Memorandum

Date: March 18, 2022
Re: Legislative and Policy Report

Overview

First adjournment is fast approaching with only two weeks left until the end of the regular Session. Week ten was incredibly busy with committees wrapping up work, more rounds of redistricting meetings to debate the House and Senate legislative district maps, and hearings on a medical marijuana proposal that is expected to advance before the end of session. Additionally, the Senate passed its budget bill early in the week and the House will do the same early next week.

Next week, both chambers will debate bills Monday through Wednesday, as well as begin to meet and conference on bills that that passed either chamber. While there are very few hearings scheduled in exempt committees next week, the House Federal and State Affairs committee will pick back up the conversation on sports wagering, something the state has tried to pass for years.

Big Picture Issues
As we have reported for the past few weeks, we are nearing First Adjournment or conclusion of the regular session, but many issues are still in play:

- The State Budget. The Senate has passed its budget and the House is expected to approve its budget early next week. The budget conference committees will likely begin meeting once the House passes its budget.
- Public health: The bill from early in the session that provides a personal exemption to immunization for school and childcare, as well as off-label prescribing, and pharmacy language passed to the Senate floor for the second time. (Senate Sub. for HB 2280).
- State Food Sales Tax Exemption. This week the House Tax committee approved its proposal to gradually reduce the state sales tax on food. Now that both chambers have their respective bills, once those proposals are debated by both chambers, the issue will be handled in conference committee.
- The Senate Federal and State Affairs committee this week held three days of hearings on a medical marijuana proposal that is expected to advance. Since the House passed its version of medical marijuana last year, if the Senate advances its version, the issue will end up in conference committee, but most likely not before Veto Session.
- Redistricting. The recently released House and Senate maps will likely be debated in both chambers this coming week.

Budget Process Update
- As mentioned above, the Senate passed its budget, and the House will do the same next week.
o As usual, the Senate made few changes to the Governor’s budget recommendations and the full Senate finalized the budget.
o The House Appropriations Committee on Thursday night passed to the House a budget that made significant changes to the Governor’s recommendations. The House adjusted expenditures for community colleges, delayed early bond payoffs, tinkering with the state employee pay raises, blocking any change to Medicaid and continuing the current contract for one year.
o As soon as the House passes its budget next week, we will begin the budget reconciliation process between the House and Senate. We expect them to resolve the budget quickly.

Governor’s Budget Amendment
• The Governor released a budget amendment this week that adds an additional $50 million for affordable housing. The $50 million is in addition to the $20 million already included in her budget to help with affordable housing efforts. The funds would be overseen by the Kansas Housing Resources Corporation and would be available for counties and cities with fewer than 60,000 people. $5 million of the $50 million would be designated for a rural home loan guarantee program that would provide a guarantee on the additional risk between the difference of the cost of a build and the appraisal up to 125% of the loan value.
• The Governor’s budget amendment is one of several proposals regarding housing that are making their way through the process, including tax credits for developers and for affordable housing.

Tax Policy
• The Senate Tax committee has advanced another significant change in tax policy that would lower the income tax rate to 4.75% for individuals across the board, regardless of income and filing status. The change would take effect in tax year 2024 and would decrease state revenues by $500 million over the following three years.
• Other significant changes included mandating complex property tax procedures for the revenue neutral rate and an appeal process to the State for perceived non-compliance.

Current Healthcare Issues
Both health committees wrapped up their work this week and passed out several bills of note, including Senate Sub for HB 2280 (expanding vaccination exemption and allowing off-label use of drugs to treat COVID-19), SB 489 which removes the authority of both KDHE and local health officers to respond to contagious or infectious diseases, and SB 501, which adds more barriers to individuals applying for SNAP benefits.

Committee Activity this Past Week
• The Senate Public Health committee advanced several significant but troubling bills this week:
  o 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. Roughly forty Kansas organizations opposed the legislation. The committee amended the bill to remove provisions related to Medicaid and instead focuses mainly on the employment training requirement for ABAWDs. Another
amendment was added clarifying the food assistance and training program provisions apply only to ABAWDs ages 18-49.

- The bill is now Senate Sub for HB 2448, thus now requiring only either an affirmative vote in the House, or agreement in conference committee.
  - SB 489 would remove the KDHE Secretary’s regulatory authority concerning infectious diseases and would also limit local health officers’ authority to respond to contagious or infectious diseases. The committee further amended the bill to remove local health officers’ ability to require individuals to quarantine; rather, local health officers would only be able to recommend, not require, someone to quarantine.
    - KLRD summary of SB 489 as amended:
  - Senate Sub for HB 2280 would allow a personal exemption of all immunizations, in addition to allowing the prescribing of off-label drugs to treat COVID-19. The bill also adds a personal exemption to public school and childcare immunization requirements.

- House Energy & Utilities worked HB 2281, the 988 NSPL (suicide prevention) bill, and removed the $0.20 telecom surcharge. Contents of 2281 placed into Sub for SB 19.
  - It is now unclear what will provide a sustainable funding stream, but some are suggesting a portion of revenues from medical marijuana, if that legislation were to pass.

Other Activity to Note this Week

- Sub for HB 2279 APRN scope of practice continues to advance. The House did not concur with the Senate version and the issue is headed to health conference committee, likely to begin Monday.
- The House Appropriations Committee included in its budget a proviso that is essentially HB 2463 that extends current agreements and restricts changes to Medicaid. The budget proviso is effective for one year.

KAAP Related Items

- SB 460 passed out of Senate Health on 3/17. On the House side, the bill is expected to be debated on the floor on Monday. Two amendments are expected: one would add a 4-year sunset to the bill and the other would add clarifying language that any medical provider associated with a Child Advocate Center (CAC) that has the ability to conduct a CARE exam may be included within the CARE provider network.
- The Medicaid pediatric rate increase of $2.9 million remains in the House budget bill and should be reconciled with the Senate within the next to two weeks.
- SB 200 Pharmacy Scope of Practice was heard and passed out of House Health this week with further amendment that captures compromise language proposed by KMS. The amendment does the following:
  - Removes the items the Advisory Committee would be required to consider in determining the appropriateness of therapy,
  - Inserts items the Advisory Committee would be required to specify in establishing statewide protocols,
Allows the Board of Pharmacy to take disciplinary action against a pharmacist who violates the provisions related to the initiation of therapy or fails to practice within the framework of the statewide protocols.

- The full summary of the bill as amended can be found here: http://kslegislature.org/li/b2021_22/measures/documents/supp_note_sb200_02_000.pdf

- The Senate Health committee approved SB 155, which expands newborn screening services and increases transfers from the medical assistance fee fund to the Kansas newborn screening fund.
- While finalizing its budget, the House Appropriations committee approved a recommendation to reset the CHIP rate from the current 2008 rate.
- Extended postpartum coverage funding remains in both budget bills.

**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/

**New Bills**

SB 560: Medical Marijuana.

**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 passed out of House Health as amended. Awaiting action on House floor.

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. Passed out of Senate Health 3/17.

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.
- Conference committee likely beginning Monday.

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. Passed Senate Judiciary with technical amendment to change effective date so it is eligible for conference committee.

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.

**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 and includes personal exemption.
- Senate Health.
- Combined with SB 398 (personal vaccine exemption), passed to full Senate then returned to Committee and passed out of committee 3/17.

SB 489: Removing certain regulatory authority concerning infectious or contagious diseases from the secretary of health and environment.
- Passed out of Senate committee as amended 3/17.

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. Awaiting action on Senate floor.

**Funding/Insurance**
SB 155: Expanding newborn screening services and increasing transfers from the medical assistance fee fund to the Kansas newborn screening fund.
- Passed out of Senate Health.

SB 399. Adding maternity centers to the definition of healthcare provider for purposes of the healthcare insurance provider availability act.
- Passed Senate. Heard and passed out of House Insurance.

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.

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.
- No action on the bill but included in House budget proviso.

**Other Health Related**
HB 2721: Sales tax exemption for sales of over-the-counter drugs.

**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.
- Awaiting Action on House floor.

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.
- Passed out of committee on 3/16 but unlikely to advance further.

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.
- Passed out of Senate Health 3/17.

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.

**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-Wednesday, March 21st-23rd.*
House & Senate.
• General Orders.

Monday, March 21st.
Possible conference committee on APRN bill.

Thursday-Friday, March 24th-25th.
Likely budget and other conference committees.