



APHA Legislative Update June 2008

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I. House and Senate Pass Farm Bill, President Vetoes

In late May, the U.S. House and Senate overwhelmingly passed the 2007 Farm Bill conference agreement. Both chambers passed the bill by veto proof margins of 316-108 and 82-13 respectively. Unfortunately the President lived up to his promise and vetoed the legislation. Both chambers voted to override the President's veto, but due to a clerical error in which one of the titles of the bill was mistakenly left out of the bill that was vetoed by the President, the House was forced to pass a new bill that contains the missing title. APHA is hopeful that the Senate can quickly take up the measure now that Congress has returned from the Memorial Day recess, though as of today, at least two Republican Senators were threatening to hold up action on the bill. APHA has strongly supported the legislation, which contained a number of provisions aimed at improving health and nutrition including the expansion of the Fresh Fruit and Vegetable Program at the Department of Agriculture that provides free fresh fruits and vegetables to low-income children in our nation's schools, a significant increase in funding to feed our nation's poor, greater assistance for food banks and community food projects, as well as the expansion of other key safety net and nutrition programs that will benefit the health of millions of Americans. APHA worked with a number of other public health, environmental and produce industry partners to win passage of the legislation.

II. Senate Joins House in Delaying Medicaid Regulations

On May 22, by a vote of 75-22, the U.S. Senate passed a domestic spending amendment to the Iraq war supplemental spending bill that included a provision to place a one-year moratorium on seven Medicaid

regulations issued in 2007 by the Center for Medicare and Medicaid Services (CMS). The House previously adopted a stand-alone bill containing a one-year moratorium on the same regulations earlier in May by a vote of 349-62. APHA believes the regulations issued by CMS will do nothing to improve efficiency within the Medicaid program. Instead, APHA and other public health advocates believe these regulations will be a major fiscal blow to many states and will harm our most vulnerable citizens, particularly children, by preventing beneficiaries from receiving the care that they need. The regulations are likely to shift billions of dollars in costs to the states, effectively eliminating federal participation in many important Medicaid programs. The Congressional Budget Office estimates that these regulations will reduce federal Medicaid funding to states by a combined \$20 billion over the next five years. As a result, states will likely cut critical services such as specialized medical transportation to school for children with disabilities, case management services that allow people with disabilities to remain in the community, and rehabilitation services for the disabled. In addition to the Medicaid regulation moratorium, the Senate included additional funding for veterans, education as well as for the Centers for Disease Control and Prevention (CDC) and the National Institutes of Health (NIH) in its domestic spending package. It is unclear at this point whether the entire domestic spending amendment, including the moratorium on all seven Medicaid regulations, will remain in the final conference report for the Iraq supplemental bill. The President has threatened to veto both the stand alone bill as well as the Iraq war supplemental bill should either be sent to him in their present form.

III. Senate Begins Debate on Climate Change Legislation, House Bill Announced

The U.S. Senate has begun consideration of legislation introduced by Senators Joseph Lieberman (I-Conn.) and John Warner (R-Va.) that would attempt to combat climate change and global warming by capping the emissions (greenhouse gases) that contribute to global warming and establishing a trading program for companies to buy and sell emissions allowances. The bill aims to reduce total U.S. greenhouse gas emissions by up to 66 percent by 2050, according to the bill's sponsors. While APHA supports the goals of the legislation, we are working to improve the legislation by getting provisions included that would address the public health impacts of climate change. Specifically, APHA is encouraging the Senate to include the following provisions:

- Language outlining the negative health effects of climate change;
- The participation of the Secretary of the Department of Health and Human Services (HHS) and the Director of CDC in surveillance, tracking and responding to the public health effects of changes in climate and weather;
- Specific interventions developed by the CDC, in coordination with representatives of the public health, climate and environmental communities to reduce the health risks accompanying climate change;
- Capacity building and training to enhance the workforce that is needed to participate in these activities at the national, state and local levels; and
- Programs to educate the public, public health authorities, medical care givers, governments, and local communities about the negative health consequences of climate change.

The bill is expected to be on the Senate floor through next week. Unfortunately, President Bush has already threatened to veto the bill.

In addition to the Senate bill, Representative Edward Markey (D-Mass.) recently announced his intention to introduce legislation to combat global climate change. According to a press release from Markey's office, the legislation, the Investing in Climate Action and Protection Act (iCAP), would cut global warming pollution emissions 85% by the year 2050, set up a system for 100% auctions and invest money generated from polluters back

to consumers and clean technology solutions. Markey serves as chairman of the House Select Committee on Energy Independence and Global Warming and was a lead supporter of a House Resolution recognizing this year's National Public Health Week and the health impacts of climate change.

IV. House Committee Approves Three Public Health Bills

On May 7, the U.S. House Energy and Commerce Committee approved three public health bills. The Health Centers Renewal Act (H.R. 1343) would reauthorize through 2012 the 48-year-old program community health centers program. Over 6,300 community health centers across the country provide health care to an estimated 17 million uninsured and underinsured people per year. The U.S. Senate Health, Education, Labor, and Pensions (HELP) Committee approved a similar bill (S. 901) in November, 2007. The panel also approved the Poison Center Support, Enhancement and Awareness Act (H.R. 5669). This bill would reauthorize through 2014 the poison centers' national toll-free number, national media campaign and grant program. Poisoning is considered the second most common form of unintentional death in the U.S. with roughly 32,000 poison-related deaths in 2005. Finally, the panel approved the Conquer Childhood Cancer Act (H.R. 1553). This bill would provide \$30 million through 2013 to promote pediatric cancer research and awareness within the HHS and NIH. It would support the pediatric cancer research institutes at the National Cancer Institute, establish a population-based national childhood cancer database and serve as an information service for patients and families. The U.S. Senate Health, Education, Labor and Pensions Committee approved a similar bill (S. 911) in November, 2007.

V. Tobacco Labeling Bill Moves to Senate Floor

On May 15, the U.S. Senate Committee on Commerce, Science and Transportation passed S. 2685, the Truth in Cigarette Labeling Act, to change how tobacco companies market and sell cigarettes. Specifically, the bill would ban the current testing methodology used by the Federal Trade Commission to determine whether cigarettes are "light," "ultra-light," "low-tar," or "low-nicotine" because the test, developed in 1967, is widely viewed as flawed. Since no other tests exist to determine the validity of these marketing claims, the bill would effectively prevent tobacco companies from using these labels on their cigarette brands. Studies show that these types of cigarettes do not significantly reduce the health risks associated with tobacco use because smokers tend to smoke more or inhale more deeply to get the same nicotine dosage. Lawmakers in both the U.S. House of Representatives and U.S. Senate have also introduced more extensive tobacco control legislation, H.R. 1108 and S. 625, which would give the U.S. Food and Drug Administration authority to regulate tobacco products. You can support this legislation by writing to your Representative and Senators using APHA's Legislative Action Center: <http://capwiz.com/apha/issues/alert/?alertid=10359126>.

VI. Lawmakers Introduce New Public Health Legislation

The following bills were introduced in May on public health issues:

- The Detainee Basic Medical Care Act (H.R. 5950) would require the federal government to establish mandatory standards for physical and mental health care for immigrants in detention centers. It also would require the Department of Homeland Security to report all deaths at jails to the Office of the Inspector General and Congress. The bill was introduced in response to recent reports and lawsuits that demonstrate that detainees have in some cases died due to the poor quality or lack of medical care.
- The Accelerating Cures Act (S. 2988) would promote clinical and translational research within the National Institutes of Health (NIH). It would expedite the development of new tools and therapies that prevent, detect and cure diseases and more quickly bring these medical advancements to hospitals, pharmacies and patients.

- The Diabetes Prevention Access and Care (DPAC) Act (H.R. 2201 and S. 2983), introduced in May in both the U.S. House and Senate, would help prevent diabetes among children and families in minority communities. African Americans, Hispanics, Asian and Pacific Islanders, and American Indians and Alaskan Natives have higher rates of diabetes and are often less able to obtain proper health care to manage their disease. The bill would require the Secretary of Health and Human Services to develop a plan to address diabetes among minority populations, expand programs for diabetes prevention and education, and increase the number of minority doctors who specialize in diabetes care and treatment. It also would require NIH to conduct research on the factors that contribute to diabetes in minority population and CDC to educate the public on the causes and effects of diabetes in minority populations.
- The Oral Health Initiative Act (S. 3064) would require the Secretary of Health and Human Services to identify and review federal programs that combat dental disease and increase access to oral health care in order to improve the effectiveness and coordination of these programs and reduce duplication.

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

Colorado Legislature Passes Major Public Health Reform. The Colorado State Legislature recently passed S.B. 194, a comprehensive public health bill that would provide a much needed update to the state's public health laws. Though this legislation will impact Colorado's public health agencies in many ways, some of the bill's most important functions include modernizing the language of Colorado public health laws, specifying the duties of the state health board, and mandating that state and local health agencies create plans to show that they will meet the needs of local communities. The Colorado Public Health Association was central to both the creation and passage of this legislation, and was actively involved throughout the legislative process.

New Jersey Legislator Seeks to Deregulate State Health Insurance. Jay Webber, a Republican member of the New Jersey assembly, has introduced legislation that would allow New Jersey residents to purchase health insurance plans from other states. This proposal arose in response to the state's high cost of health insurance, which is now nearly double the national average. Proponents of the bill say that this will reduce the number of uninsured. In contrast, opponents of the bill claim that New Jersey's insurance regulations provide patient protection and say that allowing individuals to purchase plans without these safety nets will leave residents vulnerable.

States React to Nurse Shortages. As America faces a nation-wide shortage of nurses, state legislatures are taking action to diminish the negative effects of this shortage in their states. In New York, lawmakers recently introduced a series of bills that would provide incentives, such as student loan forgiveness programs for practicing nurses and free tuition for nursing students, to encourage individuals to enter and remain in the nursing profession. Similarly, the Massachusetts House of Representatives recently passed a bill that would regulate the work load of nurses in the state. Citing the unmanageably high patient to nurse ratio that the nursing shortage has created, Massachusetts is attempting to lighten the load on nurses by establishing a maximum number of patients that can be assigned to any one nurse at a time.

VIII. *APHA Accepting Nominations for 2008 Legislator of the Year*

APHA is now seeking nominations for the 2008 Distinguished Public Health Legislator of the Year. This award recognizes local, state and federal lawmakers who are public health champions. Please visit APHA's website at: <http://www.apha.org/about/awards/> for more information and instructions for nominations. Nominations may only be submitted by APHA members. A list of previous winners can be found at: <http://www.apha.org/about/awards/previouswinners/legislator/>. Nominations are due to APHA by June 27, 2008.

Take action on APHA's updated legislative alerts to tell Congress to pass mental health parity legislation, support the Healthy Start program to reduce infant mortality and morbidity, strengthen the public health workforce, make the connection between climate change and public health, support global HIV/AIDS programs, and authorize the U.S. Food and Drug Administration to regulate tobacco products. Help APHA influence lawmakers to make these bills a priority in 2008. You can view these and other APHA action alerts by visiting APHA's advocacy site at: <http://www.capwiz.com/apha/home/>. Check back often for new and updated action alerts.

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

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