



APHA Legislative Update January 2008

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I. President Signs Omnibus Spending Bill

On December 26, 2007, President Bush signed H.R. 2764, the Consolidated Appropriations Act of 2008. This bill contained 11 of the unfinished fiscal year 2008 spending bills, including the Labor-HHS-Education Appropriations bill that funds most of the federal public health agencies and programs. After the original bill, that contained more generous, though still modest increases for public health programs was vetoed by the president, Congress included a slimmed down version of the Labor-HHS-Education Appropriations bill as part of the massive year-end spending bill. Unfortunately, many of the increase to programs at CDC and HRSA were significantly cut back from the original bill. Most programs included only minor increases over the fiscal year 2007 funding levels, though many programs were also spared more significant cuts proposed by the president in his budget earlier in the year. The Health Resources and Services Administration (HRSA) was funded at \$6.9 billion, \$466 million above fiscal year 2007 - the president's budget had proposed a \$595 million cut. The Centers for Disease Control and Prevention was funded at \$6.4 billion, \$173 million above fiscal year 2007. While APHA was pleased to avoid the cuts proposed in the president's budget, we are also disappointed that many programs continue to lag behind their needed funding levels particularly in the areas of chronic disease prevention.

II. President Signs Legislation Extend SCHIP/ Block Payment Cuts to Doctors

After two vetoes by President Bush of legislation to reauthorize and expand the State Children's Health Insurance Program (SCHIP), Congress passed and the president signed legislation that would extend the SCHIP program through March 31, 2009, providing funding to cover the current 6 million children enrolled in the program. The legislation also contains funding to ensure that no children currently enrolled in the program lose coverage. In addition, the legislation provides a temporary patch preventing a scheduled 10 percent Medicare payment cut to doctors that was due to go into effect Jan. 1 under Medicare's cost-containment formulas. Instead, physicians would receive a 0.5 percent increase in their Medicare reimbursements for six months. But the legislation would not halt payment cuts in future years.

III. Senate Passes Farm Bill

After several months of intense debate, the Senate passed legislation to reauthorize the nation's farm and agricultural programs on December 14, 2007. The bill would expand a number of programs supported by APHA, including a program to provide more fresh fruits and vegetables in school food programs. The bill also includes a provision to help states to incorporate modern public health approaches in their efforts to education food stamp recipients about health eating. The House of Representatives passed its version of the bill last July. Before adjourning for the year, Congress passed a temporary extension for federal farm programs that runs until March 15, 2008. A number of differences between the House and Senate bills must be worked out during a joint conference on the bills. APHA will continue its work to ensure that the highest possible levels for skey public health and nutrition programs are included in the final conference report.

IV. House Passes Legislation to Boost Consumer Protection Agency Powers

On December 19, 2007, the House of Representatives unanimously passed legislation to strengthen the Consumer Product Safety Commission (CPSC) by increasing its funding and its legal authority. The bill would increase the agency's budget to \$80 million in fiscal 2009, \$90 million in fiscal 2010 and \$100 million by fiscal 2011. CPSC would also receive \$20 million to modernize its testing laboratory. The bill would set tougher lead standards for children's products; require third-party testing of toys by accredited labs; and require manufacturers to apply tracking labels to all toys for children age 12 or younger to help find faulty products in the event of a recall. The measure would also give CPSC the authority to quickly halt the distribution of products that posed an imminent risk of severe injury or death. A last minute attempt to take up the bill in the Senate fell through due to the lack floor time available to consider the bill.

V. President Signs Legislation to Cleanup "Meth Labs"

On December 21, 2007, President Bush signed legislation that would require the U.S. Environmental Protection Agency to create new guidelines for the cleanup of toxic chemicals found at illegal methamphetamine (meth) labs. There are currently no national guidelines for the cleanup and remediation of these sites, a responsibility that often falls on state and local governments. The chemicals used in meth production are highly toxic to humans and the environment. During use and production, meth and other harmful chemicals are released into the air and distributed throughout the surrounding area. In residential settings, these chemicals collect on countertops and floors, and they are absorbed into furnishings, carpets and walls. In addition, for every pound of meth produced, approximately five to six pounds of toxic byproducts remain. This waste is frequently poured down drains or spilled onto the ground, where chemicals can migrate into drinking wells and leach into the soil.

VI. Senate Passes Newborn Screening Legislation

On December 13, 2007, the U.S. Senate passed legislation that creates grants to states to provide education and training in newborn screening and congenital, genetic, and metabolic disorders to health care professionals and newborn screening laboratory personnel. The bill would also provide educational materials to families and improve follow-up care and treatment of newborns that screen positive for a treatable condition. Because testing for newborn disorders may vary from state to state, the sponsors of the bill are hopeful that the legislation will help to ensure that all states screen for the full panel of disorders recommended by the Advisory Committee on Heritable Disorders in Newborns and Children.

VII. Several Public Health Bills Introduced Before the End of the Year

Diabetes care and treatment: Senators Sherrod Brown (D-OH) and John Cornyn (R-TX) introduced the Catalyst to Better Diabetes Care Act (S. 2479). The bill would establish an outreach program to increase awareness among seniors and providers of the benefits of diabetes screening, establish an advisory group to make recommendations about employee wellness and disease management programs, improve the collection of diabetes mortality data, and create a national diabetes report card.

Food safety: Senators Bob Casey (D-PA) and Chuck Grassley (R-IA) introduced the Ending Agricultural Threats: Safeguarding America's Food for Everyone (EAT SAFE) Act (S. 2418) to ensure the safety of imported food products. The bill would increase the number of personnel used to inspect and track imported foods, support food safety training for border control agents and agricultural specialists at the Department of Homeland Security, require FDA certification of private laboratories used by food importers to test a product's safety, establish civil penalties for labs or importers who falsify lab results and improve public notification of recalled food products.

Health literacy: Senators Norm Coleman (R-NM) and Tom Harkin (D-IA) introduced legislation to improve health literacy. The National Health Literacy Act (S. 2424) would establish a center to support the development of health literacy interventions and tools and the implementation of resources and best practices. It would also establish a grant program for states to establish health literacy resource centers to identify and understand the health literacy challenges in different parts of the country.

Vaccine access and supply: Senator Edward M. Kennedy (D-MA) and Representative Henry Waxman (D-CA) introduced four bills to improve immunization rates among children, adults and seniors and ensure a sufficient supply of vaccines for seasonal influenza and other diseases: the Vaccines for the Uninsured Adult Act (S. 2466/H.R. 4705), Vaccines for Children Access Act (S. 2465/H.R. 4702), Vaccine Shortage Preparedness Act (S. 2467/H.R. 4703), and the Medicare Improvement Act (S. 2464/H.R. 4704).

Senators Hillary Clinton (D-NY) and Pat Roberts (R-KS) introduced the Influenza Vaccine Security Act (S. 2456) to increase seasonal influenza vaccination rates, improve the distribution of seasonal influenza vaccine, and improve stockpiling of critical supplies to treat and prevent pandemic influenza. Senator Clinton also introduced the Improved Vaccine Supply Act (S. 2476) to improve and secure an adequate supply of routinely recommended vaccines.

HIV travel restriction: Senator John Kerry (D-MA) introduced the HIV Nondiscrimination in Travel and Immigration Act (S. 2486). The bill would repeal a law that bans HIV-positive individuals from entering the United States, including HIV-positive doctors, experts and refugees seeking asylum. To read APHA's December 6, 2007 letter to the Department of Homeland Security on a proposed rule dealing with HIV-positive nonimmigrant temporary travelers to the United States you can visit APHA's website at:
<http://www.apha.org/advocacy/activities/actionissues/>

VIII. **POLICY WATCH:** *News on relevant Federal, State and local activities*

California Assembly Passes Health Care Reform Plan. The California Assembly has approved a plan to insure nearly all residents, including 70 percent of the state's 6.6 million uninsured residents. Under the plan, residents would be required to obtain coverage unless they would have to spend more than five percent of their incomes on minimal coverage and do not qualify for public programs. The state would provide subsidies for coverage to residents with incomes up to 250 percent of the federal poverty level, and tax credits to residents with incomes up to 400 percent of the federal poverty level to ensure that healthcare premium costs do not exceed 5.5 percent of their incomes. Insurers would be prohibited from denying coverage to residents because of pre-existing medical conditions and required to spend at least 85 percent of premiums received on medical care. Residents will vote on the funding mechanism for the \$14 billion plan in the November 2008 election. It would include raising the state cigarette tax from 87 cents per pack to \$1.75 per pack, a four percent tax on hospital revenues, and requiring employers to spend between one percent and 6.5 percent of their payrolls on health insurance for workers.

New Jersey Requires Seasonal Flu Vaccine for Preschoolers. New Jersey became the first state to require children attending preschool or licensed day care centers to get annual flu and pneumonia vaccines starting Sept. 1, 2008. Additionally, sixth-graders will be required to get a meningitis shot and a booster against tetanus, whooping cough and diphtheria. The state will offer no cost vaccines to underserved families and will grant exemptions for children who cannot receive the vaccines because of religious or medical reasons.

New York City Bill Would Improve Nutrition in Underserved Neighborhoods. New York City Mayor Michael Bloomberg and City Council Speaker Christine C. Quinn have proposed legislation that would increase the availability of fresh produce in underserved neighborhoods. The legislation would allow the city to issue an additional 1,500 street vendor permits over the next two years for food carts that sell only fresh fruits and vegetables. Currently, the city has 4,100 food carts of which less than 10 percent serve fruits and vegetables.

Take action on APHA's updated legislative alerts urging senators to improve health care for American Indians and other underserved minority groups, support global health, authorize the U.S. Food and Drug Administration to regulate tobacco products, and strengthen the public health work force. Help us influence lawmakers to act now on these important public health measures by visiting APHA's advocacy site at: <<http://www.capwiz.com/apha/home/>>.

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

[Contact](#) * [APHA Home](#)

APHA 800 I Street NW, Washington DC 20001

202-777-APHA (tel) * 202-777-2534 (fax)