

Substitute for HOUSE BILL No. 2183

By Committee on Health and Human Services

2-26

1 AN ACT concerning the designation and control of infectious and
2 contagious diseases; amending K.S.A. 65-116a and 65-128 and
3 repealing the existing sections; also repealing K.S.A. 2012 Supp. 65-
4 129a.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 65-116a is hereby amended to read as follows: 65-
8 116a. As used in ~~this act~~ *K.S.A. 65-116a through K.S.A. 2012 Supp. 65-
9 129f, and amendments thereto:*

10 (a) ~~The word "tuberculosis" shall be construed to mean that the~~
11 ~~disease is in a communicable or infectious stage as established by chest x-~~
12 ~~ray, microscopical examination of sputum, or other diagnostic procedures~~
13 ~~approved by the secretary of health and environment; and "Blood" means~~
14 ~~human blood, human blood components and products made from human~~
15 ~~blood.~~

16 (b) ~~the words "Health officer" shall include~~ *means* the secretary of
17 health and environment or the secretary's designee and all local health
18 officers.

19 (c) *"Infectious and contagious diseases" means those diseases so*
20 *designated by the secretary of health and environment pursuant to K.S.A.*
21 *65-128, and amendments thereto.*

22 (d) *"Occupational exposure" means skin, eye, mucous membrane or*
23 *parenteral contact with blood or other potentially infectious materials that*
24 *might result from the performance of an employee's duties.*

25 (e) *"Other potentially infectious materials" means: (1) The human*
26 *body fluids including semen, vaginal secretions, cerebrospinal fluid,*
27 *synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic*
28 *fluid, saliva, any body fluid that is visibly contaminated with blood, and*
29 *all body fluids in situations where it is difficult or impossible to*
30 *differentiate between body fluids; (2) any unfixed tissue or organ (other*
31 *than intact skin) from a human (living or dead); (3) cell or tissue cultures*
32 *containing human immunodeficiency virus (HIV), organ cultures, and*
33 *culture medium or other solutions containing HIV, the hepatitis B virus*
34 *(HBV), hepatitis C virus (HCV) and blood, organs, or other tissues from*
35 *experimental animals infected with HIV, HBV or HCV; and (4) other*
36 *biological materials, as designated by the secretary of health and*

1 *environment, capable of transmitting an infectious or contagious disease-*
2 *causing agent from one person to another.*

3 *(f) "Tuberculosis" means a latent infection or active disease caused*
4 *by the bacterium, mycobacterium tuberculosis.*

5 Sec. 2. K.S.A. 65-128 is hereby amended to read as follows: 65-128.

6 (a) For the protection of the public health and for the control of infectious
7 or contagious diseases, the secretary of health and environment by rules
8 and regulations shall designate such diseases as are infectious or
9 contagious in their nature, ~~and the secretary of health and environment is~~
10 ~~authorized to adopt rules and regulations for the isolation and quarantine~~
11 ~~of such diseases and persons afflicted with or exposed to such diseases as~~
12 ~~may be necessary to prevent the spread and dissemination of diseases~~
13 ~~dangerous to the public health.~~

14 (b) ~~As used in K.S.A. 65-118, 65-119, 65-122, 65-123, 65-126 and~~
15 ~~65-129, and amendments thereto, "infectious or contagious disease" means~~
16 ~~any disease designated by the secretary of health and environment as an~~
17 ~~infectious or contagious disease in accordance with subsection (a) but the~~
18 ~~infectious or contagious disease acquired immune deficiency syndrome or~~
19 ~~any causative agent thereof shall not constitute an infectious or contagious~~
20 ~~disease for the purposes of K.S.A. 65-118, 65-119, 65-122, 65-123, 65-126~~
21 ~~and 65-129, and amendments thereto, because such disease is subject to~~
22 ~~the provisions of K.S.A. 65-6001 through 65-6007 and amendments~~
23 ~~thereto The secretary of health and environment is authorized to issue~~
24 ~~such orders and adopt rules and regulations as may be necessary to~~
25 ~~prevent the spread and dissemination of diseases injurious to the public~~
26 ~~health, including, but not limited to, providing for the testing for such~~
27 ~~diseases and the isolation and quarantine of persons afflicted with or~~
28 ~~exposed to such diseases.~~

29 (c) *No later than January 1, 2014, the secretary shall develop and*
30 *adopt rules and regulations providing for the protection of individuals who*
31 *provide medical or nursing services, clinical or forensic laboratory*
32 *services, emergency medical services and firefighting, law enforcement*
33 *and correctional services, or who provide any other service or are in any*
34 *other employment where the individual may encounter occupational*
35 *exposure to blood and other potentially infectious materials.*

36 Sec. 3. K.S.A. 65-116a and 65-128 and K.S.A. 2012 Supp. 65-129a
37 are hereby repealed.

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