



Memorandum

Date: January 28, 2022

Re: Legislative and Policy Report

Overview

Much like last week, this week filled up with informational briefings and bill hearings, all while redistricting raged in the background. After passing the Senate last Friday 26-9, the Republican-authored congressional map passed the House this Wednesday 79-37. A gubernatorial veto is almost guaranteed, and then the Legislature will, of course, attempt to override the veto. Potentially, the issue may end up before the Court.

Next week is when work on some of the big issues begins. Most committees have heavy agendas set for debate on some high-profile education and COVID-19 related matters, in addition to more hearings on bills that would eliminate the state sales tax on food. Additionally, budget hearings begin next week and will be much of the focus for the next few weeks.

Every day more bills are appearing, and you will note the significant increase in this report and for the coming week or two. Most of these bills will not receive a hearing and we're tracking and will update on the bills that gain attention and traction. In the legislation section, utilize the link provided to search for the bill text.

Big Picture Issues

First Hearings on Food Sales Tax Elimination

- The House Tax Committee this week held the first round of hearings on two bills that would eliminate the state sales tax on food. The committee heard both HB 2484 (the committee bill) and HB 2487 (the Governor's plan).
- Major differences between the two bills:
- HB 2484/SB 339:
 - Includes prepared food in the definition of food and food ingredient. (Thus causing a much larger fiscal note for the bill).
 - HB 2484 does not hold the State Highway Fund (SHF) harmless.
 - Does not exempt local sales tax on farm products sold at farmers' markets.
 - Implementation date is 1/1/23.
- HB 2487/SB 342:
 - Does not include prepared food.
 - Holds the SHF harmless.
 - Exempts from state and local sales tax farm products sold at farmers' markets.
 - Implementation date of July 1, 2022.
- Proponents for HB 2484 included Representative Corbet (R-Topeka), the Kansas Association of Counties, AARP, the Kansas Restaurant & Hospitality Association, the

Retail Grocers' Association, and the Sisters of Charity of Leavenworth. Many of these proponents were also in favor of HB 2487.

- Neutral testimony was provided by Washburn University; Kansas Policy Institute; the Kansas Chamber; Tobacco Free KS; Economic Lifelines, the Kansas Contractors' Association; Kansas Appleseed; and the Tax Foundation.
- Farm Bureau opposed the legislation.
- The Senate Tax Committee will hold its hearings on the Senate bills next week.

Redistricting:

- As mentioned above, the House passed the Republican's congressional map and it is on its way to the Governor's desk, where a veto is expected any day.
- More on the issue and a recap of the House debate here:
<https://kansasreflector.com/2022/01/26/republican-backed-redistricting-map-heads-to-kansas-governor-after-party-line-votes-in-legislature/>
- The legislature will now turn its attention to redrawing state legislative district maps.

SPARK Update

- The Office of Recovery provided an update on the SPARK process to the Senate Ways & Means committee this week, including details about providing input for how to use federal ARPA dollars. The link below provides access to the submission form as well as other helpful documents including a sample submission form and advisory panel funding priority areas:
- <https://covid.ks.gov/spark-submission-form/>
- This FAQ provides more information about the application process and guidelines.

Current Healthcare Issues

Next week will be busy with budget hearings starting, hearings on a variety of issues from short-term, limited duration health plans to action on controversial COVID-related legislation. Additionally, the new bills keep coming. We are sorting through them to make sure those that may advance get your attention.

Hearings of Note this Past Week

HB 2463: Prohibits Changes to KanCare

- There were no proponents to testify to the bill the freezes the current KanCare Medicaid program for two more years. The committee chair stated the bill will allow the next administration to negotiate the \$4 billion contracts.
- A lengthy list of opponents included the State Medicaid Director, Kansas Action for Children, KanCare Advocates Network, as well as written opponents that included the United Methodist Health Ministry Fund, KDADS, Community Care Network of Kansas, Oral Health Kansas, and the Department of Administration.
- Neutral testimony was provided by the Hospital Association and Kansas Medical Society.
- Committee questions and discussion centered around the fact that there were no proponents to the bill, as well as the impact this could have on things like expanding Medicaid postpartum coverage or the implementation of the Certified Community Behavioral Health Clinic (CCBHC) model passed by the Legislature last year.

- The Chair of the committee has prepared an amendment that would allow the Legislature to make some changes to the program, including the ability to expand postpartum coverage.

ACEs & Toxic Stress Briefing Before House Children & Seniors

- The Children & Seniors Committee held a briefing on the impact of ACEs and toxic stress on early childhood development.
- The presentations prompted much committee discussion on some of the following topics:
 - Investing in proven childhood interventions, such as the Attachment and Biobehavioral Catch-Up home visiting program.
 - The impact of neonatal abstinence syndrome on early childhood and impact on the foster care system.
 - The importance of, and need for, coverage for behavioral health services.
 - Parity between Medicaid and Medicare reimbursement rates.
 - Impact of poverty and SDOH on early childhood; reducing ACEs by addressing SDOH.
 - Examining the need to address the HOPE Act and the barriers families face when applying for assistance.

SB 381 Off-label Drugs to Treat COVID

- The Senate Public Health committee held two days-worth of hearings on SB 381 which would allow for the prescribing and dispensing of medications for off-label use to prevent and treat COVID-19 infections with no liability. The bill was brought forth by a physician legislator who is currently under investigation by the Board of Healing Arts.
- A plethora of physicians testified in support of the bill, while a handful of hospital systems and others offered opponent testimony. KMS cautioned the committee on the implications of the legislation because of the liability issue.
- The committee is scheduled to work the bill next week.

Telemedicine

- House Bill 2552 is the Kansas Hospital Association bill.
- Changes issues related to location of provider and patient, payment equity provisions for in-state provider, and creation of an advisory committee.
- The bill will likely be heard in the coming weeks in House Health.

Family First Update

- The House Appropriations committee received an update from DCF on the status of the Family First Prevention Services Act (FFPSA).
- Since the program was implemented in October 2019, it has served over 1,900 Kansas families.
- 91% of families served through Family First have not entered foster care within 12 months.
- DCF is seeking to increase its budget for Family First with a \$3.5 million SGF request in order to service more families and expand its services through the program.

Upcoming Hearings

- Senate Public Health & Welfare (SPHW) is hearing and acting on several bills next week. These include the following and are listed in the schedule below:
 - Action on SB 129: Licensure of dental therapists.
 - Action on SB 200: Expanding pharmacists' scope of practice.
 - Action on SB 381: Off-label use to prevent and treat COVID-19.
- Other hearings this week include the following:
 - Hearing on HB 2525 SNAP-related bill in Children & Seniors on Monday.
 - Hearing on HB 2539 Creating the crime of violence in the presence of a child in House Judiciary on Wednesday.
 - Hearing on SB 199 short-term, limited duration health plans in House Insurance on Wednesday.

KAAP Issues

- Progress continues on finalizing a draft for the Safe Care Provider network legislation, as well as preparing for its inclusion in the KDHE budget.
- As evidenced in the growing list of legislation, vaccine-related bills continue to grow. SB 398, which we have been expecting from Senator Steffen and which he introduced this week, is particularly concerning and would expand religious exemptions for childhood vaccinations.

Legislation of Interest

Pending healthcare legislation will continue to grow in the coming weeks.

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/

Regulatory/Administrative

APRN Scope of practice bill introduced in House by national registered nurses association.

SB 200: Expanding the pharmacist's scope of practice to include point-of-care testing for and treatment of certain health conditions.

- Bill from 2021 session, scheduled for action 1/31 in Senate Health.

SB 381 Allowing for the prescribing and dispensing of medications for off-label use to prevent and treat COVID-19 infections.

- Action Senate Health 2/3.

SB 387 Reinstating social worker applicant option for board-approved postgraduate supervised experience, allowing master's and clinical level licensees to take baccalaureate addiction counselor test and requiring psychologists to have continuing education in diversity, ethics and inclusion.

- BSRB bill modifying addiction counselor licensure.
- Senate Health.

HB 2517. Transferring the responsibility to certify drug abuse treatment providers that participate in the certified drug abuse treatment program from the department of corrections to the Kansas sentencing commission.

- House Corrections and Juvenile Justice Committee, hearing scheduled 2/1.

HB 2552. Defining in-state and interstate practitioners under the Kansas telemedicine act, establishing certain standards of care, requiring certain insurance coverage of in-state telemedicine services and establishing the Kansas telehealth advisory committee.

- House Health.
- Kansas Hospital Association.

Public Health

SB 398. Requiring childcare facilities and schools to grant religious exemptions from vaccination requirements without inquiring into the sincerity of the religious beliefs.

- Senate Health.

SB 406. Senate Federal and State Affairs Committee Creating the back the blue act to authorize the issuance of protective orders to prohibit the acquisition and possession of firearms in order to reduce law enforcement officer deaths

- Senate Federal and State Affairs.

HB 2498. Public health; relating to immunizations; childhood immunizations required for care at a childcare facility or attendance at a school; prohibiting the secretary of health and environment from requiring a COVID-19 vaccine therefor.

- House Health.

HB 2535. Enacting the individual liberty preservation act to nullify certain federal COVID-19 vaccine requirements, prohibit enforcement of such requirements and provide criminal penalties for violations.

- House Judiciary.

Senate Resolution 1724: Physician's declaration of COVID public policy issues.

- Not a bill, but a statement resolution emphasizes COVID vaccination risks to children; natural immunity is the "best long-lasting solution;" no one should interfere with a physician's ability to use "numerous available agents."

Funding/Insurance

SB 399. Adding maternity centers to the definition of healthcare provider for purposes of the healthcare insurance provider availability act.

- Senate Financial Institutions and Insurance.

SB 407. Updating income eligibility requirements for the state children's health insurance program and eliminating the waiting period for certain persons to participate in the program.

- Senate Health.

HB 2463: Prohibits changes KanCare Medicaid and requires the extension of the current program.

- House Health, hearing held 1/26.

HB 2545. Defining non-covered dental benefits under health insurance plans.

- House Health.

HB 2546. Requiring health benefits plans that provide dental care services to provide certain information, accept certain claims and not reduce certain payments.

- House Health.

Other Health Related

HB 2461. Providing for sales tax exemption for hygiene products.

- House Tax.

HCR 5024: Governor's Medicaid expansion plan.

HCR 5024: Governor's recreational marijuana bill.

HCR 5026: Governor's medical marijuana bill.

Children/Youth

HB 2515. Creating a mechanism to seek relief from the Kansas offender registration act requirements for drug offenders and allowing expungement of offenses when such relief is granted.

- House Corrections and Juvenile Justice Committee.
- Hearing held 1/27 and bill remains in committee.

HB 2525. Removing non-cooperation with child support from requirements for food and child care assistance eligibility and exempting adults enrolled in school from the 20-hour-per-week work requirement for child care assistance eligibility for a limited time.

- House Children and Seniors Committee, hearing scheduled 1/31.

HB 2539. Creating the crime of violence in the presence of a child and providing criminal penalties for violation thereof.

- House Judiciary.

SB 332: Prohibiting the use of a mobile telephone while operating in school or construction zone or by individuals less than 18 years of age.

- Senate Transportation.

HB 2468: Creating the Kansas foster youth bill of rights.

- House Children and Seniors.

HB 2469: Creating the Kansas foster parents bill of rights.

- House Children and Seniors.

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://kslegislature.org/li/b2021_22/chamber/calendars/

Additionally, all hearings are now available online live and archived by the end of each day. You can find those hearings on the Legislature website at: <http://sg001-harmony.sliq.net/00287/Harmony/en/View/Calendar/>

Monday, January 31st.

House Children & Seniors. 1:30 PM.

- Hearing on HB 2525: Removing non-cooperation with child support from requirements for food and childcare assistance eligibility and exempting adults enrolled in school from the 20-hour-per-week work requirement for child care assistance eligibility for a limited time.

Tuesday, February 1st.

Senate Health. 8:30 AM.

- Action on SB 200: Expanding the pharmacist's scope of practice to include point-of-care testing for and treatment of certain health conditions.

House Social Services Budget. 3:30 PM.

- Informational hearing on Medicaid Provider Rates, Sarah Fertig, State Medicaid Director.

Wednesday, February 2nd.

Senate Health. 8:30 AM.

- Committee action on SB 129 — Providing for the licensure of dental therapists.

House Insurance. 3:30 PM.

- Hearing on SB 199 short-term limited duration health plans.

Thursday, February 3rd.

Senate Health. 8:30 AM.

- SB 381 — Allowing for the prescribing and dispensing of medications for off-label use to prevent and treat COVID-19 infections.

Senate Ways & Means Subcommittee on Human Services. 10:30 AM.

- Hearing on KDHE budget.

House Social Services Budget. 3:30 PM.

- Informational hearing on Medicaid Dental Provider Rates, OHK.

Friday, February 4th

KanCare Oversight Committee.