



Memorandum

Date: February 4, 2022

Re: Legislative and Policy Report

Overview

Week four was unexpectedly quiet after a midweek snowfall halted most legislative operations. Tuesday was the only full day of work, after a slow start on Monday and then essentially adjourned Wednesday through Friday. Only a small handful of House committees met Thursday, as well as a few Senate budget subcommittees.

Redistricting took a back seat this week as a mad dash to approve the top secret “APEX” economic development bill that passed the Senate last week. This week’s storm stopped some progress on its passage in the House, where it’s bottled up in committee with a laundry list of proposed amendments. If passed, the measure would be one of the largest economic development incentives for the State. Though it’s still a secret as to what \$4 billion company the State is recruiting, the Legislature, at the behest of the Commerce Department and Governor’s Office, is in a hurry to get the legislation passed as to avoid losing out on the opportunity to a neighboring state.

Next week will include many bills carried over from this week. Budget hearings continue and all the hearings postponed from this week are rescheduled. The introduction of bills will steadily dwindle, as the deadline to introduce bills in non-exempt committees is Monday. Additionally, we are approaching the point in session when budget and policy committees begin working Fridays until Turnaround, which is on the horizon, February 24th.

Late Thursday February 3rd the Governor vetoed the U.S. congressional map that Democrats opposed. It’s unlikely the votes exist to override the veto, thus the redistricting committees will continue their current work on Kansas House and Senate district maps, as well as return for a new congressional map.

Big Picture Issues

Hearings Continue on Food Sales Tax Elimination

- It was the Senate Tax Committee’s turn to hold its hearings on bills that would eliminate the state sales tax on food. The hearings were similar in nature to the House hearings last week.
- Another related sales tax bill ratchets down of the state sales tax on food over three years.
- Additionally, HB 2461, which would provide for a sales tax exemption for hygiene products and broadens the sales tax relief has a hearing in House Tax on Monday.

SPARK Update

- The four SPARK Advisory Panels will meet for the first time this Friday, February 4th, and Monday, February 7th. The Connectivity and Economic Revitalization Advisory

Panels will meet Friday and the Health and Education, and Efficiency and Modernization Advisory Panels, will meet Monday.

- The Advisory Panel meetings can be viewed here:
https://www.youtube.com/channel/UCfChGWc38RE1tmAKNmQxPg/videos?view=2&live_view=502

January Tax Receipts

- As has been the trend for the last several months, January's total tax collections exceeded estimates for a total of \$944.5 million, or \$119.6 million over the estimates.
- January's tax receipts can be viewed here:
https://content.govdelivery.com/attachments/KSOG/2022/02/01/file_attachments/2064239/07_January_Revenue_FY2022_02-01-2022_Final.pdf

Current Healthcare Issues

Outstanding issues we continue to watch include action on HB 2463 which would prevent any changes to KanCare until 2026, as well as action by the Senate Health committee on SB 381, allowing for the prescribing and dispensing of medications for off-label use to treat COVID-19. We suspect debate on various vaccination-related bills to take place in the coming weeks. For the most part, from here on out, the volume of new bills will dwindle, but we continue sorting through them to make sure those that may advance get your attention.

Hearings of Note this Past Week

Action on SB 200: Pharmacists' Scope of Practice

- The bill passed out of Senate Health on Tuesday, as amended.
- Over the interim, the interested parties reached what sounds like a compromise, though Kansas Medical Society on Tuesday called the amendment "a good starting place" to remove its objections but would like to see a few more terms defined in the bill.
- Essentially, the amendment narrows the testing down to three things: influenza, strep, and UTIs.

Hearing & Action on HB 2525 SNAP

- House Children & Seniors heard HB 2525 that removes the child support enforcement limitation on SNAP benefits on Monday and acted on the bill Tuesday.
- On Tuesday the committee amended the bill and passed it out. The amendment adds language giving DCF the ability to make cooperation with child support enforcement authorities an option versus a mandate.

Upcoming Hearings

- A mixed variety of hearings are scheduled for the coming week while he anticipated discussion of vaccine issues.
- 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 381: Off-label use to prevent and treat COVID-19.
 - Hearing on SB 387: BSRB-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.

- Other hearings this week include the following:
 - Hearing on HB 2574: Establishing a time limitation for awarding compensation for mental health counseling and increasing certain compensation award amounts by the crime victims compensation board.
 - Hearing on SB 199 short-term, limited duration health plans in House Insurance on Monday.

KAAP Items

- The final draft for the Safe Care Provider legislation will be released soon. The bill was introduced this week on the Senate side and will be introduced on Monday in House Children & Seniors.
- Two new vaccination related bills were introduced this week by Senator Steffen. SB 436 prohibits COVID-related restrictions on long-term care facilities and residents; prohibit isolation or quarantine or mask mandates, unless threat of death. The second bill, SB 437 prohibits any business entity, government entity, or public official from requiring an “immunity passport” or limiting behavior based on vaccination status. Prohibits mask or vaccination status to threaten a child, render treatment, nor impact legal custody or parenting time. Local public health orders are only “recommendations.
- Informational hearing in House Children & Seniors on Efforts in Child Abuse Investigations on Wednesday, February 9th.
- This past week, KAAP provided written testimony in support of extension of Medicaid postpartum coverage to the Senate Ways & Means Human Services subcommittee.

Legislation of Interest

New healthcare legislation continues for the next week.

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/

Keep in mind few bills introduced ever receive a hearing and fewer become law.

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. Passed out of Senate Health 1/31 as amended.

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 BSRB will allow for 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 allowing for testing to LAC or LMAC.
- 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. 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.

SB 436. Prohibits COVID-related restrictions on long-term care facilities and residents; prohibit isolation or quarantine or mask mandates, unless threat of death.

- Senate Health.

SB 437. Prohibits any business entity, government entity, or public official from requiring an “immunity passport” or limiting behavior based on vaccination status. Prohibits mask of vaccination status to threaten a child, render treatment, nor impact legal custody or parenting time. Local public health orders are only “recommendations.

- Senate Health.

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 to 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, February 7th.

Senate Health. 8:30 AM.

- Action on SB 129: Licensure of dental therapists.

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

- Deliberation on KDHE budget.

House Insurance. 3:30 PM.

- Hearing on SB 199 short-term limited duration health plans.
- PANS/PANDAS Report from Segal Consulting and Conferee Update.

House Social Services Budget. 3:30 PM.

- Hearing on Budget Analysis for KDHE.

House Tax. 3:30 PM.

- Hearing on HB 2461: Providing for sales tax exemption for hygiene products.

Tuesday, February 8th.

Senate Health. 8:30 AM.

- Action on SB 381: Off-label drugs to treat COVID.

House Health. 1:30 PM.

- Hearing on HB 2386: Establishing requirements for the payment and reimbursement of dental services by a dental benefit plan.
- Hearing on HB 2545: Defining non-covered dental benefits under health insurance plans.

House Children & Seniors. 1:30 PM.

- Discussion and possible action on HB 2271: Permitting the court to exercise jurisdiction over children in need of care and adult children in need of care to extend or re-enter custody of the DCF Secretary until 21 years of age.

House Social Services Budget. 3:30 PM.

- Hearing continuation on KDHE budget.

Wednesday, February 9th.

Senate Ways & Means. 10:30 AM.

- Budget Subcommittee reports on KDHE Health.

House Children & Seniors. 1:30 PM.

- Informational hearing on Efforts in Child Abuse Investigations.

House Health. 1:30 PM.

- Presentation on Foster Care Overview.

House Social Services Budget. 3:30 PM.

- Hearing continuation on KDHE budget recommendations.