



Memorandum

Date: March 12, 2021

Re: Week Nine Legislative and Policy Update

Overview

We have surpassed the midpoint of the Session and the Legislature is turning its attention to the state's budget, making changes to the Kansas Emergency Management Act (KEMA) that governs how the state operates during disasters, and confronting some major tax policies and changes.

We have less than a month left of the regular Session before First Adjournment on April 9th. After a couple more weeks of committee work, then one week for conference committees to come to agreements on bills, both chambers will then debate and pass bills before adjourning. Conference committees are comprised of House and Senate committee chairs and leaders who negotiate different versions of pending legislation. They will not return until May 3rd for the wrap-up session. The state budget may or may not be resolved before first adjournment, and some of the weightier issues such as KEMA and various tax policies may also be saved until the wrap-up session.

The overall number of bills still alive is narrowing. Fewer bills are advancing, and fewer hearings are being held, but the Session still faces many unresolved issues. Bills that are no longer moving have been removed from this report.

Big Picture Issues

State Budget: Both budget committees held hearings and began work on the state's mega-budget. Senate Ways and Means approved their version of the budget on March 11th, including a range of provisions to be revisited after Omnibus next month, after the Legislature has received the latest consensus revenue estimate and has a better sense for how the latest round of federal funds will be distributed. The latest federal relief funds may complicate a swift budget resolution. We expect House Appropriations to pass their budget next week sometime, and conference committee work will likely begin the following week.

KEMA: The two bills confronting changes to KEMA, HB 2146 and SB 273, have some notable differences, particularly when it comes to oversight of executive orders and the role of local health officers during disasters. Each bill constricts the Governor's power to act unilaterally during a public health emergency and increase to varying degrees the level of Legislative oversight. The Judiciary Conference Committee has met multiple times but has not yet reached an agreement.

Taxes: No action has yet been taken on the House side on SB 22, the major income tax cut bill. SB 22 is estimated to cost the state \$1 billion over the next three years. The House version of the income tax cut bill, HB 2421, has a hearing next week and conference committee meetings will resolve the tax policy issues. The major property tax bill, SB 13, passed the House last week and the Senate voted 30-5 to concur with the few changes the House made to the bill. It now awaits the Governor's signature. Additionally, the Senate passed SB 50 which requires marketplace

facilitators (i.e., Amazon, Etsy, etc.) to collect and remit sales and use taxes, which is expected to increase the state's revenue by roughly \$40 million and level the playing field for local brick-and-mortar businesses.

Current Healthcare Issues

Telemedicine

- The House Health Committee heard HB 2206 on February 9th. The committee chair paused any work on the bill until providers and insurance companies discuss payment parity.
- Provider groups and insurances representative are working on potential compromise language related to payment issues, but this process will take several weeks.
- The bill was blessed and is alive for the remainder of the Session.
- We are awaiting guidance from the state as to what exactly happens on March 31st when the executive order governing telemedicine flexibilities expires.
- House Health will convene a roundtable this week to discuss telehealth pay parity.

COVID-Related Issues

- The KEMA negotiations will impact whether local public health officials in a public health emergency will have the authority to offer more than “recommended” guidance. They are negotiating other issues including whether these changes apply to only during a public health disaster, and more frighteningly, what constitutes “accepted scientific standards.”
- A trio of vaccination-related bills remain alive, including one new bill.
 - SB 295 allows counties to adopt their own vaccination plans and prohibits state sanctions for doing so.
 - This new bill was requested by the Chair of the Senate Health Committee.
 - SB 212 giving legislative control over vaccination schedules and SB 213 prohibit employers from making personnel decision based on employee vaccination status.

APRN Scope of Practice

- This year's bills update scope of practice requirements for APRNs without a supervising physician and updates certain licensure requirements.
- 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 legislation would diminish or eliminate the distinction between a nursing scope of practice in a collaborative agreement and a doctor's diagnosis.
- Both the Senate and House bills were blessed and are alive for the remainder of the Session but it is unclear whether the issue will move forward.

Legislation of Interest

The following bills are still alive and may receive action in the next several weeks, though most will not advance this 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/

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.
- HB 2250: Expanding newborn screening services and increasing transfers from the medical assistance fee fund to the Kansas newborn screening fund.
 - Passed out of committee 2/25.
 - Below the line in the House.

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.
 - Amended on the House floor to address some concerns by different state boards. The amendment defines scope of practice; permits licensing bodies to exercise discretion ("shall" was changed to "may") in granting probationary credentials and permits licensing bodies to exercise discretion in granting temporary credentials to non-military service members or spouses.
 - Passed 103-21.
 - Hearing in Senate Fed & State 3/11. Several organizations, including the BSRB, remain opposed because their professions are not included under the "substantially equivalent" language that allows boards to deny licensure to out-of-state applicants if they do not meet substantially equivalent qualifications.

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.
 - Bill is exempt and alive for action after Turnaround.
 - Hearing in House Health Tuesday, 3/16.
- HB 2248: Increasing state financial assistance to local health departments under specified circumstances.
 - Hearing in House Social Services Budget 2/24.
 - Bill is alive and below the line in the House.

Behavioral Health

- HB 2259: Permitting the use of expedited partner therapy to treat a sexually transmitted disease.

- Passed the House 75-49.
- 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 was blessed and alive for remainder of Session.
 - The Senate budget bill includes \$3 million for operational costs to implement the hotline.

Gun safety issues

- All of the bills listed in this section are exempt, but most will not see action.
- HB 2058: Reciprocity for out of state conceal carry permit holders. Also authorizes the AG to issue an alternative license to carry a concealed handgun to qualified applicants during a declared state of disaster emergency.
 - Amended to create a provisional conceal carry license for 18-20 year-olds (language from HB 2059). The amendment passed 87-35.
 - HB 2058 passed the House 85-38.
- 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.
 - Hearing in Fed & State next Friday, 3/19.
- Additionally, in House Fed & State on 3/11, a somewhat unconventional procedural move was used to insert language regarding gun safety training for K-12 students into a shell bill, HB 2089. The bill would allow local school boards to provide NRA gun safety training to K-12 students. The committee may work the bill Friday, 3/12.

Licensure

- SB 175: Enacting the rural emergency hospital act to provide for the licensure of rural emergency hospitals.
 - Hearings this week in both health committees.
 - 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

- HB 2208 includes authorizing telemedicine waivers for out-of-state healthcare providers; reducing supervision requirements for licensure by the BSRB and expanding out-of-state temporary permits to practice behavioral sciences professions.
 - HB 2208 passed the House 124-0 and has a hearing in SPHW 3/19.

Public Health

- 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.
 - Bill was blessed and remains in play for the remainder of Session.
- SB 212: was also blessed. SB 212 would prohibit the KDHE Secretary from permanently requiring additional immunizations to attend a childcare facility or school.
- **SB 295**: Authorizes counties to adopt prioritized vaccination plans; prohibits the state from reducing vaccination allotments based on adherence to state guidelines.
 - Link to the bill here: http://www.kslegislature.org/li/b2021_22/asures/documents/sb295_00_0000.pdf

Other

- HB 2184: Creating the Kansas medical marijuana regulation act.
 - Hearing in House Fed & State, Wednesday & Thursday, 2/24-2/25.
- 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.
 - Passed out of committee; on general orders in the House.
- 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.
 - Exempt. Possibility the committee may discuss the bill Monday, 3/15.

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 15th.

Senate Public Health. 8:30 AM.

- KDHE Briefing on COVID-19 Vaccination Phases.
- Possible hearing on SB 295: Giving counties the authority to adopt prioritized COVID-19 vaccination plans separate from state guidelines.

Wednesday, March 17th.

Senate Health. 8:30 AM.

- Hearing on HB 2115 Joint Committee on Child Welfare System Oversight.
House Health. 1:30 PM.
- Roundtable Discussion on Telehealth Pay Parity.

Friday, March 19th.

Senate Health. 8:30 AM.

- Hearing on HB 2208: Telemedicine waivers for out of state providers; reducing certain requirements for licensure by BSRB.

House Fed & State Affairs. 9:00 AM.

- Hearing on HB 2251: Requiring relinquishment of firearms pursuant to certain court orders related to domestic violence. Fed & State 9:00.