Memorandum

Date: March 11, 2022
Re: Legislative and Policy Report

Overview
Snowstorms disrupted week nine, like several weeks prior. The storm essentially shut down most activities on Thursday and Friday. Committees have just one week left to hear and work bills before spending the following week in conference committees. Both chambers will meet the week of the 28th to debate bills before adjourning by Friday, April 1st. Other than the Senate this week passing another major tax reduction bill, as well as sending to the House a bill that expands APRN authority to practice independently, most all major issues are still in play. Additionally, a few issues, namely medical marijuana, and sports wagering, have received new momentum this week and movement is likely on those issues in the coming weeks.

Big Picture Issues
As we have reported for the past few weeks, we are nearing First Adjournment, but most issues are still in play:

- The State Budget. Senate Ways & Means assembled its budget this week and House Appropriations is set to do the same early next week. Budget conference committee will likely begin the week of March 21st.
- State Food Sales Tax Exemption. There are still about eight bills in play when it comes to this topic, ranging from an immediate reduction to a 0% state rate, to a gradual, 3-year reduction in the state sales tax on food. Only one bill, SB 339, has passed out of committee, though the House Tax Committee is expected to advance its own version early next week.
- The Senate passed the first major tax bill of the Session.
- Debate prohibiting changes to Medicaid; medical marijuana; and healthcare including vaccines and public health issues has yet to happen.
- Redistricting. While the congressional maps are now sitting in the courts, the Legislature is gearing up for debate on the state legislative district maps, which are expected to be released now.
- There is no announcement on the APEX economic development project site determination. That decision impact much of conclusion of the 2022 session.

Senate Tax Bill
- The tax bill passed by the Senate this week includes both income tax credits and property tax relief, totaling roughly $157 million in the first year. The bill passed the Senate 33-4 and includes the following provisions:
  - Raises the property tax exemption for the statewide 20-mill levy from $20,000 of residential property to $65,000 with future increases based on inflation. This provision would take effect in tax year 2022.
  - $250 individual income tax credit for schoolteachers purchasing classroom supplies. Takes effect in tax year 2022.
Housing related tax credits:
- $35,000 tax credit for housing developers for constructing low-income housing in rural counties with a population of 8,000 to 25,000.
- Income tax credit for low-income housing projects that are eligible for the federal low-income housing tax credit. Takes effect in tax year 2023.
- Aviation tax credit for graduates of aviation and aerospace programs and their employers.
- Property tax freeze for seniors and disabled veterans. Eligible recipients cannot make more than $50,000 per year and their home value cannot exceed $350,000.

A summary of the bill and its various provisions can be found here: [http://www.kslegislature.org/li/b2021_22/measures/documents/supp_note_sb282_01_000_0.pdf](http://www.kslegislature.org/li/b2021_22/measures/documents/supp_note_sb282_01_000_0.pdf)

Budget Process Update
- As mentioned above, the Senate has assembled its budget and the House is set to do the same next week. Once each budget passes its respective chamber, the budget conference committee will begin meeting to negotiate and work out differences.
- In general, the House and Senate budget bills are similar, and a final reconciliation should not take long.

Current Healthcare Issues
There were a handful of notable happenings this week in health committees and on the Senate floor, namely the confirmation of Janet Stanek as KDHE Secretary, the passage of the APRN scope of practice legislation, as well as hearings on a variety of policy issues. Additionally, the Senate Health Committee resumed its work on Sub for HB 2280 (prescribing of off-label drugs to treat COVID-19, as well as expands religious exemptions for vaccine requirements without inquiring into the sincerity of belief). While the committee resumed its work, it ran out of time to this week to push the bill out of committee, though it likely will next week.

Committee Activity this Past Week
- The Senate Public Health committee held hearings on two bills of note, SB 501 and SB 489.
  - SB 501 would create more work requirement barriers for individuals applying for SNAP benefits. The sole proponent of the bill was a Florida-based conservative think tank. The State Medicaid Director provided neutral testimony. Opponents included Harvesters, KCSL, Kansas Action for Children, Kansas Appleseed, Kansas Interfaith Action, the Kansas Hospital Association, and KanCare Advocates Network, as well as 30 additional written opponents.
  - SB 489 would remove the KDHE Secretary’s regulatory authority concerning infectious diseases. The Johnson County Sheriff testified in support, primarily because the bill strikes language that removes law enforcement from responding to potentially dangerous situations when it comes to infectious or contagious diseases. Ten opposed the bill.
- Senate Judiciary heard and worked a sweeping bill (SB 541) that would limit local authority to respond to public health emergencies. The committee added several amendments to the bill:
o Prohibits governmental entities or public officials from ordering or requiring a person to wear a face mask as a response to a contagious or infectious disease. Local officials (including schools) could recommend the wearing of a face mask in response to a contagious disease outbreak, but not require doing so.

o Clarifies that KEMA cannot limit the exercise of religion or close down churches in any circumstance.

o Removes the business compensation provision from the bill and places it in a separate bill.

- House Energy & Utilities held a hearing on the fee portion of HB 2281, the 988 NSPL legislation. It is likely the committee will remove the $0.20 telecom surcharge that the House Health Committee added weeks ago and rely on the SGF appropriation for the implementation. The surcharge issue will likely be further discussed as 988 rolls out and as the level of need and funding for services is better understood.

**KAAP Related Items**

- We expect movement on the CARE Provider legislation next week. It is likely HB 2632 will be debated by the full House and Senate Health Committee is expected to work the bill and advance it out of committee.

- This week there was no movement on HB 2463 that extends current agreements and restricts changes to Medicaid.

- The Senate Education Committee this week held a hearing on SB 484 the transgender sports bill. Proponents included the Alliance Defending Freedom, Senators Steffen and Erickson, and Kansas Family Voice. Opponents included Loud Light, Kansas Appleseed, Representatives of the House Equity Caucus, and over 125 written opponents.

- The Medicaid pediatric rate increase of $2.9 million remains in the House budget bill and will be reconciled with the Senate within the next to two weeks.

**Legislation of Interest**

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/)

**New bills with hearings:**

SB 531: Enacting the massage therapist licensure act to provide for regulation and licensing of massage therapists.


Hearing on Regulation of Medical Marijuana (bill number to be released next week).


HB2733: Enacting the pharmacy benefits manager licensure act and requiring licensure rather than registration of such entities.


**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.
• Combined with SB 398 (personal vaccine exemption), passed to full Senate then returned to Committee who resumed discussion on it this week. Awaits continued committee action, likely next week.

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 the Senate 33-4.

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.
• Passed Committee and House. Awaiting action in Senate.

HB 2734: BSRB bill. Allowing board-approved postgraduate supervised experience to count toward graduate level supervised clinical practicum of supervised professional experience; permitting current master’s and clinical level licensees to take the addiction counselor test.
• Hearing in House Health Monday, 3/14.

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 398 (personal vaccine exemption), passed to full Senate then returned to Committee who resumed discussion on it this week. Awaits continued committee action, likely next week.

SB 489: Removing certain regulatory authority concerning infectious or contagious diseases from the secretary of health and environment.
• Hearing in Senate Health 3/8.
• Remains in Committee but likely will advance.

SB 541: Limiting local response to public health emergency restrictions, allowing judicial review of grievances, and expands personal immunization exemption for public schools.
• Heard and worked in Senate Judiciary this week.

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, heard 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.
- Passed Senate. Hearing in House Insurance Monday, March 14th.

SB 501: Imposing work requirements and training to receive food assistance, requiring state agencies to conduct cross-checks to verify public assistance recipient eligibility and to receive public assistance.
- Senate Health hearing 3/10.

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 2721: Sales tax exemption for sales of over-the-counter drugs.

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, passed committee, on House floor awaiting action.
• 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.
  • Discussion and action on Tuesday, March 16th.

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: Transgender discrimination in women’s sports to require biological designation of birth certificate to determine athletic participation.
  • Senate Education Committee, heard on Monday 3/7
  • Passed to full Senate and awaiting action.

HB 2468: Creating the Kansas foster youth bill of rights.
  • Hearing in House Children and Seniors 3/16.
  • Exempt.

HB 2469: Creating the Kansas foster parents bill of rights.
  • Hearing in House Children and Seniors 3/16.
  • 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: 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, March 14th.
House Health. 1:30 PM.
  • Hearing on SB 200: Pharmacist scope of practice.
  • Hearing on HB 2734: BSRB bill regarding addiction counselor licensure.

House Insurance. 3:30 PM.
  • HB2733: Enacting the pharmacy benefits manager licensure act and requiring licensure rather than registration of such entities.

Tuesday, March 15th.
Senate Health. 8:30 AM.
  • Hearing on HB 2259 expedited partner therapy.
Children & Seniors. 1:30 PM.
- Discussion & action on HB 2700: Requiring DCF to review certain needs and attachments of a child before giving consent for an adoption and the court to determine such review occurred.

Wednesday, March 16th.
Senate Health. 8:30 AM.
- Hearing on HB 2386: Establishing requirements for the payment and reimbursement of dental services by a dental benefit plan.
Senate Fed & State Affairs. 10:30 AM.
- Hearing on medical marijuana legislation.
Children & Seniors. 1:30 PM.
- Discussion & action on HB 2468—Enacting the foster youth bill of rights and HB 2469—Enacting the foster parents bill of rights.

Thursday, March 17th.
Senate Fed & State Affairs. 10:30 AM.
- Hearing on medical marijuana legislation.

Friday, March 18th.
Senate Fed & State Affairs. 10:30 AM.
- Hearing on medical marijuana legislation.