Brandon Kennedy, MD, pediatrician, Children's Mercy Hospital, and Associate Professor, University of Missouri-Kansas City
Linda Kenney, Director, Bureau of Children, Youth, and Families, Kansas Department of Health and Environment
Julie Burkhart, Director and Lobbyist, ProKanDo
Libby Rosen, Kaw Area Breast Feeding Coalition
Brenda Bandy, Professional Liaison, La Leche League of Kansas
Darlene Cornfield, former legislator, Valley Center
Evie Curtis, Public Member and Vice-Chair, Kansas Board of Examiners
Sherry DuPerier, Executive Officer, Kansas Board of Hearing Aid Examiners
Julie Hein, representing the Kansas Hearing Aid Association
Heidi Daley, Audiologist, President-elect, Kansas Speech Language Hearing Association

Others attending:

See attached list.

The minutes for February 15, 2005, were approved.

The Chair opened the hearing on [HB 2284](#).

Representative Paul Davis spoke as a proponent. He said a number of his constituents and other mothers statewide have related problems they have encountered while breastfeeding in public. He noted that it is not illegal to do so, but public opinion often makes it difficult for nursing mothers to feel comfortable. He said

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two other states have a similar law. Answering a member's question, he said that there were no liability sections in the bill and no penalties; the bill primarily responds to a need for a greater public acceptance of breastfeeding. Another member noted that a retail establishment has the right to ban certain actions, such as smoking; she expressed concern that the state may be unnecessarily intrusive. Representative Davis replied that a retail business is free to ban breastfeeding; however, there are many public places where the proposed law would apply.

Amy Swan, a Lawrence mother with two children who nursed her two children for the first 18 months of their lives, told her story of being confronted by a man at a fitness club who objected to her nursing her baby at the club. ([Attachment 1](#)) When she wrote a letter to the owner of the club objecting to being reprimanded by the man, he replied by further rebuking her for breastfeeding. She said she felt humiliated and degraded by his comments, observing that such negative attitudes could dissuade mothers from breastfeeding their babies. She concluded by saying that what medical authorities encourage should not be socially discouraged.

Brandon Kennedy, a pediatrician at Children's Mercy Hospital in Kansas City and Associate Professor at University of Missouri-Kansas City, provided an extensive list of breastfeeding benefits. ([Attachment 2](#)) He said overwhelming evidence demonstrates the value of breastfeeding. Human milk:

- in the short-term protects infants from infections and provides long-term protection from several chronic illnesses, such as asthma, allergies, diabetes, lymphoma, and leukemia;
- protects babies against dehydration;
- protects the mother from post-partum complications and reduces the risk of breast and ovarian cancer and osteoporosis;
- enhances a developing child's neurological development, cognitive performance, and visual acuity;
- has the potential to decrease annual health-care costs by \$3.6 billion;
- eliminates the environmental impact of disposed formula containers;
- is recommended, among others, by the American Academy of Pediatrics, The American Academy of Family Practice, and the American College of Obstetrics and Gynecology.

Linda Kenney, Director, Bureau of Children, Youth, and Families, Kansas Department of Health and Environment, presented testimony as a proponent. ([Attachment 3](#)) Noting that the American Academy of Pediatrics recommends exclusive breastfeeding for mothers during the first six months of a baby's life, she said Kansas mothers are above the national average of mothers who nurse their babies (72.2% to 70.1%) when they are discharged from the hospital, but within six months, only 28.8% of Kansas mothers are still breastfeeding compared with 2% nationally. Commenting that less than two-thirds of low-income mothers reported breastfeeding, she said the Medicaid costs could be reduced by \$478 per child in the first six months of a child's life if the baby were breastfed.

Julie Burkhart, Director and Lobbyist, ProKanDo, spoke as a proponent. ([Attachment 4](#)) She said her organization supports women who choose to breastfeed their children, stating that doing so offers greater protection for the physical, emotional, and mental health of children as well as providing economic savings

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in health-care costs, a fact especially significant for families and single mothers.

Libby Rosen, Kaw Area Breast Feeding Coalition, testified as a proponent. ([Attachment 5](#)) She said that in addition to benefits listed by previous proponents, breastfeeding is vital to the economy of Kansas, since when children are sick, parents miss work to care for them. She recounted two studies showing that mothers are more likely to continue nursing if they feel community and social support.

Brenda Bandy, Professional Liaison, La Leche League of Kansas, speaking as a proponent, said that she provides resources for mothers who encounter problems with breastfeeding. ([Attachment 6](#)) She recounted a story of a young mother whose husband was in Iraq who needed encouragement in taking her baby out in public.

Darlene Cornfield, a former legislator from Valley Center, told of her experiences in the legislature while raising children, noting the importance of shaping public opinion for breastfeeding in a more favorable light. ([Attachment 7](#))

Danielle Huckins, Topeka March of Dimes, provided written testimony as a proponent. ([Attachment 8](#)) Further written testimony is listed in [Attachment 9](#).

Members asked questions of conferees, to which they responded:

Ms. Burkhart said the organization she represented was pro-choice, but not anti-child. Dr. Kennedy said a child breastfed even for a brief time gains some protection.

The Chair closed the hearing on **HB 2284**.

A motion was made, seconded and passed to consider the bill for passage.

A motion was made and seconded to recommend **HB 2284** favorable for passage.

After brief discussion, the motion passed.

The Chair opened the hearing on [HB 2285](#).

Evie Curtis, Public Member and Vice-Chair, Kansas Board of Examiners, spoke as a proponent of the bill. ([Attachment 10](#)) She said the Board was created in 1968 to protect Kansas consumers in the fitting and dispensing of hearing aids; reflecting the recommendations of the Attorney General, the present bill updates statutory language and allows the Board to be more responsive to complaints, deal more effectively with disciplinary actions, and make the training process more thorough. She said the bill does not change the scope of practice or staffing.

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Sherry DuPerier, Executive Officer, Kansas Board of Hearing Aid Examiners, testified in support of the bill. ([Attachment 11](#)) She recounted the time involved with the Attorney General and meeting with those regulated by the bill, incorporating language suggested by other parties. However, she said a last-minute amendment by the Kansas Speech Language Hearing Association should not be accommodated, and she urged members not to accept it, saying the issue addressed by the amendment can be worked out later.

Julie Hein, representing the Kansas Hearing Aid Association, spoke in favor of the bill. ([Attachment 12](#)) She agreed with the testimony presented above, stating that the various associations had worked together at length to clarify language and make the process work more efficiently, noting that the amendment proposed below needed to be considered at a later time.

Heidi Daley, Audiologist, President-elect for the Kansas Speech Language Hearing Association, spoke in support of the bill, but recommended an amendment to simplify the licensing for audiologists. (testimony, [Attachment 13](#); amendment, [Attachment 14](#)) She said the Association recommends moving toward a single license, saying that the license for audiologists was sufficient for them to fit hearing instruments.

Haris Zafar, Fellow, American Academy of Audiology, provided written testimony as a proponent. ([Attachment 15](#))

The hearing for **HB 2285** was closed.

A motion was made, seconded and passed to recommend the bill favorable for passage as printed, excluding the proposed amendment by Ms. Daley.

The meeting was adjourned at 3:00 p.m. The next meeting is scheduled for 1:30 p.m., Monday, February 21, 2005.