



LEGISLATIVE UPDATE



AMERICAN PUBLIC HEALTH ASSOCIATION



APHA Legislative Update September 2009

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I. Public Health Loses a Champion with the Passing of Sen. Edward Kennedy

The public health community is mourning the loss of one of its biggest champions in the U.S. Senate with the passing of Sen. Edward Kennedy (D-MA) on August 25. Last year, APHA awarded Kennedy with its first-ever Lifetime Achievement Award for his dedication and commitment to championing public health causes in the Senate, including his efforts to provide universal and affordable health coverage for all Americans, regulate tobacco use, protect the health of America's workers and countless other health, safety and labor-related issues. Kennedy had previously been awarded APHA's annual Legislator of the Year award. APHA's [statement regarding Sen. Kennedy's death](#) is available on the APHA website.

Governor Patrick Deval has announced that the special election to fill the seat will take place on January 19, 2010. In addition, Massachusetts Secretary of State William Galvin set December 8 for the special primary election to choose nominees for the January ballot. There is also speculation that the legislature in Massachusetts may attempt to change existing law to allow the governor to appoint an interim successor to fill the seat until the special election in January 2010.

No decision has been made as to who will replace Kennedy as chair of the Health, Education, Labor and Pensions (HELP) Committee. The two front runners are Senators Christopher Dodd (D-CT) and Tom Harkin (D-IA) who followed Kennedy in rank on the Committee.

II. Health Reform at the Top of the Agenda as Congress Returns

As Congress returns from the August summer recess, the House and Senate will again turn their focus to pending health reform legislation. The three committees (Energy and Commerce, Ways and Means and Education and Labor) with primary jurisdiction over health reform in the House of Representatives reported out bills prior to the August recess; however the bill failed to make it to the House floor for full House consideration prior to the break.

The House proposal contains strong public health and prevention provisions as well as a public insurance option. In the Senate, the Senate Health, Education, Labor and Pensions (HELP) Committee reported its bill in mid-July. The HELP Committee bill also contains very strong prevention and wellness provisions and a public insurance option. The other committee with jurisdiction over health reform in the Senate, the Finance Committee, has yet to produce an official proposal. Finance Chairman Baucus has spent the past several weeks working with a small bipartisan group of Finance Committee members including Senators Charles Grassley (R-IA), Kent Conrad (D-ND), Jeff Bingaman (D-NM), Olympia J. Snowe (R-ME) and Michael B. Enzi (R-WY) in an effort to develop a bipartisan bill that would not exceed \$1 trillion in costs over 10 years. The outcome of the Senate Finance Committee discussions is especially critical given that the Committee will likely determine whether a public insurance option is included in the bill to be considered by the full Senate. APHA recently sent a letter to President Obama and all members of Congress reiterating its support for a public insurance option. Read [APHA's letter](#) on the APHA website.

APHA will continue to monitor the progress of the legislation and advocate to have the recommendations of its 2009 Agenda for Health Reform included in the legislation that moves through Congress this year. View the [Agenda](#) and [APHA's position on the "public plan" option](#) in health reform legislation online, where you can also [send a message](#) to your members of Congress urging them to pass comprehensive health reform legislation this year and urging them to include a public option in the legislation. For additional resources, visit [APHA's Healthiest Nation in One Generation](#) website.

III. September is National Food Safety Education Month

In honor of National Food Safety Education Month, arm yourself with information about food safety and learn more about food safety reform efforts. APHA is working with the Make Our Food Safe Campaign to encourage the Senate to take up Food Safety reform this fall. While the Food Safety Enhancement Act of 2009 (H.R. 2749) that passed the House in July is a great step forward toward protecting our nation's food supply, APHA favors the FDA Food Safety Modernization Act (S. 510) introduced by Senator Durbin as it includes these key provisions:

- o build state and local capacity for foodborne illness detection, surveillance, laboratories and response;
- o enhance CDC's food surveillance, investigation and laboratory capacity; and
- o improve coordination across the federal government, state and local governments and private institutions.

To learn more about APHA's Food Safety reform priorities, check out our [Food Safety Factsheet](#). The [Make Our Food Safe Campaign](#) website also has additional information on the Senate Food Safety reform legislation.

IV. Participate in APHA's PHACT Campaign

Summer may be coming to an end, but efforts to mobilize APHA members, affiliates and other advocates to educate policymakers about the need to include strong public health and prevention provisions in health reform legislation will continue throughout the fall. Just because Senators and Representatives are heading back to Washington, DC, doesn't mean there aren't plenty of opportunities to be heard. As of September 8th, the [APHA Health Reform Advocacy Toolkit](#) will be updated for the final months of this Congressional session. For updated information for writing letters to your members of Congress, Op-Eds, letters to the editor, and more, download the new [toolkit](#) next week.

V. **POLICY WATCH:** News on relevant state and local activities

New York Governor to sign bill that bans shackling incarcerated women in labor

New York Governor David Paterson (D) is expected to sign a bill that will prohibit correctional facilities from shackling inmates while they are in labor. The American College of Obstetrics and Gynecology condemns this practice, stating that it puts women's health at risk. Some corrections departments and unions have said that lifting the ban may put the safety of their staff at risk, stating that the current practice is only used on inmates that pose a threat to the safety of the correctional and medical staff. New York will be the sixth state to pass a law that prohibits the shackling of incarcerated women in labor.

New Jersey Governor signs maternity health legislation

Governor Jon Corzine (D) signed two pieces of legislation strengthening maternity health in August. The first bill, A-2539/S-1125, mandates that insurance carriers reimburse physicians throughout the patient's pregnancy rather than waiting until after delivery for reimbursement. The second piece of legislation, S-2231/A-3110, includes nurse midwives as medical professionals that can certify disability related to the pregnancy. Both bills are designed to improve health care access for women.

Please [email us](#) any relevant stories from your community or state to be included in future editions of policy watch.

Legislative Update Conference Call

Join APHA's Government Relations staff for a conference call to review the September Legislative Update and give you an opportunity to ask questions and share information about public health legislation in your state. The call will be held on **Tuesday, September 8, 2009 at 1:00pm (EST)**. The call-in number is (800) 442-5794; passcode is 141930. Any problems with the call-in number should be directed to customer service at (877) 807-0970.

Legislation Alerts Online

Please visit our [Take Action](#) page to send a letter to your Congressional representatives urging their support for the APHA Agenda for Health Reform, adequately fund public health agencies and support public health in climate change legislation. Help APHA influence lawmakers to make public health a priority this year.

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