

SESSION OF 2010

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 62**

As Amended by House Committee on  
Health and Human Services

**Brief\***

SB 62 would create new law and amend existing law concerning responsibilities for the prevention and control of tuberculosis in postsecondary educational institutions. The bill would direct the Secretary of Health and Environment to adopt rules and regulations establishing guidelines for a tuberculosis prevention and control plan for any postsecondary educational institution in the state. The plan is to be designed to reduce the risk of tuberculosis transmission and is to be based on the recommendations of the American Thoracic Society, the Centers for Disease Control and Prevention, and the Infectious Diseases Society of America. The rules and regulations promulgated by the Secretary of Health and Environment are to be in compliance with the Best Practice Standards as recommended by the Division of Tuberculosis Elimination of the Centers for Disease Control and Prevention.

Each postsecondary educational institution, with the assistance of the Department of Health and Environment, would be required to develop and implement a tuberculosis prevention and control plan. The postsecondary educational institution also would be required to designate a person to be responsible for oversight and implementation of the plan; to maintain the records created or collected in the oversight and implementation of the plan for at least five years; and to allow the Department of Health and Environment to review and inspect the records upon request.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill would amend existing law concerning tuberculosis evaluation requirements for students attending postsecondary educational institutions. Tuberculosis evaluation requirements would apply to any students entering classrooms of any postsecondary educational institution who are considered as high risk for tuberculosis as defined by the Department of Health and Environment. Postsecondary educational institutions would be defined as any public or private university, municipal university, community college or technical college. The evaluation requirements would not apply to individuals who are participating in continuing education programs or other seminars or functions at a postsecondary educational institution.

Each postsecondary educational institution, with the assistance of the Department of Health and Environment, would be required to develop and implement tuberculosis evaluation requirements. And, as with the tuberculosis prevention and control plan, the institution would be required to designate a person to be responsible for oversight and implementation of the evaluation requirements; to maintain the records created as a result of implementation of the requirements for at least five years; and to allow the Department of Health and Environment to review and inspect the records upon request. Additionally, the designated person would be responsible for immediately reporting the positive findings of tuberculosis infection or disease to the Department of Health and Environment.

Each student meeting the requirements of the bill would be required to comply with the tuberculosis evaluation requirements implemented by the postsecondary educational institution. Students who are not in compliance with the requirements would not be eligible to attend classes or enroll in a subsequent semester or to obtain an official transcript or diploma until they were in compliance. All cost associated with the evaluation requirements of the prevention and control plan would be the responsibility of the student.

The bill would become effective upon publication in the *Kansas Register*.

## **Background**

The bill was introduced by the Committee at the request of a representative of the Administrative Rules and Regulations Committee. Proponents of the bill included the Director of TB Prevention and Control, Kansas Department of Health and Environment.

There were no opponents of the bill.

The Senate Committee on Public Health and Welfare amended the bill to make it effective upon publication in the *Kansas Register*.

The House Committee on Health and Human Services amended the bill to make all costs associated with the evaluation requirement of the prevention and control plan to be the responsibility of the student. Under the Senate version of the bill, the costs were the joint responsibility of the educational institution and the student or the parents or guardians of the student.

The fiscal note prepared by the Division of the Budget states that there would be no fiscal effect.