Memorandum

Date: January 29, 2021
Re: Week Three Legislative and Policy Update

Overview

The big-ticket items of the Session continue to steadily make their way through the process as week three ends. Our reports for the next couple of weeks will continue to expand as new bills are introduced until February 10th. You will find a significant number of new bills in this report. Most will not receive a hearing and fewer will advance all the way through the process. Budget committee hearings begin next week as well as the Governor’s budget comes together.

There have been several opportunities for KAAP to engage in legislative advocacy this week, including pending legislation regarding gun violence safety and school medication policy. Several issues leftover from the 2020 session are coming back as bills this year that may warrant renewed action including Tobacco 21 and vaping flavors, and child welfare oversight.

Telemedicine and public health legislation in Senate Bill 14 referenced below, which is now law, extends all the current emergency actions until March 31 to allow more time to finalize long-term legal changes for telemedicine.

Big Picture Issues

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, is scheduled for final action in House Tax on Tuesday. The Senate Tax continues their work on the major individual and corporate income tax bill, SB 22, and will resume their work next week.

State of Disaster Extension: At the beginning of this week, Governor Kelly signed SB 14, extending the state of disaster emergency through March 31st. The Legislature now has until March 31st to look at the state’s Emergency Management Act (KEMA) with the intent to make permanent changes 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.

Abortion: Last Friday the Kansas House passed the anti-abortion amendment 86-38. The Senate passed the resolution 28-11 on Thursday evening. The amendment will be placed on the primary ballot in August 2022.

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 its second weekly COVID vaccine update to the Joint Health Committee on Tuesday.
- Lawmakers questioned KDHE on distribution issues and discrepancies in data from different sources.
- KDHE confirmed that Kansas is receiving 45,000 doses per week. The agency estimates around 700,000 to 800,000 Kansans are eligible for the vaccine in the current phase II that includes those over 65 and educators.
- Concerns continue to be expressed regarding variance by county.

**340B Briefing in Senate Public Health**

- On Thursday, members of the Community Care Network of Kansas provided a presentation to the Senate Public Health and Welfare Committee on the importance of the 340B program for Kansas safety net clinics.
- 340B bill was introduced in committee the same day as the informational briefing.
- We will continue working with the committee chair to secure a hearing on the 340B legislation.

**Gun safety**

- House Federal and State Affairs held hearings this week on three bills addressed firearm safety.
- The following bills were heard and remain in committee pending final consideration. It is likely all three may pass to the floor for action. The most controversial bill, HB 2059 will allow individuals between 21 and 18 to carry with a provisional permit.
  - HB 2058: Reciprocity for out of state permit holders.
  - HB 2059: Reciprocity for out of state permit holders, lowers provision permit age to 18, and excludes weapons from state hospitals and care and treatment facilities.
  - 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.

**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/)

New bills introduced this week are in **bold**.
Children’s Issues
• HB 2086: Authorizing schools to maintain emergency medication kits and to administer such medication in emergency situations.
  o Hearing in House Education 1/26. Kansas School Nurses testified in support during the hearing. There were no opponents or neutral conferees.
• 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 ERO 47. The Governor’s proposal to consolidate KDADS and DCF (without including juvenile services as they proposed in 2020) was introduced in the House on January 26th. The House now has sixty days to stop it, or it automatically becomes law.

Regulatory
• HB 2066: Expanding the military spouse and servicemember’s expedited licensure law to all applicants intending to establish residency in Kansas.
  o KMS, Board of Healing Arts, and others raised several concerns during the hearing on 1/19.
  o The bill is schedule for discussion and final action on Monday, February 1st.
• SB 10: Enacting the right to earn a living act to minimize unnecessary occupational licensing and regulation.
  o Hearing in Senate Commerce 1/27.
  o Requires agencies to review rules and regulations and examine them with an eye toward if they serve public health, safety, or welfare, and reduce them as the bill provides.
  o Proponents include conservative groups including Senator Hilderbrand (Galena), Kansas Policy Institute, Americans for Prosperity, and Opportunity Solutions Project.
  o Opponents included health care regulatory agencies.
  o BOHA and others argued this creates an unnecessary “litigation factory” and that the process for challenging regulations already exists.
  o There are several problems with the bill and the chairman indicated that if the bill were to move forward, several considerable changes would need to be made because the bill is too broad.

Funding and Insurance
• SB 41: Establishing a $100 maximum out-of-pocket cost-share per month per covered person for prescription insulin drugs.
• HB 2110: Requiring insurance coverage for PANS/PANDAS by the state health care benefits program and requiring the state employee health care commission to submit an impact report on such coverage to the Legislature.
• HB 2174: Establishing the rural hospital innovation grant program to assist rural hospitals in serving rural communities.
  o This Kansas Hospital Association initiative was introduced in 2020.

Behavioral Health
- **HB 2129**: Providing for tobacco cessation benefits coverage under the state health care benefits program.
- **HB 2160**: Establishing certification and funding for certified community behavioral health clinics (CCBHCs).
- **SB 82**: Behavioral health parity: Limiting utilization review conducted by health plans under certain circumstances involving the treatment of mental illness or substance use disorder. Same bill as during 2020 session.

**Child welfare/child safety**
- **HB 2149**: Permitting the Secretary of DCF to permit individuals in certain circumstances who have been convicted of certain crimes to reside, work or regularly volunteer at childcare facilities licensed by the secretary.
  - Hearing in Children & Seniors, Tuesday, February 2nd.
- **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.
  - Hearing in Federal & State Affairs, Tuesday, February 2nd.
- **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.
  - There were no opponents.
- **SB 113**: Creating the distracted driving violation and prohibiting the use of a wireless telecommunications device while operating a motor vehicle.
- **HB 2115**: Establishing the joint committee on child welfare system oversight.
  - Hearing in Children & Seniors, Thursday, February 4th.

**Gun safety issues**
- **HB 2058**: Reciprocity for out of state permit holders.
- **HB 2059**: Reciprocity for out of state permit holders, lowers provision permit age to 18, and excludes weapons from state hospitals and care and treatment facilities.
- **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.
  - All three of the above bills had hearings in House Federal & State Affairs on 1/27. Proponents include the AG’s office and Kansas Rifle Association. Opponents included Moms Demand Action, Everytown for Gun Safety, Kansas Interfaith Action, and the Kansas Chapter, American Academy of Pediatrics, among others.
- **HB 2095**: Allowing courts to prohibit possession of a firearm in temporary custody order pursuant to the Care and Treatment Act.
  - Hearing in House Judiciary, Tuesday, February 2nd.

**Licensure**
• **HB 2179**: Providing for the licensure of dental therapists.

Other
• **SB 92**: Creating the Kansas equal access act to authorize the use of medical marijuana.

**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 channel and the audio is available on the Legislature website at: [http://sg001-harmony.sliq.net/00287/Harmony/en/View/Calendar/](http://sg001-harmony.sliq.net/00287/Harmony/en/View/Calendar/)

*No scheduled meetings for House Health the week of February 1st.*

**Tuesday, February 2.**
Federal & State Affairs. 9:00 AM.
  - Hearing on HB 2061: Tobacco 21.
House Children & Seniors. 1:30 PM.
  - Hearing on HB 2149: Permitting DCF Secretary to permit individuals in certain circumstances who have been convicted of certain crimes to reside, work or regularly volunteer at childcare facilities licensed by the Secretary.
House Judiciary. 3:30 PM.
  - Hearing on HB 2095: Allowing courts to prohibit possession of a firearm in a temporary custody order pursuant to the Care & Treatment Act.

**Wednesday, February 3.**
Senate Public Health and Welfare. 8:30 AM.
  - Requires DCF to create a prevention and early intervention based contract and plan for child welfare.

**Thursday, February 4.**
Children & Seniors. 1:30 PM.
  - Hearing on HB 2115: Establishing joint committee on child welfare system oversight.