



Memorandum

Date: March 26, 2021

Re: Week 11 Legislative and Policy Update

Overview

We are nearing the end of the 2021 regular Session and the last full week of committee hearings before transitioning to conference committees and final floor debate. The Legislature has a short week ahead. There may be a few last-minute committee meetings to pass bills, but a diminishing number of bills are still moving. This report looks at the big picture as well as the specific bills of interest still likely to see action. They will adjourn by Friday April 9th.

Big Picture Issues

State Budget: While the Senate passed their version of the budget earlier this month, the House has yet to take action. Once the House passes their budget, the budget conference committees will begin meeting to work out differences. It's possible the budget resolution could be delayed until the Wrap-up Session beginning May 3rd. The delay gives the state time to receive more guidance on the latest round of federal recovery dollars coming to Kansas, as well as the consensus revenue estimate (CRE) released in mid-April that provides the most up-to-date state revenue situation. Unless the House moves the budget forward early next week, a final resolution will await this new information and wrap up session.

KEMA: The Governor on Thursday signed SB 40, the Kansas Emergency Management Act (KEMA) bill, into law. The law extends the current disaster declaration to May 28th, but the current executive orders (EO) expire next week, March 31st. Many local jurisdictions are adopting new public health standards or eliminating them during this new transition period. Many are still learning the long-term impact of the significant changes in the law that greatly expand the litigation process for opponents of public health measures. The Governor has already announced some EOs will be reissued, though Republican leadership has already announced they plan to oppose a new mask mandate:

- <https://governor.kansas.gov/governor-laura-kelly-signs-emergency-response-bill-will-re-issue-executive-orders-to-protect-covid-19-recovery/>

Taxes: The House Tax Committee this week issued their version of an income tax cut bill reducing State revenue far less over than the Senate bill. The Senate version, SB 22, is estimated to cost the state nearly \$1 billion over the next three years, and the House bill is estimated to cost approximately \$375 million over the same period. While the costs differ, each version contains several similar provisions, such as increasing the standard deduction and the ability to itemize on state tax returns without itemizing on federal returns. Unlike the Senate version, the House bill includes requiring marketplace facilitators to collect and remit sales tax. Once the full House takes action on the bill, it will be on its way to tax conference committee.

Looking Ahead: The coming week will be short but busy. The Legislature is in session Monday through Wednesday but takes a short break beginning Thursday and will return the following Tuesday, April 6th, before First Adjournment on April 9th. The Wrap-up Session begins May 3rd.

Current Healthcare Issues

COVID-Related Issues

- Three vaccination-related issues remain alive.
 - SB 295 allows counties to adopt their own vaccination plans and prohibits state sanctions for doing so.
 - Senate Public Health advanced the bill out of committee 3/18.
 - KDHE is opposed to the bill.
 - SB 212 giving legislative control over vaccination schedules and SB 213 prohibit employers from making personnel decision based on employee vaccination status were combined and advanced out of committee on 3/25.
 - An amendment was added that provides immunity for individuals including businesses from civil liability for exposing someone to an infectious disease.
 - This controversial bill is on Senate general orders awaiting action.
 - COVID relief funding for healthcare agencies, unlike the State in general, and compared to K-12 education, has been generally unpublicized. Amid the \$1.8 bill in the latest federal relief package, it's still unclear what KDADS and KDHE intend to do with the latest round of American Recovery Plan funds.

Telemedicine

- The House Health Committee heard HB 2206 on February 9th. Due to disagreement regarding pay parity, the committee chair halted progress on the bill. It is unlikely the legislation will advance this Session; however, we expect current flexibilities to carry forward through the calendar year. There may be one avenue in which the bill might advance, by being inserted into a “vehicle” bill that has passed both the House and Senate. We anticipate this happening before first adjournment on April 9th.
- We do have some clarification regarding what happens with the emergency declaration and executive orders.
 - The new Kansas Emergency Management Act extends the Governor’s emergency declaration to May 28th, but the executive orders will end March 31st.
 - However, KDADS and KDHE have now announced the following continuity for telemedicine, at least related to Medicaid and federal block grant funding:
 - The KMAP bulletins previously issued that outline the current provisions remain valid. There will be no change for Medicaid funded services until they are “specifically rescinded” and providers will be given 60-days notice.
 - Other federal funding sources authority to make changes sits with the federal public health emergency declaration that guides SAMHSA. That public health emergency remains in effect, and the Biden administration has indicated it may run through the calendar year.
 - Out of state psychiatrists and APRN enhanced virtual services may be impacted and reduced after March 31.

- The commercial insurance market will have their flexibility to make changes. For example, BCBS of Kansas has announced they will continue to provide telehealth services at parity through June 30th.

Reorganization

- As anticipated, on March 25th the House passed House Resolution 6009 that disapproved of the Governor's Executive Reorganization Order No. 47 that combined Department for Children and Families and Aging and Disability Services. The vote was along partisan lines, 84-38.

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

- 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.
 - The House budget includes language to increase the cap from \$2.5 million to \$5 million.
- SB 301: Establishing the Office of the Child Advocate within the AG's office and establishing the Joint Committee on Child Welfare System Oversight.
 - Hearings in Senate Judiciary but the bill is significantly different from other bills proposed.
- SB 120/HB 2115: Establishing the Joint Committee on Child Welfare System Oversight.
 - The House passed their bill 118-4 and the Senate committee made a minor amendment to change the effective date.
 - The Senate passed their bill 37-2 and the House committee amended the bill to add two additional members to the committee: A Senate member appointed by the Senate Minority Leader and a House member appointed by the House Majority Leader.

Regulatory

- HB 2206: Telemedicine.
 - Hearing in House Health Tuesday, 2/9.
 - Bill remains alive but is unlikely to advance although provisions may be included in a health conference committee report.
- 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 House 103-21 and Senate 36-2 on 3/17.
- The bill will be conference committee.

Funding and Insurance

- SB 175 (including HB 2174): Establishing the rural hospital innovation grant program to assist rural hospitals in serving rural communities.
 - Hearing in House Health Tuesday, 3/16.
 - Committee combined this bill with a related bill, SB 175, that enacts the rural emergency hospital act to provide for the licensure of rural emergency hospitals.
 - In health conference committee.
- HB 2248: Increasing state financial assistance to local health departments under specified circumstances.
 - Hearing in House Social Services Budget 2/24.
 - Passed the House 111-12 on 3/17.
 - Hearing in Senate Ways & Means 3/24.
- House Sub for SB 273 (now includes HB 2451): Directing that tobacco product manufacturer remittances be credited to the Kansas Endowment for Youth fund rather than deposited into escrow upon certification by the AG.
 - The House Judiciary committee heard testimony from the AG’s office on 3/25 and passed out in House Sub for SB 273.

Behavioral Health

- 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.
- HB 2412 and SB 264: Enacting the Kansas Fights Addiction Act to address opioid settlement funds.

- Brought by the Attorney General and it establishes a grant program for the purpose of preventing, reducing, treating, and mitigating the effects of SUD and addiction.
- Attempt to establish process to manage opioid settlement agreements, after Kansas received the first instalment in January 2021.
- HB 2412 Hearing in House Judiciary 3/22 and SB 264 in Senate Judiciary on 3/24.
- House Judiciary worked the bill and amended it to create two separate funds: the Kansas Fights Addiction Fund and Municipalities Fight Addiction Fund. 75% of settlement funds will go to the Kansas Fights Addiction Fund and 25% will go to the Municipalities fund for local mitigation efforts.
- HB 2412 on House floor awaiting action.

Gun safety issues

- 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.
 - Hearing in Senate Fed & State Monday, 3/22.
- HB 2251: Requires the relinquishment order of firearms upon conviction of battery or domestic violence misdemeanors.
 - Hearing in House Fed & State 3/26.
- Substitute for HB 2089: Standardizing firearm safety education training programs in school districts.
 - NRA’s “Eddie Eagle Gun Safe” program. Allows local school district option whether to provide education program, but they would be required to use the NRA and Wildlife and Parks curriculum beginning in Kindergarten.
 - Passed the House 75-47.
 - Hearing in Senate Fed & State Monday, 3/29.

Licensure

- Senate Sub for HB 2208: 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.
 - Senate Public Health added SB 175—rural emergency hospital act—to the bill.
 - Awaiting action on Senate floor.

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.

- Amended and added to SB 212 and total immunity for an individual or business related to vaccine status.
- SB 212: Prohibits the KDHE Secretary from permanently requiring additional immunizations to attend a childcare facility or school.
 - Hearing in Senate Public Health, Monday, 3/22.
 - Information on the hearing: <https://kansasreflector.com/2021/03/22/senate-bill-would-ban-kdhe-from-requiring-new-vaccines-for-kansas-school-kids/>
 - Passed out of committee 3/25 with SB 213.
- SB 295: Authorizes counties to adopt prioritized vaccination plans; prohibits the state from reducing vaccination allotments based on adherence to state guidelines.
 - Committee passed the bill on 3/18.

Other

- HB 2184: Medical Marijuana.
 - Hearing in House Fed & State, Wednesday & Thursday, 2/24-2/25.
 - Committee began work on the bill this week, though there is a substantial number of amendments. The committee will resume work on the bill Monday and Tuesday. The committee chair has said if there is not time to fully work the bill next week, they may work on it during Veto Session, or resume work on it next year.
- 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.
 - Committee amended the bill to remove the language that would have established a mechanism for individuals to challenge the biological sex of an athlete and the means by which a student's biological sex could be proven in response to such a complaint.
 - Senate passed the bill 24-10.
 - Awaiting action in the House.
- SB 199 Short-term Limited-duration health plans.
 - Hearing in Senate Financial Institutions & Insurance 3/18 & 3/25.
 - The committee passed the bill 5-3 on 3/25 with one amendment that strikes redundant language in the bill that is already required by federal law.

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 29th.

House Fed & State Affairs. 8:00 AM.

- Continued discussion and action on HB 2184 medical marijuana.

Tuesday, March 30th.

House Fed & State Affairs. 8:00 AM.

- Continued discussion and action on HB 2184 medical marijuana.