



## Memorandum

Date: January 22, 2021

Re: Week Two Legislative and Policy Update

### **Overview**

Week two of the Session was a short week—MLK Day plus two days of mostly cancelled meetings due to security concerns and possible protests at the Statehouse were caused a shortened schedule. Several hearings scheduled for this week have been pushed to next week. Additionally, though the January 26<sup>th</sup> deadline to extend the disaster declaration is fast approaching, the House today passed Senate Bill 14 that extends the state of disaster and its provisions through March 31<sup>st</sup>. Once the Governor signs it into law, all of the provisions associated with the declaration (i.e., telemedicine flexibilities, COVID business and medical liability, and alcohol-to-go) will be extended through March 31<sup>st</sup>.

The pace of hearings and activities are picking up and some of the basics of an essentially on-line virtual session begin to take shape. The leadership priority bills are moving fast—taxes and the abortion constitutional amendment. The budget review should begin in a week and there are strong rumors the budget will see action faster than usual. Mainly, this week the issues are new bills and upcoming hearings.

### **Big Picture Issues**

Despite a shorter, more disruptive week, both chambers continued their work on some of the bigger topics of the Session.

**Tax Issues:** The tax committees continue their work on property and income tax legislation. Senate Bill 13, the Truth in Taxation property tax reform bill, awaits a hearing in House Tax on Tuesday, January 26<sup>th</sup>. The Senate Tax committee wrapped up its hearings on the major individual and corporate income tax bill on Thursday and will likely work the bill next week. As a reminder, this is the legislation Governor Kelly has vetoed the last two years.

**State of Disaster Extension:** As mentioned above, SB 14 passed both chambers and awaits the Governor's signature. Once that happens, the Legislature will then have until March 31<sup>st</sup> to look at the state's Emergency Management Act (KEMA) and make any changes. We expect some changes will be made related to liability, local control, penalties and enforcement of executive orders, legislative oversight during states of disaster, as well as carrying forward the flexibilities in telemedicine. On the healthcare side, the issues to be resolved include the permanency of mid-level practitioners expanded authority to practice and which healthcare providers will retain expanded telemedicine services.

**Abortion:** Both the Senate Judiciary and House Federal and State Affairs committees held hearings last week on the anti-abortion constitutional amendment. The amendment needs a 2/3 majority vote in both chambers in order to pass. The resolution is up for debate in the Senate, and the House will likely take it up next week. Just like last year, we expect a lengthy and charged debate, especially when it comes to placing the amendment on the primary ballot versus the general election ballot.

As we've said before, things are moving quicker than normal this year, largely in an attempt to resolve some of these big issues sooner rather than later in the event the legislative process is delayed or comes to a halt due to COVID. Committees next week are forging ahead as usual with hearings and action on bills previously heard. Here's what to expect.

### **Current Healthcare Issues**

Unlike most years, there have been few healthcare briefings and updates from agencies including KDADS, KDHE, and DCF. The budget committees normally spend time with agency budget and policy briefings. None of them have occurred yet and may not as the budget review and recommendation process begins in about a week. More policy bills are appearing now and the hearing schedule picks up in the coming weeks but only a couple have been relevant thus far.

#### **KDHE COVID Vaccine Update**

- KDHE provided a COVID vaccine update to the Joint Health Committee and this will likely become a weekly update to the committee.
- KDHE provided information on how many doses of the vaccine have been administered so far (roughly 130,000); how many doses the state currently has; Phase II rollout; discretion of local health physicians to determine who to administer the vaccine to, etc.
- Lawmakers asked about the prioritization of incarcerated individuals; what policymakers can do to help with the vaccination process; and reasons why some healthcare providers have opted to refuse or delay getting vaccinated.
- COVID-19 Vaccine Dashboard for the state can be found here:
- <https://www.kansasvaccine.gov/>

#### **Mental Health Modernization & Reform**

- The various health committees held briefings throughout the week to discuss the Special Committee on Mental Health Reform report and recommendations. It is likely there will be several bills introduced related to their recommendations, particularly related to the CCBHC model; workforce support, such as reducing supervision hours for various professions; telehealth; mobile crisis response, and funding for suicide prevention.
- The full Special Committee Report can be found here:  
[http://www.kslegresearch.org/KLRD-web/Publications/CommitteeReports/2020CommitteeReports/ctte\\_spc\\_2020\\_ks\\_mental\\_health\\_modern\\_1\\_complete\\_report.pdf](http://www.kslegresearch.org/KLRD-web/Publications/CommitteeReports/2020CommitteeReports/ctte_spc_2020_ks_mental_health_modern_1_complete_report.pdf)

#### **Licensing, reciprocity**

- HB 2066: Expanding the military spouse and servicemember's expedited licensure law to all applicants intending to establish residency in Kansas. The bill attempts to make it easier for spouses of the military to practice their profession if licensed in another state.
- Hearing in House Commerce Tuesday, January 19<sup>th</sup>.
- The Kansas Medical Society, Board of Healing Arts (BOHA) raised several issues related to the bill:
  - Concerns that the bill goes far beyond licensure and extends licensure to any applicant, not just military spouses or servicemembers.

- Creates a different standard for out-of-state applicants the licensing state standard of a “similar scope of practice” is not defined would lead to increased litigation for licensing agencies.
- BOHA believes the bill compromises the state’s quality and safety standards for those practicing.
- The bill remains in committee.

**Legislation of Interest**

As we’ve stated previously, with the threat COVID poses in disrupting the Session, as well as the emphasis on the big-picture issues mentioned above, we do not anticipate a significant amount of health legislation moving this session and most policy issues this year will educate lawmakers that may get more traction and support next Session.

Bills that have been published and the bill history can be found on the Legislature’s official website: [http://www.kslegislature.org/li/b2021\\_22/measures/bills/](http://www.kslegislature.org/li/b2021_22/measures/bills/)

Other New Bills and Issues

Kids

- HB 2086: Authorizing schools to maintain emergency medication kits and to administer such medication in emergency situations.
  - Hearing Monday 1/25.
- SB 42/HB 2108: Concerning the study and investigation of maternal deaths in Kansas and requiring the KDHE Secretary to establish an external review committee to review black maternal death cases.
- Executive Reorganization Order. The Governor’s proposal to consolidate KDADS and DCF (without including juvenile services as they proposed in 2020) has not yet been introduced but should be soon. Once introduced, either the House or Senate has sixty days to stop it.

Regulatory

- HB 2066: Expanding the military spouse and servicemember’s expedited licensure law to all applicants intending to establish residency in Kansas.
- Hearing on SB 10: Enacting the right to earn a living act to minimize unnecessary occupational licensing and regulation.

Funding and Insurance

- SB 41: Establishing a \$100 maximum out-of-pocket cost-share per month per covered person for prescription insulin drugs.
- SB 48: Requiring certain insurance coverage for diagnostic examinations for breast cancer.

Behavioral Health

- Other bills introduced but not published yet include: CCBHC model; sunset for statewide trauma centers; expedited partner therapy; contraceptive availability at pharmacies; physicians using best medical judgement; and establishing the Joint Committee on Child Welfare.

### Child welfare/child safety

- HB 2088: Requiring visual observation of an alleged victim of child abuse or neglect as part of an investigation.
- HB 2061: Increasing minimum age to purchase/possess cigarettes and tobacco products from 18 to 21 and prohibiting cigarette vending machines and flavored vaping products.
- SB 25: Prohibiting the use of a cell phone while driving in a school or construction zone or by individuals less than 18 years old.
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- SB 12: Requiring DCF to implement performance-based contracts.

### Gun safety issues

- HB 2058: Reciprocity with out of state permit holders.
- HB 2059: Reciprocity with out of state permit holders, lowers provision permit age to 18, and excludes weapons from state hospitals and care and treatment facilities.
  - Hearings in House Fed & State Affairs on Wednesday, January 27<sup>th</sup>.
- HB 2089: Authorizing the AG to issue an alternative license to carry a concealed handgun to qualified applicants during a declared state of disaster emergency.
  - No hearing scheduled at this time.
- HB 2095: Allowing courts to prohibit possession of a firearm in temporary custody order pursuant to the Care and Treatment Act.

### **Upcoming Activities**

- The legislative schedule of hearings is updated regularly throughout the week can be found in the House and Senate calendars on the Legislature website at: [http://www.kslegislature.org/li/b2021\\_22/chamber/calendars/](http://www.kslegislature.org/li/b2021_22/chamber/calendars/)
- Additionally, all hearings are now available on-line live on YouTube Kansas Legislature chanel and the audio is available on the Legislature website at: <http://sg001-harmony.sliq.net/00287/Harmony/en/View/Calendar/>

### *Monday, January 25.*

#### House Children & Seniors. 1:30 PM.

- Presentation on Child Death Review Board Annual Report by AG's Office.
- Hearing on HB 2062: Providing certain exceptions to the confidentiality of state child death review board documents.

### *Tuesday, January 26.*

#### Senate Health. 8:30 AM

- Briefing on Special Committee on Mental Health Modernization and Reform Report.

#### Joint House & Senate Health Committee. 12:00 PM.

- KDHE COVID Update.

#### House Children & Seniors. 1:30 PM.

- Briefing on State of Mental Health in Kansas, Association of CMHCs.

### *Wednesday, January 27.*

Senate Health. 8:30 AM.

- Presentation on Special Committee on Mental Health Modernization and Reform Report.

Senate Commerce. 10:30 AM.

- Hearing on SB 10: Enacting the right to earn a living act to minimize unnecessary occupational licensing and regulation.

House Children & Seniors. 1:30 PM.

- Presentations on KVC; St. Francis Ministries; TFI Family Services; YMCA.

*Thursday, January 28.*

Senate Health. 8:30 AM.

- Briefings on 340(b) Drug Pricing; Oral Health in Kansas.

House Health. 1:30 PM.

- Presentation on K-12 Mental Health Program.