Memorandum

Date:   February 25, 2022  
Re:  Legislative and Policy Report

Overview

We have been providing detailed updates every week for the last seven weeks. The report this week summarizes our issues at the mid-point of the session. Bills that will not advance are removed from this week’s report. Next week will be an abbreviated week as Monday is an off day, only a few hearings are scheduled for Tuesday, and only a few budget committees will meet on Friday. Beginning the week of March 7th, we will report as usual for the final four weeks of the regular session until the April 1st first adjournment. The wrap-up/veto session will begin on April 25th.

This was an unusually short Turnaround week, with the House wrapping up its work on Wednesday morning, and the Senate on Wednesday afternoon. The House passed about 35 bills, the vast majority being largely uncontroversial. The Senate also passed about 35 bills. Both chambers, for the most part, avoided any largely controversial issues, leaving some major topics to be resolved during the second half of the session. These include the 988 National Suicide Prevention Lifeline (NSPL); HB 2463 which would prevent any changes to the state’s Medicaid program until 2025; expansion of APRN scope of practice; restrictions, controls, and non-public school issues; medical marijuana; and the elimination of the state sales tax on food and all other tax policy. (Not to mention redistricting and the yet-to-be-seen state legislative maps, as well as assembling the budget, of course.)

What does this mean? In the remaining five weeks of the session and through the wrap up session in late April, every single significant issue is unresolved, available for action, negotiations, and old-fashioned trading. The upcoming weeks will be very complex.

Big Picture Issues
Tax Policy

• For the most part, up until now, we’ve seen little action this Session on tax policy, from the elimination of the food sales tax to property tax reform, to income tax changes. However, the Senate Tax Committee this week heard and passed several bills dealing with tax cuts.

  o One increases the standard deduction for Kansas taxpayers from $3,500 to $4,375 for individuals; from $8,000 to $10,000 for married couples; and from $6,000 to $7,500 for head of household.

  o The other bill provides an income tax credit for teachers purchasing classroom supplies in the amount of $250.
The week prior, the Committee approved SB 431, which would increase the extent of property tax exemption from the statewide school levy for residential property to $65,000 of its appraised valuation.

- The repeal of the sales tax on food sits on the Senate floor, SB 339. The bill is the Senate Tax Committee’s version of the elimination of the state sales tax on food. The committee added several other provisions to the bill including an exemption of state sales tax on utilities and permitting movie theaters to retain state sales and compensating use tax from movie ticket and concession sales (added in an effort to help movie theaters recover from the pandemic). Additionally, relating to the food sales tax provision, the committee added a local option so that cities and counties can remove their local sales tax if they choose.
- House Tax intends to hear sales tax on food bills HB 2711 and HB 2720 next week.

More Constitutional Amendments
- In addition to the anti-abortion amendment that will be on the 2022 primary ballot, two more amendments may be added to the 2022 general election ballot. The two proposals have passed the House with the 2/3 required vote and are on their way to the Senate. The proposed amendments are as follows:
  - HCR 5022 would propose a constitutional amendment requiring that a sheriff be elected in each county (with the exception of Riley County).
    - Passed the House 97-24.
  - HCR 5014 would propose a constitutional amendment that provides for legislative oversight of rules and regulations adopted by executive branch agencies and officials. The Republican legislative majority seeks authority to manage additional issues that have historically been administrative duties.
    - Initially failed to pass the House with a 2/3 majority vote but was reconsidered this week and passed the House 85-39.
    - Hearing in Senate Judiciary next week.

Current Healthcare Issues
There were few health-related bills of note that passed either chamber this week, though there was some committee activity worth noting. Two controversial bills moved forward, while one dealing with vaccinations was defeated in committee. The larger healthcare topics, from 988 to APRNs to prohibiting changes to Medicaid, remain in play and will be addressed as the Session progresses. It is clear the Legislature’s leadership is not yet prepared to finalize any positions on healthcare issues. It is clear their intend is to keep these bills alive and engaged as negotiating tools for the end of the session.

Committee Activity this Past Week
Action on HB 2463 Prohibiting Changes to Medicaid
- After tabling the bill last week, the committee voted this week to amend the bill and pass it out favorably. The amendment does the following:
  - Provides that no changes could be made to KanCare prior to January 1st, 2025 and maintains the current KanCare system until December 31st, 2024.
  - Clarifies that it does not prevent any state agency from taking any action required by an act or appropriation of the Legislature, federal law, or CMS.
- Allows, before January 1st, 2025, and when the Legislature is not in Session, the LCC (legislative leadership) to oversee any requests that would make substantial changes to KanCare.
- HB 2463 was blessed and remains in play for the remainder of Session.

### Action on APRN Scope of Practice
- The Senate Health Committee on Monday inserted SB 454 dealing with APRN scope of practice into Senate Sub for HB 2279 the shell of a bill. SB454 is similar to SB 174, which had a hearing last Session, and SB 454, which was introduced this Session but never had a hearing.
- Because it is now a substitute for a house bill, the bill now only has to pass the Senate, and the House merely has to concur with a vote on the substitute bill; there likely will be no opportunity for committee work or amendments on the House side.

### HB 2498 Prohibiting COVID-19 Vaccinations for Children Defeated
- HB 2498 would have prohibited the KDHE Secretary from requiring COVID-19 vaccinations for school children.
- The bill failed to get out of committee on Monday and was not blessed and is dead.

### Action on SB 497 Human Trafficking Awareness Training
- SB 497 would authorize the Attorney General to coordinate training regarding a multidisciplinary team approach to intervention in reports involving alleged human trafficking for law enforcement agencies and requiring training on human trafficking awareness and identification for certain child welfare agencies, juvenile justice agencies, mental health professionals and school personnel.
- The bill was amended and passed out of Senate Judiciary on Monday. The amendment clarifies which licensed professionals and school personnel are required to complete the training outlined in the bill. The amendment clarifies that professionals licensed by the BSRB are to be included, as well as including not just public schools, but all schools from public to private as well as elementary through post-secondary. The amendment was brought specifically to address community and technical colleges that provide CTE and concurrent enrollment courses.

### Floor Action this Past Week
- HB 2525, which would remove non-cooperation with child support from requirements for SNAP eligibility, failed on the House floor 53-66.
- SB 399, which adds maternity centers to the definition of healthcare provider for purposes of the healthcare insurance provider availability act, passed the Senate 40-0.

### Budget Hearings
- The Senate Ways & Means Social Services Subcommittee heard public testimony for the KDADS budget on Monday, 2/21, and will make recommendations for KDADS and DCF budgets next week.
- Additionally, the House Social Services Budget Committee made its recommendations for KDADS on Monday, including funding for mobile competency and evaluation, and
noting its support for several SPARK proposals related to recruitment and retention of healthcare workers. The Committee recommendations include the addition of a 5 percent Medicaid behavioral health rate increase. Additionally, they spent over $100 million on long-term care and IDD waiver programs.

- Both the Senate and House will begin assembling their respective budgets within a week or two after Turnaround break.

**KAAP Related Items**

- HB 2632 CARE Providers was set for debate on the House floor but was then passed over. The bill was blessed, and we expect further action after Turnaround. The companion bill on the Senate side, SB 460, has a hearing in Senate Health on Tuesday, 3/1.
- As discussed above, HB 2463 advanced out of committee but did not see action on the House Floor this week. The bill is blessed and will be addressed after Turnaround.
- Vaccinations. There was no action this week on Senate Substitute for HB 2280 (off label prescribing and creates personal vaccine exemption), but we will continue to monitor its status as it currently sits in Senate Health.
- HB 2552, the Kansas Hospital Association telemedicine bill, was not exempt and is effectively dead for the remainder of Session.
- HB 2110, which would require insurance coverage for PANS/PANDAS by the state health care benefits program and require the state employee health care commission to submit an impact report on such coverage to the Legislature, passed the House this week 113-8.
- SB 199 (short-term, limited duration health plans) passed out of House Insurance committee on 2/21.
- SB 155: Expanding newborn screening services and increasing transfers from the medical assistance fee fund to the Kansas newborn screening fund. The bill from 2021 will finally get a hearing in Senate Health on March 3rd.

**Legislation of Interest**

With this report, bills that are no longer eligible for action after February 23rd have been removed from the bill list. Only bills that are exempt (originating or being referred to an exempt committee) can see action after turnaround. Exempt committees are the funding committees, the tax committees, and the committees on federal and state affairs.

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/)

**Regulatory/Administrative**

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. Passed out of Senate and awaiting action in House.

SB 381: Allowing for the prescribing and dispensing of medications for off-label use to prevent and treat COVID-19 infections.
- Senate Health.
• Combined with SB 389 (personal vaccine exemption), passed to full Senate then returned to Committee without action.

Senate Sub for HB 2279 (formerly SB 454). Amending the advanced practice registered nurse authorized scope of practice to permit the prescribing of controlled substances without a supervising physician.
  • Modeled after SB 174 from 2021 session, adds component of national certification, but does allow practice of medicine, prescribing authority all without collaborative practice agreement.
  • Passed Senate Public Health and Welfare Committee, awaiting action in Senate.

**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.
  • Combined with SB 381 (off-label prescribing and immunity), passed to full Senate then returned to Committee without action.

SB 406. 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.
  • Exempt, no hearing scheduled.

SB 466. Prohibiting certain acts by places of public accommodations based upon a person's vaccination status or possession of an immunity passport and prohibiting governing bodies of any city or county, public officials of any city or county and local health officers from requiring that a person wear a face mask based on an epidemic or other public health reason.
  • Senate Judiciary Committee. Hearing attempted on 2/21.
  • Exempt

SB 489: Removing certain regulatory authority concerning infectious or contagious diseases from the secretary of health and environment.
  • Blessed for action after turnaround.

HB 2714: Prohibiting discrimination based on COVID-19 vaccination status under the Kansas act against discrimination.
  • House Federal and State Affairs. Exempt and no hearing.

**Funding/Insurance**

SB 155: Expanding newborn screening services and increasing transfers from the medical assistance fee fund to the Kansas newborn screening fund.
  • The bill from 2021, hearing in Senate Health on March 3rd.

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.
• Passed Senate.

HB 2463: Prohibits changes to KanCare Medicaid and requires the extension of the current program.
  • House Health, after several efforts, passed to full House with one year extension of KanCare contracts, mandatory legislative oversight of any changes to Medicaid.
  • Blessed for action after turnaround.

*Other Health Related*

HB 2461. Providing for sales tax exemption for hygiene products.
  • House Tax.
  • Hearing on 2/7. Exempt.

HB 2665. Amending the Kansas act against discrimination to include sexual orientation and gender identity or expression.
  • House Federal and State Affairs.

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.
  • Passed Committee and passed the House.

HB 2632. Requiring a forensic medical evaluation of an alleged victim of child abuse or neglect as part of an investigation, creating a program in the department of health and environment to provide training and payment and defining child abuse review and evaluation providers, networks and examinations and child abuse medical resource centers.
  • House Children and Seniors, hearing 2/16.
  • Blessed for action after turnaround.

HB 2700: require DCF to review certain needs and attachments of a child before giving consent for an adoption and the court to determine such review occurred.
  • Hearing in House Children and Seniors.
  • Blessed for action after turnaround.

SB 460. Requiring a forensic medical evaluation of an alleged victim of child abuse or neglect as part of an investigation, creating a program in the department of health and environment to provide training and payment and defining child abuse review and evaluation providers, networks and examinations and child abuse medical resource centers.
  • Senate Health, hearing on 3/2.
SB 484. Enacting the fairness in women's sports act to require that student athletic teams only include members who are of the same biological sex unless designated as coed.
- Senate Education Committee. Blessed for action.

HB 2468: Creating the Kansas foster youth bill of rights.
- House Children and Seniors.
- Exempt.

SB 497 Human Trafficking Awareness Training
- SB 497 would authorize the Attorney General to coordinate training regarding a multidisciplinary team approach to intervention in reports involving alleged human trafficking for law enforcement agencies and requiring training on human trafficking awareness and identification for certain child welfare agencies, juvenile justice agencies, mental health professionals and school personnel.
- Exempt hearing in Senate Judiciary.

HB 2469: Creating the Kansas foster parents bill of rights.
- House Children and Seniors.
- Exempt.

**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:

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/](http://sg001-harmony.sliq.net/00287/Harmony/en/View/Calendar/)

*Tuesday, March 1st.*
Senate Health. 8:30 AM.
- Hearing on SB 460 CARE Provider legislation.

*Wednesday, March 2nd.*
Senate Health. 8:30 AM.
- Confirmation hearing on KDHE Acting Secretary Janet Stanek.
House Health. 1:30 PM.
- Presentation on Foster Care Overview: Regional Directors of DCF Part 2.

*Thursday, March 3rd.*
Senate Health. 8:30 AM.
- Hearing on SB 155: Expanding newborn screening services and increasing transfers from the medical assistance fee fund to the Kansas newborn screening fund.
House Health. 1:30 PM.
- Kansas Statewide Survey: Attitudes Toward Vaccines.
Friday, March 4th.
Senate Ways & Means. 10:30 AM.
- Budget reports on DCF & KDADS.