



Memorandum

Date: February 26, 2021
Re: Week Seven Legislative and Policy Update

Overview

The midpoint of the Session is fast approaching, as the Legislature wrapped up their last week of committee work before spending next week working bills on the floor of each Chamber. Committees held hearing this past week on a variety of big topics, ranging from medical marijuana to vaccines in the workplace to transgender sports. Most bills that fail to pass their chamber of origin next week are dead for this Session, except for those lucky few that become blessed, as well as any exempt bills. We expect next week will see its fair share of long nights and lengthy debates, particularly when it comes to some heftier topics such as sports wagering, expansion of the low-income student scholarship program, and the Kansas Emergency Management Act (KEMA). After next week on the floor, we will enjoy the only break of the session and most committees will meet again for a short week beginning March 10th.

The report is trimmed down a bit this week as non-exempt bills that have not advanced are being removed from the report. In general, the number of issues begins to narrow as the session progresses.

Big Picture Issues

Legislative Oversight: Debate over the power and authority of the state's executive branch continues to evolve, as resolutions were introduced in the House and Senate proposing a constitutional amendment that provides for legislative oversight of rules and regulations adopted by executive branch agencies and officials. Historically, writing rules and regulations is a function of the executive branch and legislative influence has been advisory. This constitutional amendment will significantly alter the balance of power. More on this issue here:
<https://kansasreflector.com/2021/02/23/kansas-a-g-republican-lawmakers-propose-legislative-veto-of-state-agency-rules/>

KEMA: Somewhat related to discussions of legislative oversight is the now nearly year-long conversation about the Governor's authority during a state of emergency, and how that authority interacts with KEMA. The state of disaster declaration the state is currently operating under expires March 31st, and the Legislature has until then to make changes to KEMA and rectify some of the provisions in the act that are decades old and not exactly equipped to address a months-long pandemic. The two bills, House Bill 2146 and Senate Bill 273, are fairly different. Both bills reduce the Governor's authority to act without Attorney General and legislative oversight, as well as a wide range of areas where local government and public health authority is narrowed or restrained. Both chambers are set to work their versions of the bill next week, and the legislation will likely go to conference committee following Turnaround.

- More on the Senate version here: <https://kansasreflector.com/2021/02/24/gop-senators-eager-to-answer-covid-19-with-more-explicit-kansas-emergency-management-law/>

Taxes: The House Tax committee has not yet taken action on SB 22, the Senate version of the major income tax cut bill. SB 22 is estimated to cost the state \$1 billion over the next three years.

The House has introduced their own version of the income tax cut bill, HB 2421. The major property tax bill, SB 13, still awaits action on the House floor. It's most likely at this point that tax action will take place in the second half of the session.

K-12 Education: In addition to continued efforts this week to expand the state's low-income student scholarship program, the K-12 Education Budget committee wrapped up their recommendations on the State Department of Education's budget. Also of note this week in the education committees were hearings on the Back to School Act—requiring districts to provide a full-time, in-person attendance option by March 26th—and a bill prohibiting transgender students from competing in women's sports. More on that here:

<https://kansasreflector.com/2021/02/23/kansas-transgender-sports-bill-epitome-of-fair-play-or-brazenly-unconstitutional-discrimination/>

Current Healthcare Issues

This was a busy week of committees taking final action and getting bills to the floor for debate next week as well as finalizing agency budget recommendations. The significant healthcare-related activities this past week included hearings on medical marijuana, Tobacco 21, implementation of the 988 National Suicide Prevention Lifeline (NSPL) in Kansas, and a vaccination bill. Following the midpoint of the session taxes bills, telemedicine emergency management, and telemedicine will get lots of attention.

Among the bills we will be watching for floor action this week are the following:

- HB 2250: Expanding newborn screening services and increasing transfers from the medical assistance fee fund to the Kansas newborn screening fund. In the House.
- HB 2345: Establishing the Office of the Child Advocate for children's protection and services. In the House.
- HB 2371: Removing cooperating with child support from requirements for SNAP benefits; exempting adults enrolled in school from the 20-hour-per-week work requirement for childcare assistance. In the House.
- HB 2066: Expanding the military spouse and servicemember's expedited licensure law to all applicants intending to establish residency in Kansas. In the House.
- HB 2058: Reciprocity for out of state firearm permit holders. In the House.
- HB 2261: Enacting the rural emergency hospital act to provide for the licensure of rural emergency hospitals.

APRN Scope of Practice

- This year's bills update scope of practice requirements for APRNs without a supervising physician and updates certain licensure requirements.
 - SB 174 & HB 2256
- The Kansas Medical Society, Kansas Academy of Family Physicians, Kansas Chapter of the American Academy of Pediatrics, and the Kansas Association of Osteopathic Medicine remain strongly opposed to the change.
- While the proponents maintain this legislation does not expand their scope of practice, many lawmakers question just how that would work since the legislation grants APRNs full practice authority without a collaborative practice agreement. Several policy makers, and in particular the two physician legislators on the health committees, noted the impact

this legislation would diminish or eliminate the distinction between a nursing scope of practice in a collaborative agreement and a doctor's diagnosis.

- It's likely this issue will linger throughout the remainder of the session. Neither bill is exempt, but we expect them to be blessed to stay alive for the remainder of the session.

Telemedicine

- The House Health Committee heard HB 2206 on February 9th. The committee chair is pausing any work on the bill until conversations take place between providers and insurance companies over the issue of payment parity. No movement on HB 2206 this week.
- Provider groups and insurances representative are working on potential compromise language related to payment issues, but this process will take several weeks.

Agency Budget Hearings

- Budget recommendations wrapped up this week for DCF, KDADS, and KDHE, as well as for other state agencies and the full budget committees are finalizing preparations before beginning budget negotiations in the weeks following Turnaround.
- The budget is moving quickly and could be resolved in early March but held open while tax policy is currently stalled.

Legislation of Interest

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/

Children's Issues

- 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.
- SB 155/HB 2250: Expanding newborn screening services and increasing transfers from the medical assistance fee fund to the Kansas newborn screening fund.
 - Hearing in House Social Services Budget 2/18.
 - KDHE and Kansas Chapter, American Academy of Pediatrics testified in support.
 - Bill was passed out of committee on 2/25.
- HB 2345: Establishing the Office of the Child Advocate for children's protection and services.
 - Hearing in House Children & Seniors 2/17.
 - Proponents included key child welfare stakeholders and no opponents.
 - DCF supports the creation of the office but prefers the office within the Department of Administration.
 - Passed Committee, awaiting action on House floor.
- HB 2371: Removing cooperating with child support from requirements for SNAP benefits; exempting adults enrolled in school from the 20-hour-per-week work requirement for child care assistance.
 - Hearing in House Children & Seniors Monday, 2/22.

- Kansas Action for Children, Child Care Aware of Kansas, Kansas Appleseed, KCSDVs, and several others provided support for the legislation. Opportunity Solutions Project testified in opposition.
- The committee amended the bill to clarify education requirements for eligibility.
- The bill passed out of committee 2/25 with a vote of 8-5.

Regulatory

- HB 2206: Telemedicine.
 - Hearing in House Health Tuesday, 2/9.
 - Awaiting resolution of payment parity issues.
 - Companion bill SB 248 is in the Senate.
- APRN Scope of Practice
 - SB 174 & HB 2256
 - Hearings in health committees 2/17-2/18.
- HB 2066: Expanding the military spouse and servicemember's expedited licensure law to all applicants intending to establish residency in Kansas.
 - KMS, Board of Healing Arts, and others raised several concerns during the hearing on 1/19.
 - The committee amended the bill and removed the entire telemedicine portion of the bill, which is included in HB 2206 instead. The committee then passed out HB 2066 as a substitute bill.
- SB 137: Expanding the military spouse and servicemember expedited licensure law; allowing telemedicine by out-of-state healthcare providers and permitting the use of electronic credentials.
 - Hearing in Senate Commerce, Tuesday, 2/23. Similar to HB 2066.
 - Rep. Croft (Overland Park), Opportunity Solutions Project, the Kansas Chamber, Overland Park Chamber, Wichita Chamber, and Americans for Prosperity testified in support. The Kansas Board of Technical Professions, Kansas Society of CPAs, American Institute of Architects, and several others testified in opposition.
- SB 200: Expanding the pharmacist's scope of practice to include point-of-care testing for and treatment of certain health conditions.
 - Hearing in Senate Health, Thursday, 2/25.
 - Several pharmacies and chain stores supported the legislation. KMS, Kansas Academy of Family Physicians, Kansas Chapter American Academy of Pediatricians, Kansas Osteopaths, and Kansas Chiropractors testified in opposition.

Funding and Insurance

- HB 2174: Establishing the rural hospital innovation grant program to assist rural hospitals in serving rural communities.
 - Hearing in Appropriations Wednesday, 2/10.
 - Proponents included the Kansas Hospital Association and League of Municipalities.
 - Bill is exempt and alive for action after Turnaround.

- HB 2248: Increasing state financial assistance to local health departments under specified circumstances.
 - Hearing in House Social Services Budget 2/24.
 - Bill is exempt and alive for potential action after Turnaround.

Behavioral Health

- HB 2129: Providing for tobacco cessation benefits coverage under the state health care benefits program.
 - Hearing in House Insurance Wednesday, February 10th.
 - No neutral or opponent testimony.
- Certified Community Behavioral Health Clinic (CCBHC) Model
 - HB 2160—Passed out of House Health 2/9.
 - SB 138—Hearing in Senate Health Tuesday, 2/23.
- HB 2281: Establishing and implementing 988 National Suicide Prevention Lifeline in Kansas.
 - Hearing in House Health, Monday, 2/22.
 - The committee made the following amendments to the bill:
 - Clarifying language to reinforce the monies in the 988 fund is to be used solely for the purposes outlined in the bill.
 - Imposes a prepaid wireless 988 fee of .50 per retail transaction for prepaid wireless service.
 - Including mobile crisis response services for IDD and mobile crisis response services for Behavioral Health in the services that can be paid for from the 988 fund.
 - Bill will likely be blessed.

Gun safety issues

- All of the bills listed in this section are exempt.
- HB 2058: Reciprocity for out of state permit holders.
 - Passed Committee, awaiting on House floor.
- 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.
 - On 2/10, the Committee combined HBs 2058 and 2089 and passed the legislation out of committee.
 - HB 2059 remains in committee.
- 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.
 - No movement on the bill.
- HB 2222: Requiring KBI to establish a Kansas do-not-sell firearms list to prevent the purchase of firearms by any person who voluntarily registers to be placed on the list.
- HB 2251: Requires the relinquishment order of firearms upon conviction of battery or domestic violence misdemeanors.

Licensure

- SB 175/HB 2261: Enacting the rural emergency hospital act to provide for the licensure of rural emergency hospitals.
 - Hearings this week in both health committees.
 - The House Health committee heard the bill and passed it out of committee in the same day with a broad range of support.
 - Senate Health made a few amendments, which are summarized in this document: http://www.kslegislature.org/li/b2021_22/measures/documents/supp_note_sb175_01_0000.pdf

Other

- HB 2184: Creating the Kansas medical marijuana regulation act.
 - Hearing in House Fed & State, Wednesday & Thursday, 2/24-2/25.
 - Veterans, a number of nurses, and several individuals and organizations representing the cannabis industry testified in support.
 - Representatives from the law enforcement and medical professions testified in opposition. KDHE, the State Board of Pharmacy, and the Board of Healing Arts offered neutral testimony.
- HB 2340 Tobacco 21: This version seeks to mainly address aligning with the federal government's T21 law, ensuring the state continues to receive federal substance abuse prevention funding.
 - Hearing in House Fed & State, Monday, 2/22.
 - There were no opponents on the bill.
 - Recap of the hearing here: <https://kansasreflector.com/2021/02/22/kansas-legislators-consider-raising-minimum-age-for-tobacco-to-21/>
- SB 208: Creating the fairness in women's sports act to require that female student athletic teams only include members who are biologically female.
 - Hearing in Senate Education, Tuesday, 2/23.
 - Senator Erickson (Wichita) sponsored the legislation, and Family Policy Alliance, the Women's Liberation Front, Alliance Defending Freedom, and several other groups and athletes testified in support.
 - Rep. Stephanie Byers (Wichita), Kansas' first transgender legislator, testified in opposition, along with Equality Kansas, KNEA, a marriage and family therapist, as well as a number of parents and students. The Kansas Association of School Boards testified neutral.
 - Exempt.
- SB 213: Prohibiting an employer from taking any adverse action against an employee because of the employee's vaccination status.
 - Hearing in Senate Commerce, Thursday, 2/25.
 - Recap of the contentious hearing can be found here: <https://kansasreflector.com/2021/02/25/senate-bill-would-punish-kansas-employers-for-requiring-covid-19-vaccinations/>

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/
- 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/>

Monday, March 1st-Friday, March 5th:

House & Senate are on General Orders. No committee meetings scheduled.