



## Memorandum

Date: March 25, 2022

Re: Legislative and Policy Report

### Overview

We are just one long week away from First Adjournment on Friday, April 1<sup>st</sup>. And though this week was short, both chambers spent three days debating and passing roughly 100 bills. Both chambers worked well into the evening on Monday and Tuesday, with the House adjourning by early afternoon on Wednesday. The Senate worked well into the night and adjourned just after midnight on Thursday. The Legislature will return Monday to begin a long week of work conferencing by House and Senate committee leadership on bills and voting on conference committee reports (CCRs) to finalize agreements. As a reminder, CCRs simply require the six-member conference committees to come to an agreement which then must pass both chambers with a simple majority vote; there is no opportunity for further amendment, just a vote to accept or reject the CCR.

Despite debating a lengthy list of bills this week, neither chamber has taken up some of the biggest issues yet this Session: elimination of the state sales tax on food; medical marijuana; and sports betting, to name a few. We suspect many of those issues will not be resolved until the Veto Session, in part due to the pending decision on whether Kansas will secure the APEX economic development deal.

Much like this week, next week will be a flurry of activity between conference committees meeting back-to-back and both chambers meeting periodically throughout each day to run said conference committee reports.

### Big Picture Issues

With just one week until First Adjournment the following issues are yet to be resolved:

- The State Budget. Both chambers have passed their respective budgets and it is expected the budget conference committee will begin first thing Monday.
- State Food Sales Tax Exemption. There was no movement on the issue this week, and there may not be until the Veto Session. Both chambers have their respective bills awaiting debate, and once each chamber advances its respective proposal, the issue will go to conference.
- Medical Marijuana. There was no movement on the issue this week, despite three days of hearings last week. 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. Both chambers passed their redistricting maps this week. Both House and Senate maps were combined into one bill, which awaits Senate approval. Once that happens, another gubernatorial veto is possible.

### Constitutional Amendments

- The Senate failed to advance two proposed constitutional amendments regarding judicial selection and tax increases. The first would have allowed the Governor to appoint state Supreme Court justices but they would then be subject to Senate confirmation. It would have eliminated the current Supreme Court Nominating Commission.
- The second would have required a supermajority for passage of certain bills containing new or increased state taxes.
- The Senate did approve the rules and regulations constitutional amendment that passed the House a few weeks ago. It would provide for legislative oversight of rules and regulations adopted by executive branch agencies and officials. It is somewhat related to a measure that has now passed both chambers, most recently the House, this week. Substitute for SB 34 would require review of administrative rules and regulations every five years. Both of these proposals are efforts by the majority party to exercise greater control over the executive branch.

### Latest on Tax Policy

- Before adjourning in the middle of the night on Thursday, the Senate passed another tax relief bill that provides seniors and disabled veterans with a property tax break, as well as increases the standard deduction. The bill would increase the standard deduction for single filers from \$3,500 to \$3,850; from \$8,000 to \$8,800 for married couples; and from \$6,000 to \$6,600 for heads of household. The bill is estimated to cost the state \$165 million over the next three years if it passes.
- This latest tax relief bill is in addition to a tax cut bill passed last week by the Senate that includes tax breaks for housing projects, aviation tax credits, and increases the 20 mills residential property tax exemption from \$20,000 to \$65,000.
- Again, neither chamber has yet taken action to reduce or eliminate the state sales tax on food, which is estimated to cost the state \$450 million if eliminated immediately.

### Current Healthcare Issues

Many healthcare-related bills passed either chamber this week; a few are positive policies, such as increasing the cap on newborn screenings and funding for the implementation of the National Suicide Prevention Lifeline (NSPL). Many others are not. The Senate in particular passed a number of bills that would limit local authority and local health officers' response to contagious and infectious disease, while also expanding exemptions for childhood vaccinations. While it is almost certain the Governor will veto some measures if they continue through the process and advance to her desk, protecting public health has become increasingly difficult this Session.

This report focuses on the bills that are still alive, in conference committee, and being negotiated for possible final passage. This report does not include any of the bills that have not had a hearing or passed out from committee. If any of those bills creep back up for action, we will include them again, but that should not happen. For the remainder of the session, this report focuses on what is likely to be sent to the Governor. Conference Committees will begin meeting on Monday March 28<sup>th</sup> and can meet for the remainder of the week. While the scheduling and timing can be fairly random, there is a Kansas Legislature website that attempts to track meeting schedules and the conference committee meetings may be available on the Legislature's website or YouTube. The conference committee schedule can be found here:

<http://www.kslegislature.org/li/conference/>

## **Bills in Conference Committee**

Unless otherwise noted, all of these bills that have passed either the House or the Senate will be addressed by the Senate Health and House Health committees. Members of the committees who will meet and discuss the bills include:

### House Health Committee

- Brenda Landwehr Chair (R-Wichita), Dr. John Eplee Vice Chair (R-Atchison), Susan Ruiz Ranking Democrat (D-Lenexa).

### Senate Health Committee

- Richard Hilderbrand Chair (R-Galena), Bev Gossage Vice Chair (R-Eudora), Pat Pettey, Ranking Democrat (D-Kansas City).

## **Public Health Topics**

- The Senate advanced several bills limiting response to public health emergencies and the authority of KDHE and local health officers to respond to contagious or infectious diseases. The Senate approved the following three bills that are especially problematic to protecting public health:
- 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 bill also removes local health officers' ability to require individuals to quarantine; rather, local health officers would only be able to recommend, not require, someone to quarantine.
  - Additionally, the bill removes KDHE's authority to designate a disease as contagious or infectious. Instead, the bill requires the KDHE Secretary to submit a report of such disease to legislative leadership.
  - The Senate further amended the bill to specify that local health officers would be required to use "only medically necessary and reasonable measures to prevent the spread of infectious, contagious, or communicable disease."
  - Passed the Senate 24-15.
  - Summary of the bill as amended:  
[http://kslegislature.org/li/b2021\\_22/measures/documents/supp\\_note\\_sb489\\_02\\_000.pdf](http://kslegislature.org/li/b2021_22/measures/documents/supp_note_sb489_02_000.pdf)
- 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.
  - Passed the Senate 21-16.
- SB 541 limits local governments, local health officers, and school boards in responding to public health emergencies, including issuing mask orders for any reason; expands exemption for vaccinations, similar to the exemption language in Sub for HB 2280. The Senate further amended the bill to prohibit governmental entities or public officials from restricting worship services and provided additional restrictions on local health officer authority.
  - Passed the Senate 24-14.

- SB 496 Parents Bill of Rights was amended on the Senate floor and language regarding immunizations and vaccinations was removed. The bill now simply states that parents have “the right to make healthcare and medical decisions” for their child.
  - Passed the Senate 24-15.
  - Will be addressed by the House and Senate Education Committees.

### Access Issues

- Sub for HB 2448 (formerly SB 501) would require able-bodied adults without dependents (ABAWDs) to complete an employment and training program in order to receive food assistance.
  - Passed the Senate 27-12.
  - Because the measure is now in a House bill, it requires only a simple majority vote in the House to concur with the Senate changes, but it is more likely to go to health conference committee.
- One good health-related bill did pass the Senate, SB 155, which expands newborn screening services and increases transfers from the medical assistance fee fund to the newborn screening fund. The bill increases the amount available for transfer to the Newborn Screening Fund from \$2.5 million to \$5 million.
  - The bill passed the Senate 39-0 and is headed to conference.
- Sub for SB 19 Implementation of NSPL/988.
  - Passed the House 114-8. Senate did not concur, and the bill is headed to conference.
  - It is 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.
- HB 2632 CARE Provider Network passed the House 95-27 on March 21<sup>st</sup>. Two amendments were added to include a 4-year sunset to the bill and the other adds 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.
  - HB 2632 will be discussed in conference committee between Senate Health and House Children and Seniors.

### Scope of Practice/licensure/insurance

- Only one conference committee met this week in advance of full meetings in the coming week—the health conference committee—to discuss Sub for HB 2279 APRN scope of practice. Neither side seemed willing to budge at all on their respective positions. The House wants the KMS-requested amendment the Senate rejected which would clarify that APRNs cannot practice medicine or surgery. The Senate is unwilling to entertain that language. For the time being, the issue is stalled.
- SB 200 pharmacy scope of practice passed the House 119-3. Likely headed to conference.
- HB 2734 BSRB bill passed the House 122-0. It would allow master’s and clinical level licensees to take the baccalaureate addiction counselor test. Headed to conference.

- SB 199 short-term limited duration health plans passed the House 73-49. Headed to conference.
- House Sub for SB 28 (PBM bill) passed the House 120-2. It would enact the PBM licensure act and require licensure rather than registration of such entities.

#### Other Activity to Note this Week

- SB 484 transgender sports passes Senate 27-12.
- HB 2340 Tobacco 21 passed the House 79-43. It is unclear why exactly this legislation from last year was suddenly brought up late in Session. The rather divisive vote on a straightforward issue suggests the bill may be poised as a vehicle for something else in conference, such as medical marijuana, but it is unclear at this point.
- The House approved its budget which includes the proviso that is essentially HB 2463 which extends current agreements and restricts changes to Medicaid. The budget proviso is effective for one year, delays the re-procurement process, and has the potential to impact a number of Medicaid-related issues.
- One or both budget bills also include funding for a 4% Medicaid behavioral health provider rate increases, funding to implement an adult dental benefit, supplemental early cancer detection funding, increased pediatric rates, and

#### KAAP Related Items

- HB 2632 CARE Provider Network passed the House 95-27 on March 21<sup>st</sup>. Two amendments were added to include a 4-year sunset to the bill and the other adds 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.
  - An amendment to remove emotional abuse from the bill failed on a voice vote.
  - The bill is headed to conference and will likely be merged with a DCF and law enforcement related bill that would require DCF to share certain information with investigating law enforcement agencies, a proposal that was also recommended by the Joint Committee on Child Welfare System Oversight and that passed the House 122-1.
  - HB 2632 will be discussed in conference committee between Senate Health and House Children and Seniors.
- The Medicaid pediatric rate increase of \$2.9 million remains in the House budget bill and should be reconciled with the Senate next week when the budget conference committee meets.
- SB 496 Parents Bill of Rights was amended on the Senate floor and language regarding immunizations and vaccinations was removed. The bill now simply states that parents have “the right to make healthcare and medical decisions” for their child.
- SB 484 transgender sports passes Senate 27-12.

#### 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/)

At this point, the list of bills that remain are bills in other conference committees or legislation we know to be likely seeing additional action during the wrap up session.

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. Headed to conference.

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.
- No action on the bill but included in House budget proviso.
- May still be available for action during the wrap-up session if the Governor vetoes the similar budget proviso.

SB 560: Medical Marijuana.

- Hearings in Senate Federal and State Affairs 3/16-3/18.

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.

- Passed House. Headed to conference.

### **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/](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-Friday, March 28<sup>th</sup>-April 1<sup>st</sup>.*

Conference committees & Floor action on conference committee reports.

*Friday, April 1<sup>st</sup>.*

First Adjournment.

*Thursday-Friday, April 21<sup>st</sup>-22<sup>nd</sup>.*

Omnibus budget meetings.

*Monday, April 25<sup>th</sup>.*

Legislature returns for Veto Session.