

## MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Steven Brunk at 1:30 p.m. on March 16, 2011, in Room 346-S of the Capitol.

All members were present except:

Representative Carlson – excused  
Representative Fund – excused  
Representative Seiwert – excused  
Representative Peterson – excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes  
Doug Taylor, Office of the Revisor of Statutes  
Julian Efird, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Stephen Bainum, Committee Assistant

Others attending:

See attached list.

The Chairman reminded the Committee that we had hearings on **SB 25 Authorizing temporary licensed for on-premises sales of cereal malt beverage** and **SB 80 Alcoholic beverages; amendments relating to beer and microbreweries**. He said that it was his intent to put them in one bill and send it to the house floor.

Mike Heim handed out an amendment which is **SB 80** combined with **SB 25 (Attachment 1)**. Representative Brunk said that the bill would be in effect when it is published in the Kansas register.

Representative Goico made a motion to amend SB 25 into SB 80 with the changes in the amendment, seconded by Representative Gatewood. The motion carried.

Representative Goico made a motion to pass SB 80 as amended, seconded by Representative Gatewood. The motion carried.

The Chairman called for working **HB 2337 Licensing of abortion clinics by department of health and environment**. The Chairman introduced a proposed Balloon Amendment from the Board of Healing Arts. (Attachment 2).

Mike Heim explained that the amendment adds paragraphs (b) and (c) to New Section 6 and explained them. Representative Patton asked what the basic affect of stipulation was. Mike said that the effect would be to give the Secretary the ability to stipulate and be in agreement without going through a formal process. Representative Loganbill asked if it meant that someone could call KDHE and complain and shut them down? Mike said there would have to be substantiation. Representative Rubin said that it was similar to a Federal law.

Representative O'Hara made a motion to move the amendment, seconded by Representative Rubin. Representative Loganbill said the amendment almost allows a loop hole. She did not see the necessity for the bill. Representative Rubin said that what (b) does is to give the facility an opportunity to avoid litigation. The motion carried. We are back on the bill as amended.

Representative Loganbill said that a version of the bill had been heard in the past and I have concerns with singling out a single entity doing day surgery. We should put the requirements on all of them. Representative Brunk said it was the same argument as 2003 and 2005. Representative Gregory said that this bill was not the right vehicle to address her concerns. Representative Rubin said the language of this bill were addressed to abortion clinics as opposed to other types of surgery centers.

Representative Patton made a motion to pass HB 2337 favorably as amended, seconded by Representative O'Hara. The motion carried.

## CONTINUATION SHEET

The minutes of the House Federal and State Affairs Committee at 1:30 p.m. on March 16, 2011, in Room 346-S of the Capitol.

The Chairman called their attention to **Sub HB 2242 Vital statistics; concerning death and stillbirth certificates.**

Per request, Mike Heim, presented a substitute bill (Attachment 3). He said that the substitute bill had a definition of "unborn child" that the original didn't have and said it was "a living individual organism of the species homo sapiens, in utero, irrespective of the duration of pregnancy.

Representative Loganbill asked what happens if they don't want to fill out a certificate? Mike said the bill does not address that situation.

Senator Pilcher-Cook said that it would be like any other birth or death certificate.

Kari Bruffett, Kansas Department of Health and Environment, said that they did work with the Senator and addressed some of their concerns. Representative Brunk asked if anything else was needed. Kari said no.

Representative Loganbill asked if there was an increase in the fiscal note? Kari said that while they don't have a fiscal note we do have estimates on the original costs. The first year costs would estimate between \$95,000 and \$100,000.

Representative Patton made a motion to pass Sub HB 2242 favorably for passage, seconded by Representative Rubin. The motion carried.

The next meeting is scheduled for March 22, 2011.

The meeting was adjourned at 2:32 p.m.

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

3-16-11

ROOM 346-S

[illegible]

## SENATE BILL No. 80

By Committee on Federal and State Affairs

1-31

AN ACT concerning alcoholic beverages; relating to microbreweries; amending K.S.A. 2010 Supp. 41-102 and 41-308b and repealing the existing sections.

and 41-2703

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 2010 Supp. 41-102 is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

(a) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) "Alcoholic liquor" means alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

(c) "Beer" means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.

(d) "Caterer" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(e) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

(f) "Club" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(g) "Director" means the director of alcoholic beverage control of the department of revenue.

(h) "Distributor" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this act or cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2702, and amendments thereto.

(i) "Domestic beer" means beer which contains not more than 8%

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Attachment 1

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1 10% alcohol by weight and which is manufactured in this state.

2 (j) "Domestic fortified wine" means wine which contains more than  
3 14%, but not more than 20% alcohol by volume and which is  
4 manufactured in this state.

5 (k) "Domestic table wine" means wine which contains not more than  
6 14% alcohol by volume and which is manufactured without rectification  
7 or fortification in this state.

8 (l) "Drinking establishment" has the meaning provided by K.S.A.  
9 41-2601, and amendments thereto.

10 (m) "Farm winery" means a winery licensed by the director to  
11 manufacture, store and sell domestic table wine and domestic fortified  
12 wine.

13 (n) "Manufacture" means to distill, rectify, ferment, brew, make,  
14 mix, concoct, process, blend, bottle or fill an original package with any  
15 alcoholic liquor, beer or cereal malt beverage.

16 (o) (1) "Manufacturer" means every brewer, fermenter, distiller,  
17 rectifier, wine maker, blender, processor, bottler or person who fills or  
18 refills an original package and others engaged in brewing, fermenting,  
19 distilling, rectifying or bottling alcoholic liquor, beer or cereal malt  
20 beverage.

21 (2) "Manufacturer" does not include a microbrewery or a farm  
22 winery.

23 (p) "Microbrewery" means a brewery licensed by the director to  
24 manufacture, store and sell domestic beer.

25 (q) "Minor" means any person under 21 years of age.

26 (r) "Nonbeverage user" means any manufacturer of any of the  
27 products set forth and described in K.S.A. 41-501, and amendments  
28 thereto, when the products contain alcohol or wine, and all laboratories  
29 using alcohol for nonbeverage purposes.

30 (s) "Original package" means any bottle, flask, jug, can, cask, barrel,  
31 keg, hogshead or other receptacle or container whatsoever, used, corked  
32 or capped, sealed and labeled by the manufacturer of alcoholic liquor, to  
33 contain and to convey any alcoholic liquor. Original container does not  
34 include a sleeve.

35 (t) "Person" means any natural person, corporation, partnership, trust  
36 or association.

37 (u) "Primary American source of supply" means the manufacturer,  
38 the owner of alcoholic liquor at the time it becomes a marketable product  
39 or the manufacturer's or owner's exclusive agent who, if the alcoholic  
40 liquor cannot be secured directly from such manufacturer or owner by  
41 American wholesalers, is the source closest to such manufacturer or  
42 owner in the channel of commerce from which the product can be secured  
3 by American wholesalers.

(v) (1) "Retailer" means a person who sells at retail, or offers for sale at retail, alcoholic liquors.

(2) "Retailer" does not include a microbrewery or a farm winery.

(w) "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

(x) "Salesperson" means any natural person who:

(1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor or cereal malt beverage; or

(2) is engaged in promoting the sale of alcoholic liquor or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor or cereal malt beverage, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the state of Kansas.

(y) "Secretary" means the secretary of revenue.

(z) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.

(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.

(aa) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

(bb) "Sleeve" means a package of two or more 50-milliliter (3.2-fluid-ounce) containers of spirits.

(cc) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

(dd) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

(ee) "Temporary permit" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(ff) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies.

1-3

4-1

1 Sec. 2. K.S.A. 2010 Supp. 41-308b is hereby amended to read as  
2 follows: 41-308b. (a) A microbrewery license shall allow:

3 (1) The manufacture of not less than 100 nor more than 15,000  
4 barrels of domestic beer during the license year and the storage thereof;

5 (2) the sale to beer distributors of beer, manufactured by the  
6 licensee;

7 (3) the sale, on the licensed premises in the original unopened  
8 container to consumers for consumption off the licensed premises, of beer  
9 manufactured by the licensee;

10 (4) the serving free of charge on the licensed premises *and at*  
11 *special events, monitored and regulated by the division of alcoholic*  
12 *beverage control*, of samples of beer manufactured by the licensee, if the  
13 premises are located in a county where the sale of alcoholic liquor is  
14 permitted by law in licensed drinking establishments;

15 (5) if the licensee is also licensed as a club or drinking  
16 establishment, the sale of domestic beer and other alcoholic liquor for  
17 consumption on the licensed premises as authorized by the club and  
18 drinking establishment act; and

19 (6) if the licensee is also licensed as a caterer, the sale of domestic  
20 beer and other alcoholic liquor for consumption on unlicensed premises  
21 as authorized by the club and drinking establishment act.

22 (b) Upon application and payment of the fee prescribed by K.S.A.  
23 41-310, and amendments thereto, by a microbrewery licensee, the  
24 director may issue not to exceed one microbrewery packaging and  
25 warehousing facility license to the microbrewery licensee. A  
26 microbrewery packaging and warehousing facility license shall allow:

27 (1) The transfer, from the licensed premises of the microbrewery to  
28 the licensed premises of the microbrewery packaging and warehousing  
29 facility, of beer manufactured by the licensee, for the purpose of  
30 packaging or storage, or both; and

31 (2) the transfer, from the licensed premises of the microbrewery  
32 packaging and warehousing facility to the licensed premises of the  
33 microbrewery, of beer manufactured by the licensee; or

34 (3) the removal from the licensed premises of the microbrewery  
35 packaging and warehousing facility of beer manufactured by the licensee  
36 for the purpose of delivery to a licensed beer wholesaler.

37 (c) A microbrewery may sell domestic beer in the original unopened  
38 container to consumers for consumption off the licensed premises at any  
39 time between 6 a.m. and 12 midnight on any day except Sunday and  
40 between 11 a.m. and 7 p.m. on Sunday. If authorized by subsection (a), a  
41 microbrewery may serve samples of domestic beer and serve and sell  
42 domestic beer and other alcoholic liquor for consumption on the licensed  
43 premises at any time when a club or drinking establishment is authorized

1 to serve and sell alcoholic liquor.

2 (d) The director may issue to the Kansas state fair or any bona fide  
3 group of brewers a permit to import into this state small quantities of  
4 beer. Such beer shall be used only for bona fide educational and scientific  
5 tasting programs and shall not be resold. Such beer shall not be subject to  
6 the tax imposed by K.S.A. 41-501, and amendments thereto. The permit  
7 shall identify specifically the brand and type of beer to be imported, the  
8 quantity to be imported, the tasting programs for which the beer is to be  
9 used and the times and locations of such programs. The secretary shall  
10 adopt rules and regulations governing the importation of beer pursuant to  
11 this subsection and the conduct of tasting programs for which such beer is  
12 imported.

13 (e) A microbrewery license or microbrewery packaging and  
14 warehousing facility license shall apply only to the premises described in  
15 the application and in the license issued and only one location shall be  
16 described in the license.

17 (f) No microbrewery shall:

18 (1) Employ any person under the age of 18 years in connection with  
19 the manufacture, sale or serving of any alcoholic liquor;

20 (2) permit any employee of the licensee who is under the age of 21  
21 years to work on the licensed premises at any time when not under the  
22 on-premises supervision of either the licensee or an employee of the  
23 licensee who is 21 years of age or over;

24 (3) employ any person under 21 years of age in connection with  
25 mixing or dispensing alcoholic liquor; or

26 (4) employ any person in connection with the manufacture or sale of  
27 alcoholic liquor if the person has been convicted of a felony.

28 (g) Whenever a microbrewery licensee is convicted of a violation of  
29 the Kansas liquor control act, the director may revoke the licensee's  
30 license and all fees paid for the license in accordance with the Kansas  
31 administrative procedure act.

32 Sec. 3. K.S.A. 2010 Supp. 41-102 and 41-308b are hereby repealed.

33 Sec. 4. This act shall take effect and be in force from and after its  
34 publication in the statute book.

35 5.

Kansas register

4.

and 41-2703

Sec. 3. K.S.A. 2010 Supp. 41-2703 is hereby  
amended to read as follows: 41-2703.

as per attachment

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Attachment to amendment SB 80

Section 3. K.S.A. 2010 Supp. 41-2703 is hereby amended to read as follows: 41-2703. (a) After examination of an application for a retailer's license, the board of county commissioners or the director shall, if they approve the same, issue a license to the applicant. The governing body of the city shall, if the applicant is qualified as provided by law, issue a license to such applicant.

(b) No retailer's license shall be issued to:

(1) A person who is not a resident of the county in which the place of business covered by the license is located, has not been a resident of such county for at least six months or has not been a resident in good faith of the state of Kansas.

(2) A person who has not been a resident of this state for at least one year immediately preceding application for a retailer's license.

(3) A person who is not of good character and reputation in the community in which the person resides.

(4) A person who is not a citizen of the United States.

(5) A person who, within two years immediately preceding the date of application approval, has been convicted of, released from incarceration for or released from probation or parole for a felony or any crime involving moral turpitude, drunkenness, driving a motor vehicle while under the influence of intoxicating liquor or violation of any other intoxicating liquor law of any state or of the United States.

(6) A partnership, unless all the members of the partnership are otherwise qualified to obtain a license.

(7) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason other than the citizenship and residency requirements.

(8) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all the qualifications of a licensee.

(9) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, residence requirements or age, except that this subsection (b) (9) shall not apply in determining eligibility for a renewal license.

(10) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act.

(c) After examination of an application for a retailer's license, the board of county commissioners or the governing body of a city may deny a license to a person, partnership or corporation if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, has been an officer, manager, director or a stockholder owning in the aggregate more than 25% of the stock, of a corporation which has:

(1) Had a retailer's license revoked under K.S.A. 41-2708, and amendments thereto; or

(2) been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.

(d) Retailers' licenses shall be issued either on an annual basis or for the calendar year. If such licenses are issued on an annual basis, the board of county commissioners or the governing body of the city shall notify the distributors supplying the county or city on or before April 1 of the year if a retailer's license is not renewed.

(e) In addition to, and consistent with the requirements of K.S.A. 41-2701 et seq., and amendments thereto, the board of county commissioners of any county or the governing body of any city may provide by resolution or ordinance for the issuance of a special event retailers' permit which shall allow the permit holder to offer for sale, sell and serve cereal malt beverage for consumption on unpermitted premises, which may be open to the public, subject to the following:

- (1) A special event retailers' permit shall specify the premises for which the permit is issued;
- (2) a special event retailers' permit shall be issued for the duration of the special event, the dates and hours of which shall be specified in the permit;
- (3) no more than four special event retailers' permits may be issued to any one applicant in a calendar year; and
- (4) a special event retailers' permit shall not be transferable or assignable.

(f) A special event retailers' permit holder shall not be subject to the provisions of the beer and cereal malt beverage keg registration act, K.S.A. 41-2901 et seq., and amendments thereto.

1 providing prior notice to the facility. For that purpose, authorized agents  
 2 of the secretary shall have access to a facility during regular business  
 3 hours.

4 (b) Information received by the secretary through filed reports,  
 5 inspections or as otherwise authorized under sections 1 through 12, and  
 6 amendments thereto, shall not be disclosed publicly in such manner as to  
 7 identify individuals. Under no circumstances shall patient medical or  
 8 other identifying information be made available to the public, and such  
 9 information shall always be treated by the department as confidential.

10 New Sec. 6. (a) When the secretary determines that a facility is in  
 11 violation of any applicable law or rule and regulation relating to the  
 12 operation or maintenance of such facility, the secretary, upon proper  
 13 notice, may deny, suspend or revoke the license of such facility, or assess  
 14 a monetary penalty after notice and an opportunity for hearing has been  
 15 given to the licensee in accordance with the provisions of the Kansas  
 16 administrative procedure act. Violations of sections 1 through 12, and  
 17 amendments thereto, or of any rules and regulations adopted thereunder  
 18 shall be deemed one of the following:

19 (1) Class I violations are those that the secretary determines to  
 20 present an imminent danger to the health, safety or welfare of the patients  
 21 of the facility or a substantial probability that death or serious physical  
 22 harm could result therefrom. A physical condition or one or more  
 23 practices, means, methods or operations in use in a facility may constitute  
 24 such a violation. The condition or practice constituting a class I violation  
 25 shall be abated or eliminated immediately unless a fixed period of time,  
 26 as stipulated by the secretary, is required for correction. Each day such  
 27 violation shall exist after expiration of such time shall be considered a  
 28 subsequent violation.

29 (2) Class II violations are those, other than class I violations, that the  
 30 secretary determines to have a direct or immediate relationship to the  
 31 health, safety or welfare of the facility's patients. The citation of a class II  
 32 violation shall specify the time within which the violation is required to  
 33 be corrected. Each day such violation shall exist after expiration of such  
 34 time shall be considered a subsequent violation.

35 (3) Class III violations are those that are not classified as class I or  
 36 II, or those that are against the best practices as interpreted by the  
 37 secretary. The citation of a class III violation shall specify the time  
 38 within which the violation is required to be corrected. Each day such  
 39 violation shall exist after expiration of such time shall be considered a  
 40 subsequent violation.

41 ~~(b)~~ The secretary shall consider the following factors when  
 42 determining the severity of a violation:

(b) Either before or after formal charges have been filed, the secretary and the facility may enter into a stipulation which shall be binding upon the secretary and the facility entering into such stipulation and the secretary may enter its findings of fact and enforcement order based upon such stipulation without the necessity of filing any formal charges or holding hearings in the case. An enforcement order based upon a stipulation may order any disciplinary action authorized by this section, against the facility entering into such stipulation.

(c) The secretary may temporarily suspend or temporarily limit the license of any facility in accordance with the emergency adjudicative proceedings under the Kansas administrative procedure act if the secretary determines that there is cause to believe that grounds exist under this section for immediate action authorized by this section against the facility and that the facility's continuation in operation would constitute an imminent danger to the public health and safety.

(d)

(e)

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- 1 (1) Specific conditions and their impact or potential impact on the  
2 health, safety or welfare of the facility's patients;  
3 (2) efforts by the facility to correct the violation;  
4 (3) overall conditions of the facility;  
5 (4) the facility's history of compliance; and  
6 (5) any other pertinent conditions that may be applicable.

7 (e) Any monetary penalty assessed by the secretary shall be  
8 assessed in accordance with the following fine schedule:

(f)

9 (1) For class I violations the following number of violations within a  
10 24-month period shall result in the corresponding fine amount:

11 (A) One violation, a fine of not less than \$200 and not more than  
12 \$1,000;

13 (B) two violations, a fine of not less than \$500 and not more than  
14 \$2,000;

15 (C) three violations, a fine of not less than \$1,000 and not more than  
16 \$5,000; and

17 (D) four or more violations, a fine of \$5,000;

18 (2) for class II violations the following number of violations within a  
19 24-month period shall result in the corresponding fine amount:

20 (A) One violation, a fine of not less than \$100 and not more than  
21 \$200;

22 (B) two violations, a fine of not less than \$200 and not more than  
23 \$1,000;

24 (C) three violations, a fine of not less than \$500 and not more than  
25 \$2,000;

26 (D) four violations, a fine of not less than \$1,000 and not more than  
27 \$5,000; and

28 (E) five or more violations, a fine of \$5,000;

29 (3) for class III violations the following number of violations within  
30 a 24-month period shall result in the corresponding fine amount:

31 (A) One violation, there shall be no fine;

32 (B) two violations, a fine of not less than \$100 and not more than  
33 \$500;

34 (C) three violations, a fine of not less than \$200 and not more than  
35 \$1,000;

36 (D) four violations, a fine of not less than \$500 and not more than  
37 \$2,000;

38 (E) five violations, a fine of not less than \$1,000 and not more than  
39 \$5,000; and

40 (F) six or more violations, a fine of \$5,000.

41 New Sec. 7. Except in the case of a medical emergency, as defined  
42 in K.S.A. 65-6701, and amendments thereto, an abortion performed when  
the gestational age of the unborn child is 22 weeks or more shall be

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3/15/

2011

SUBSTITUTE FOR HOUSE BILL NO. 2242

11rs1126

By Committee on Federal and State Affairs

AN ACT concerning use of vital statistics; relating to death and unborn child death certificates; amending K.S.A. 65-2401 and 65-2412 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 65-2401 is hereby amended to read as follows: 65-2401. As used in this act:

(1) "Vital statistics" includes the registration, preparation, transcription, collection, compilation, and preservation of data pertaining to birth, adoption, legitimation, death, ~~stillbirth~~ unborn child death, marriage, divorce, annulment of marriage, induced termination of pregnancy, and data incidental thereto.

(2) "Unborn child" means a living individual organism of the species homo sapiens, in utero, irrespective of the duration of pregnancy."

(3) "Live birth" means ~~the complete expulsion or extraction from its mother of a product of human conception irrespective of the duration of pregnancy,~~ an unborn child which, after ~~such~~ expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

(3) (4) "Stillbirth" means ~~any complete expulsion or extraction from its mother of a product of human conception the weight of which is in excess of 350 grams, irrespective of the duration of pregnancy, resulting in other than a live birth, as defined in this act,~~ an unborn child, in excess of 350 grams, who dies in utero, and which is not an induced termination of pregnancy.

(4) (5) "Induced termination of pregnancy" means the purposeful interruption of pregnancy with the intention other than to produce a ~~live born infant or to remove a dead fetus~~

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~~and which does not result in a~~ live birth.

~~(5)~~ (6) "Dead body" means a lifeless human body or such parts of a human body or the bones thereof from the state of which it reasonably may be concluded that death recently occurred.

~~(6)~~ (7) "Person in charge of interment" means any person who places or causes to be placed a ~~stillborn~~ dead unborn child or dead body or the ashes, after cremation, in a grave, vault, urn or other receptacle, or otherwise disposes thereof.

~~(7)~~ (8) "Secretary" means the secretary of health and environment.

Sec. 2. K.S.A. 65-2412 is hereby amended to read as follows: 65-2412. (a) A death certificate or ~~stillbirth~~ unborn child death certificate for each death or ~~stillbirth~~ unborn child death which occurs in this state shall be filed with the state registrar within three days after such death and prior to removal of the body from the state and shall be registered by the state registrar if such death certificate or ~~stillbirth~~ unborn child death certificate has been completed and filed in accordance with this section. If the place of death is unknown, a death certificate shall be filed indicating the location where the body was found as the place of death. A certificate shall be filed within three days after such occurrence; if death occurs in a moving conveyance, the death certificate shall record the location where the dead body was first removed from such conveyance as the place of death.

(b) An unborn child death certificate shall not be filed for induced terminations of pregnancy required to be reported by KSA 65-445 and amendments thereto.

(c) When an unborn child death occurs in an institution, the person in charge of the institution or the person's designated representative shall obtain the personal data, prepare the



certificate, secure the signatures required by the certificate and file such certificate with the state registrar. The physician in attendance or, in the absence of the physician, the person in charge of the institution or that person's designated representative shall certify to the facts of the unborn child death and provide the medical information required by the certificate within three days after the unborn child death and prior to removal of such unborn child from the state.

(d) When an unborn child death occurs outside an institution, the certificate shall be prepared by the physician in attendance at or immediately after the unborn child death.

~~(b)~~ (e) The funeral director or person acting as such who first assumes custody of a dead body ~~or fetus~~ shall file the death certificate. Such person shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification of cause of death from the physician last in attendance prior to burial. The death certificate filed with the state registrar shall be the official death record, except that a funeral director licensed pursuant to K.S.A. 65-1714, and amendments thereto, may verify as true and accurate information pertaining to a death on a form provided by the state registrar, and any such form, verified within 21 days of date of death, shall be prima facie evidence of the facts therein stated for purposes of establishing death. The secretary of health and environment shall fix and collect a fee for each form provided a funeral director pursuant to this subsection. The fee shall be collected at the time the form is provided the funeral director and shall be in the same amount as the fee for a certified copy of a death certificate.

~~(e)~~ (f) When death occurred without medical attendance or when inquiry is required by the laws relating to postmortem examinations, the coroner shall investigate the cause of death and shall complete and sign the medical certification within 24 hours after receipt of the death

certificate or as provided in K.S.A. 65-2414, and amendments thereto.

~~(d)~~ (g) In every instance a certificate shall be filed prior to interment or disposal of the body.

Sec. 3. K.S.A. 65-2401 and 65-2412 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.